

NEWPORT GIRLS' HIGH SCHOOL ACADEMY TRUST



SEARCHING, SCREENING AND CONFISCATION POLICY

Policy written by:	Mrs H Birch
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Newport Girls' High School recognises the responsibility it has under Section 157 of the Education Act 2002 to have arrangements in place to safeguarding and promote the welfare of children. This policy has been written using advice taken from the Department for Education Guidance on searching, screening and confiscation: advice for headteachers, school staff and governing bodies which was updated in January 2018. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND) in line with the Equality Act (2010)

Searching

The Headteacher and staff authorised by them have a statutory power to search students and their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item.

Prohibited items in line with our school behaviour policy are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco or cigarette papers or vapes
- Fireworks
- Pornographic images
- Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student)

The Headteacher and authorised staff can also search for any item banned by the school rules which has been identified as an item which may be searched for. This would be anything that falls into the school's behaviour policy.

Confiscation

- School staff can seize any prohibited items found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.
- When deciding on what to do with any confiscated items, staff will follow the guidance set out in the searching, screening and confiscation document by the DfE.

Searching with consent

- School staff can search a student for any item if the student agrees.
- It is enough for school staff to ask the student to turn out their pockets or bag and can ask to look in the student's bag or locker and for the student to agree. Schools do not need written consent from the child.
- It is clear from the list above and contained within the schools behaviour policy what items are banned in school.
- If a member of staff suspects a student had a banned item in their possession, they can ask the student to turn out their pockets or bag and if the student refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

Searching without consent

The Headteacher and staff authorised by the Headteacher have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items are listed on page 1. School staff must decide in each particular case what constitutes reasonable grounds for suspicion.

- The staff member conducting the search must be the same sex as the student being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the student being searched.
- There is a limited exception to this rule. Authorised school staff can carry out a search of a student of the opposite sex to themselves and / or without a witness present, but only where the school reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff. The member of staff conducting the search will bear in mind that a student's expectation of privacy increases as they get older.
- The powers allow school staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
- School staff can view CCTV footage in order to decide whether to conduct a search for an item.
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the students, for example on school trips in England or in training settings.

During the search

School staff will adhere to the guidance contained within the DfE guidance on searching, screening and confiscating to ensure that the law is followed during a search of a young person.

Statutory guidance for dealing with electronic devices

- If school staff conducting the search find an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police.
- This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules.
- School staff must regard the guidance issued by the Secretary of State when determining what is a 'good reason' for examining or erasing the contents of an electronic device.
- School staff should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to go against the school's behaviour policy.
- If inappropriate content is found on the device school staff will decide whether content needs to be deleted or retained as evidence and given to the police. This would be in relation to a possible offence being committed, or pornographic images of a child or extreme pornographic image existing.

Lockers

- Under common law powers, schools are able to search lockers and desks for any item provided the student agrees.
- Schools can also make it a condition of having a locker that the student consents to have these searched for any item whether or not the student is present.
- If a student does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the 'prohibited items' listed above.

Use of force

- Please refer to the 'use of reasonable force policy'

Informing Parents

- There is no requirement for the school to inform parents before a search
- Parents may be informed as part of the school behaviour policy and procedures following a search.
- If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed.

Sanctions

The discovery of any prohibited items will result in sanctions being applied in line with the school's behaviour policy. The level of sanction will be decided by the Headteacher.

Recording Incidents

All incidents of this nature should be recorded.

Please record details in full of the incident and the nature of the physical intervention on the CPOMS system under the category 'significant pastoral concern – searching, screening or confiscating'

It is the responsibility of the member of staff involved to complete the CPOMS incident log on the day that the incident took place. This will be seen by the safeguarding team.

The safeguarding team will inform any necessary agencies if required in line with the DFE and local authority guidance. A member of the safeguarding team will ensure that parents / carers are appropriately informed.