

## Searching Students Policy

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| <b>Date last reviewed</b>         | October 2023 |
| <b>Committee Responsible</b>      | SBS          |
| <b>Designated member of staff</b> | DWE          |
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### SEARCHING WITH CONSENT

The Headteacher and members of SLT/Senior Pastoral staff can search pupils with their consent for any item. The Grey Court School does not require to have formal written consent from the student for this sort of search – a student can be asked to turn out his/her pockets or the searcher can look in the student’s bag or locker if the student agrees.

If it is suspected that a pupil has a **banned item** in his/her possession, the Headteacher or permitted members of SLT/Senior Pastoral staff can instruct the pupil to turn out his or her pockets, bag or locker. If the pupil refuses, the school can apply an appropriate punishment - as set out in the Behaviour Policy.

**Banned items** which may be searched for include:

- any type of gun replica or real
- all types knives or offensive weapons
- catapults
- cigarettes, e-cigarettes, vapes, Shisha pens and cigarette lighters/matches, smoking/substance paraphernalia
- drinks containing stimulants
- pointed or sharp objects that could cause potential injury
- handcuffs
- laser pens or similar objects
- non prescribed drugs/ substances
- pornographic images/ literature
- offensive written/electronic material, e.g. racist, sexist, homophobic, religious, etc.
- pepper spray
- stolen item
- Any article that has been/ is likely to be used to commit an offence, cause personal injury/damage to property
- fireworks
- Any item that is deemed unsafe/ inappropriate to have in school

## SEARCHING WITHOUT CONSENT

The Headteacher can authorise a search of students or their possessions (including bags and lockers) without the student's consent if there are reasonable grounds for doing so. The conduct of student searches is a power available to the Headteacher. The police will be contacted if the Headteacher feels this is necessary and they may be asked to support in or lead this search.

The Headteacher and permitted members of SLT have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a **prohibited/banned item** including:

- any type of gun replica or real
- all types knives or offensive weapons
- catapults
- cigarettes, e-cigarettes, vapes, Shisha pens and cigarette lighters/matches, smoking/substance paraphernalia
- drinks containing stimulants
- pointed or sharp objects that could cause potential injury
- handcuffs
- laser pens or similar objects
- non prescribed drugs/ substances
- pornographic images/ literature
- offensive written/electronic material, e.g. racist, sexist, homophobic, religious, etc.
- pepper spray
- stolen item
- Any article that has been/ is likely to be used to commit an offence, cause personal injury/damage to property
- fireworks
- Any item that is deemed unsafe/ inappropriate to have in school

The Headteacher or permitted members of SLT can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited/banned item. It must be decided in each particular case what constitutes reasonable grounds for suspicion. For example, other students may have been heard talking about an item or it might have been noticed that a student was behaving in a way that causes them to be suspicious.

The powers allow the Headteacher or permitted members of SLT 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. The Headteacher or permitted members of SLT/Senior Pastoral staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

A search can be carried out on a student of the opposite sex to the searcher and without a witness present, but **only** where it is reasonably believed that there is a risk that **serious harm** will be caused to a person if the search is not carried out immediately and where it is **not reasonably practicable** to summon another member of SLT/Senior Pastoral staff.

Searches should involve two staff members, the staff member conducting the search should be the same sex as the student being searched. Exemptions by law do apply to this, such as if there is immediate danger, a matter of urgency or if serious harm could be caused without the search. Searches will take place in a safe space away

from other students. Searches can include outer clothing, pockets, possessions and lockers. If searches are escalated by the police, the PACE CODE C must be followed.

Any follow up care as a result of a search will be done in accordance with Keeping Children Safe in Education 2022. Parents will be informed of any searches that take place for prohibited items. This is all in accordance with 'Searching, Screening and Confiscation', DfE July 2022.

During the search the searcher may not request the removal of 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, scarves, blazer and coat. 'Possessions' means any goods over which the student has or appears to have control of which includes lockers and bags. A student's possessions would only be searched in the presence of the student and the Headteacher or permitted members of SLT, except where there is a risk that **serious harm** will be caused to a person if the search is not conducted immediately or if there are exceptional circumstances.

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 student, for example on school trips in England.

### Informing Parents and Dealing with Complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. There is no legal requirement to make or keep a record of a search.

Schools should inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about searching (or screening for offensive weapons should the school elect to do so) should be dealt with through the normal school complaints procedure.

### Confiscation of Items

The Headteacher or permitted members of SLT/Senior Pastoral staff can confiscate any **prohibited/banned item** found as a result of a search. They can also confiscate any item, however found, which they consider harmful or detrimental to school discipline.

The general aim of confiscating property is to maintain an environment which is conducive to learning and which safeguards other students' rights to be educated.

**Teaching staff can confiscate general items such as mobile phones, jewellery, coats, sweets, etc.**

### Items Found as a Result of a Search

The Headteacher or permitted members of SLT carrying out a search can confiscate anything they have reasonable grounds for suspecting is a prohibited/banned item.

Where tobacco or cigarette papers are found then they may be retained or disposed of. As with alcohol, this means that Grey Court School can dispose of tobacco or cigarette papers as is thought appropriate but this should not include returning them to the student.

Where alcohol is found during a search, the Headteacher or permitted members of SLT/Senior Pastoral staff may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should

not include returning it to the pupil.

Where the Headteacher or permitted members of SLT/Senior Pastoral staff find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if they think there is a good reason to do so. Any drugs should be sealed in an envelope with the details of the student(s) involved the date and time. The staff involved in the confiscation should sign across the seal of the envelope to verify the contents. This should then be kept in a secure place, e.g. handed to the Headteacher or a member of SLT or placed in the school safe.

Where other substances are found which are not believed to be controlled drugs these can be confiscated if it is believed to be harmful or detrimental to good order and discipline. This would include, for example, so-called 'legal highs'. Where it is suspected that a substance may be controlled this should be treated as controlled drugs (as outlined above).

Where stolen items are found these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the Headteacher thinks that there is a good reason to do so.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.

If a pornographic image is found, this may be disposed of unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where an item which is banned under the school rules is found the Headteacher or permitted members of SLT/Senior Pastoral staff should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

Any weapons, objects which could be considered a weapon or items which are evidence of an offence must be passed to the police as soon as possible.

### **Statutory Guidance on the Disposal of Controlled Drugs and Stolen Items**

It is up to the Headteacher or permitted members of SLT members to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State Section 550ZC (6) Education Act 1996.

In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the Headteacher or permitted members of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.

Where the Headteacher or permitted members of SLT are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low

value items such as pencil cases. However, it may be judged that it is appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

### Statutory Guidance for Dealing with Electronic Devices

Where the Headteacher or permitted members of SLT 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, it could be 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 Headteacher or permitted members of SLT 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 break the school rules.

If inappropriate material is found on the device it is up to the Headteacher or permitted members of SLT to decide whether they should delete that material, retain it as evidence of a criminal offence of breach of school discipline) or whether the material is of such seriousness that it requires the police to become involved.

**Weapons and knives and extreme or child pornography *must always be handed over to the police.***

### Factors to be Considered when Confiscating Items

Staff **MUST** avoid physical contact or interference with a pupil’s clothing when confiscating an item of jewellery or clothing. Confiscating an item of clothing which would result in a student being partially dressed **MUST** be avoided.

Jewellery of religious significance can only be worn if this is **FIRST** discussed with the Phase Leader and must be confirmed by a parent/ carer, via the enrollment documents (SIMS).

If an item of jewellery is confiscated then the Behaviour and Rewards policy must be adhered to.

A student can be asked to hand over an item which is causing disruption - if the pupil refuses the school will take action to discipline the student. Another member of staff **does not need to** be present when confiscation of an item takes place. However, it is advisable that where possible this takes place with another member of staff, especially for expensive items or involving difficult students.

If a mobile phone is confiscated then the Behaviour and Rewards policy must be adhered to.

If non uniform items of clothing are confiscated, the Behaviour and Rewards policy must be adhered to.

### The use of Force to Control or Restrain a Pupil

#### The Use of Force

The law has changed over recent years and may well change again. The most current legislation and guidance from the Department for Education (DfE) will be applied. The detail included in DfE documents

will be regarded as the guidelines for Grey Court School, key aspects of which are detailed below. The DfE guidelines – ‘The use of force to control or restrain pupils’ (July 2013) states ‘reasonable force’ can be used when a student is:

- Committing a criminal offence
- Causing injury to themselves or others
- Damaging property
- Prejudicing good order and discipline

This is in accordance with ‘Keeping Children Safe in Education 2023’.

Force cannot be used to search for items banned under the school rules.

### **Searching devices, viewing and deleting nudes and semi-nudes (DfE guidance: Searching, Screening and and Confiscation July 2022)**

#### **2.10(a) Viewing the imagery**

Staff and parents or carers must not intentionally view any nudes and semi-nudes unless there is a good and clear reason to do so as outlined below. Wherever possible, responses to incidents should be based on what DSLs (or equivalents) have been told about the content of the imagery.

It is important that all members of staff are clear on what they can and can’t do in relation to viewing nudes and semi-nudes and that this is communicated to any child, young person or parent and carer requesting that imagery be viewed.

The decision to view any imagery should be based on the professional judgement of the DSL (or equivalent) and should always comply with the child protection policy and procedures of the education setting. Imagery should never be viewed if the act of viewing will cause significant distress or harm to any child or young person involved.

If a decision is made to view imagery, the DSL (or equivalent) would need to be satisfied that viewing:

- is the only way to make a decision about whether to involve other agencies because it is not possible to establish the facts from any child or young person involved
- is necessary to report it to a website, app or suitable reporting agency (such as the IWF) to have it taken down, or to support the child or young person or parent or carer in making a report
- is unavoidable because a child or young person has presented it directly to a staff member or nudes or semi-nudes have been found on an education setting’s device or network

If it is necessary to view the imagery then the DSL (or equivalent) should:

- never copy, print, share, store or save them; this is illegal. If this has already happened, please contact

your local police for advice and to explain the circumstances

- discuss the decision with the headteacher or a member of the senior leadership team
- make sure viewing is undertaken by the DSL (or equivalent) or another member of the safeguarding team with delegated authority from the headteacher or a member of the senior leadership team
- make sure viewing takes place with another member of staff present in the room, ideally the headteacher or a member of the senior leadership team. This staff member does not need to view the images.
- wherever possible, make sure viewing takes place on the premises of the education setting, ideally in the headteacher or a member of the senior leadership team's office
- make sure wherever possible that they are viewed by a staff member of the same sex as the child or young person in the images
- record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the nudes or semi-nudes were viewed and any subsequent actions. Ensure this is signed and dated and meets any appropriate wider standards e.g. such as those set out in statutory safeguarding guidance and local authority policies and procedures.
- if any devices need to be taken and passed onto the police, the device(s) should be confiscated and the police should be called. The device should be disconnected from Wi-Fi and data, and turned off immediately to avoid imagery being removed from the device remotely through a cloud storage service. The device should be placed in a secure place, for example in a locked cupboard or safe until the police are able to come and collect it.

Further details on searching, deleting and confiscating devices can be found in the DfE's [Searching, screening and confiscation advice](#) (note this advice is for schools only). Any procedures for searching, deleting and confiscating devices should be included in the educational setting's safeguarding or child protection procedures. Children and young people, their parents and carers should be made aware of this procedure.

If nudes or semi-nudes have been viewed by a member of staff, either following a disclosure from a child or young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems), DSLs (or equivalents) should make sure that the staff member is provided with appropriate support. Viewing nudes and semi-nudes can be distressing for both children, young people and adults and appropriate emotional support may be required.