

Whole School Searching Students and their Possessions Policy

Review Date: June 2020

Responsible: Secondary Co-Head: Pastoral/Primary Headteacher

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1. General Approach

1.1. Caxton College is committed to safeguarding the welfare of all children and cultivating an environment of mutual respect where students and staff are treated fairly and sensitively. In the unusual event of a student, or a student's locker, bag or other repository for possessions, being searched, the School and its staff will take all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement will be exercised in all cases: if in any doubt, advice should be sought from the Secondary Co-Head/Pastoral/Primary Headteacher (both of whom are DSL's), unless the urgency or another overriding aspect of a situation makes such referral impractical.

1.2. The fundamental principles that need to be kept in mind are as follows:

- Act with due care, consideration and sensitivity and remain mindful of the need to respect privacy
- Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care can in certain circumstances override all other protocols

1.3. At all times a balance should be retained between, on the one hand, professional judgement rightly exercised within a particular situation and, on the other, the desirability of following step-by-step written guidelines which, however helpful, stand in isolation of a specific context and cannot embrace every eventuality. Specifically, there may or may not, in the assessment of such risk in a particular case, be good grounds for the member of staff who is dealing with the matter to deviate from guidelines.

1.4. Whilst a search may be required for suspected dangerous/illegal items, a search may also be justified for other reasons – for items that are simply not allowed in School, for instance, but which are not necessarily of themselves dangerous (or illegal), or items which are allowed in School but which are not being properly used, or where a student is suspected of stealing items.

1.5. This policy is informed by the following documents: [Searching, Screening and Confiscation at School \(DfE, January 2018\)](#)

2. General Principles

2.1. The School has a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds to suspect that the pupil may be in possession of a prohibited item.

2.2. The Leadership Teams, and members of staff as authorised by the Leadership Teams, may search pupils without their consent, under the terms as laid out in this policy.

2.3. Members of staff can search pupils, with their consent, for any item.

2.4. The School is not required to inform parents before a search takes place or to seek their consent to search their child.

2.5. Prohibited items;

- knives or weapons
- alcohol
- illegal drugs
- psychoactive substances
- stolen items
- tobacco and cigarette papers, and vaping devices/equipment
- 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).

2.6. SLT can also search for any item not permitted in school.

2.7. School staff can seize and confiscate 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.

2.8. Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

2.9. There is no legal requirement to make or keep a record of a search but it is best practice to keep a record. A note should be made on the student's 'Personal/Social' tab on their Pupil File and the relevant Head of Year and Secondary Co-Head Pastoral/Primary Headteacher informed.

3. Searching with consent

3.1. School staff can search pupils with their consent for any item. The school rules outline

specific items which are not permitted at school.

3.2. Staff can instruct pupils to turn out their pockets or bag if they suspect they are holding an item not permitted in school. If the pupil refuses, the teacher should inform the relevant Head of Year, or a member of the Leadership Team.

4. Searching without consent

4.1. With the Secondary Co-Headteacher: Pastoral/ Primary Headteacher's authorisation, staff can search without consent when they have reasonable grounds to suspect that a pupil is in possession of a prohibited item.

4.2. Staff must be the same gender as the pupil being searched and there must be a witness (also a staff member) - and, if at all possible, the witness should be the same gender as the pupil being searched.

4.3. There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex, and without a witness present, but this applies only where it is reasonable to believe that there is a risk that serious harm will be caused to a person if a search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

4.4. School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

4.5. 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 Spain or in training settings. The powers only apply in Spain.

5. During the search

5.1. 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.

5.2. 'Possessions' means any goods over which the pupil has or appears to have control – this includes lockers and bags.

5.3. 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.

5.4. 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.

5.5. Under common law powers, schools are able to search lockers for any item provided the pupil agrees. If a pupil does not consent to a search or withdraws consent then it is possible to conduct a search without consent but only for the 'prohibited items' listed above.

5.6. Members of staff can use such force as is reasonable (guided by this [document](#)) given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for any other items (e.g. mobile phones, stolen property)

6. Searching a student's electronic device

6.1. Where the person conducting the search finds an electronic device that warrants examination, please confiscate it and pass it to the Secondary Co-Head: Pastoral/Primary Headteacher, who is also the Designated Safeguarding Lead (DSL), who will take the matter up. They may examine any data or files on the device if they think there is a good reason to do so (if there has been, or could be, harm caused, or to disrupt teaching or to break school rules.)

6.2. Where pornographic images are involved, these will be investigated by the Secondary Co-Head Pastoral/Primary Headteacher (DSL) and a decision will be made as to whether to delete the images or refer them. If they are extreme or child pornography, they will invariably be referred to the police. Images found on a mobile phone or other electronic device may be deleted unless it is necessary to refer them.

7. After the Search: Confiscation and Disposal following a 'with consent' search

7.1. After a search has taken place, and if this has not been made by a member of the Leadership Team, this must be reported to either the Head of Year or the Secondary Co-Head: Pastoral/Primary Headteacher. A note should be made on the student's 'Personal/Social' tab on their Pupil File.

7.2. The School's general power to discipline, as set out in Section 91 of the Education and

Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

7.3. A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

7.4. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Please discuss all these situations with the Secondary Co-Head: Pastoral/Primary Headteacher who will decide on the best course of action.

8. After the Search: Confiscation and Disposal following the discovery of a prohibited item

8.1. The Secondary Co-Head: Pastoral/Primary Headteacher will inform the individual pupil's parents or guardians where any prohibited item is found.

8.2. Any search without consent should be reported to the Secondary Co-Head: Pastoral/Primary Headteacher, who will then record the incident. A note should be made on the student's 'Personal/Social' tab on their Pupil File. In all cases of searching without consent, any confiscation must be discussed with Secondary Co-Head Pastoral/Head of Primary as to what is the best course of action regarding the items confiscated.

8.3. Where the search is without consent then any alcohol, drugs, fireworks, tobacco, smoking paraphernalia including e-cigarettes and vaping devices, stolen items or pornographic images will be confiscated and not returned to the pupil.

8.4. Where any article is thought to be a weapon, illegal drugs or items which are evidence of an offence, which may include theft, that article will be passed to the police as soon as possible.

8.5. Where a member of staff finds an item which is not permitted in school, they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it. Most likely they should give the item to the Head of Year or Secondary Co-Head: Pastoral/Primary Headteacher who will decide on the best course of action.

This policy will be reviewed every 2 years.