

Searching and Confiscation Policy

This policy has been reviewed and approved by a member of School Committee

Ackworth School (the School) fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children.

This policy is a whole school policy and applies to all pupils including those in the Early Years Foundation Stage (EYFS) and boarders. Care and consideration will be given to the age of the child when following the guidance in this policy.

This policy applies to all staff, volunteers and contractors, paid and unpaid, working in the School, including members of the School Committee.

This policy has been written using advice taken from DfE: Searching, Screening and Confiscation, Advice for Schools, July 2023.

The School acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs and disability (SEND). 'Sex' refers to biological sex, not gender identity, in the Equality Act 2010.

Searching with Consent

- The Head oversees the School's practice of searching to ensure a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (DSL)
- If any evidence is found that a child is at risk of harm, the DSL should make a referral to children's social care services immediately.
- At all times staff must explain their concerns and reasons, encourage a pupil to co-operate before using no more force than is necessary and proportionate to conduct a search.
- While school staff have a common law power to search a pupil for any item if the pupil agrees, the member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.
- When exercising a power to search, schools must consider the age and needs of pupils being searched and screened, including any individual needs/learning difficulties of pupils with special educational needs and consider making reasonable adjustments if these amount to a disability.
- It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. They do not need written consent from the child. If the pupil refuses, the teacher can refer the matter to the Head or Deputy Head.

- The School makes clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a reflection or refuses to stop any other unacceptable behaviour when instructed by a member of staff. In such circumstances, schools can apply an appropriate sanction.

Search Without Consent

- The Head and staff authorised by the Head have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- Radical material intended to incite violence or hatred and promote terrorism
- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- electronic vape cigarettes
- fireworks
- pornographic images
- any article that the member of staff 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 pupil)
- The staff member conducting the search should be the same sex as the pupil being searched if at all possible; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Establishing grounds for a search

- The authorised member of staff should make an assessment of how urgent the need for a search is before doing so. This should consider the risk to other pupils and staff.
- It should be explained to the pupil why they are being searched, how and where it is going to take place and they should be given an opportunity to ask any questions. Opportunities for co-operation should be sought by asking pupils to voluntarily hand over any prohibited items before the search is conducted. If a pupil is not willing to co-operate, the member of staff should consider why this is so, for example: they are in possession of a prohibited item; do not

understand the instruction; are unaware of what a search may involve; or had a previous distressing experience of being searched.

- The Head, or DSL's advice should be sought if a pupil refuses to co-operate. If an immediate search is not necessary a pupil should be supervised and kept away from other pupils. A decision to use reasonable force to conduct a search should be made on a case-by-case basis and would be in exceptional cases.
- Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older.
- Before conducting a search, staff should consider any special educational needs or disabilities by taking into account the pupil's communication needs, level of understanding, and potential emotional response. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property that are later found not to be illegal or stolen.
- School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item. At present the entry/exit points from boarding, visitors car park and swimming pool car parks have CCTV.
- 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 pupil, for example on school trips in England or in training settings.

Strip searching

Strip searching is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should act as advocates for pupil wellbeing at all times.

- Before police are called into school, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing with the risk of not recovering a suspected item. Staff should consider whether a strip search through police involvement is absolutely necessary and should ensure other appropriate, less invasive approaches have been exhausted.
- Schools should be aware that except in cases of urgency where there is a risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other

than the pupil, one of whom must be the appropriate adult. While it is not necessary to require the presence of an appropriate adult for less invasive searches, schools may wish to involve one as a matter of course during all searches conducted by police.

Support for pupils after a search

- After a search, and regardless of whether items were found, schools should consider if any further support is needed for a pupil e.g. pastoral support, visiting the school counsellor, early help intervention or a referral to children's social care.
- The DSL should be informed if a pupil is found in possession of a prohibited item. Sanctions should be in line with the School's behaviour policy to ensure consistency of approach.

Recording searches

- Any search for prohibited items under the Regulations and strip searches conducted by police officers must be recorded in CPOMS, including whether or not an item is found.
- The following will be included in the record of each search: date, time, location of the search; which pupil was searched; who conducted the search and adults/pupils present; what was searched for and reason for searching; what was found and the follow up action taken.

Informing parents

- Parents should always be informed of any search for a prohibited item listed under the Regulations and the outcome of the search as soon as practicable.
- If the Police are contacted and required to conduct a search, parents will be given advance warning and the opportunity to act as an appropriate adult where appropriate.
- Unless there is an immediate risk of harm and where reasonably possible, parents should also be informed if a pupil is suspected of concealing an item in advance of a strip search. Parents should also be informed, by a school staff member, once a strip search has taken place.

Confiscation

- Members of staff should never intentionally view any indecent image of a child (nude or semi-nude image) or copy, print, share, store or save those images. The first consideration should be the appropriate safeguarding response to these incidents.
- School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

Dealing with Electronic Devices (statutory guidance)

- Where the person conducting the search finds an electronic device, they may examine any data or files on the device if they think there is a good reason to

do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device.
- In determining a ‘good reason’ to examine or erase the data or files the staff member must 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 expectation in the School’s Behaviour Policy.
- If inappropriate material is found on the device it is up to the Head, Deputy Head or DSL to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Guidance for Carrying Out A Search - What the law says:

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- ‘Outer clothing’ means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but ‘outer clothing’ includes hats, shoes, boots, gloves and scarves.
- ‘Possessions’ means any goods over which the pupil has or appears to have control – this includes cupboards, bedside cabinets, desks, lockers, suitcases and bags.
- A pupil’s possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Also note:

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Cupboards, Bedside Cabinets, Desks, Lockers, Suitcase and Bags

- Under common law powers, schools are able to search cupboards, bedside cabinets, desks, lockers, suitcases and bags for any item provided the pupil agrees. Schools can also make it a condition of having a cupboard, bedside cabinets, desks and locker that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil 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.