

# Chaigeley School



## Screen, Search and Confiscation Policy

---

## **Contents:**

### Statement of intent

1. Legal framework
2. Authorisation
3. Training
4. Screening
5. Establishing grounds for a search
6. Location
7. Searching without consent
8. Prohibited items
9. Banned items
10. During the search
11. After the search
12. Parental consent
13. Monitoring/reporting
14. Enforcement
15. Complaints

## **Statement of intent**

**Chaigeley School** appreciates that children have a right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected.

However, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose children or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which authorised staff members can screen and search children, particularly without consent. It also outlines the legal powers to seize and then confiscate items during a search.

All staff members authorised by the Principal will have screen and search powers.

## **1. Legal framework**

1.1. This policy takes regard of the following legislation:

- Health and Safety at Work Act 1974.
- Education Act 1996.
- Education and Inspections Act 2006.
- The Schools (Specification and Disposal of Articles) Regulations 2012.
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012.
- European Convention on Human Rights.

1.2. It also has regard to the following pieces of statutory guidance and advice:

- DfE (2014) 'Searching, screening and confiscation'.
- DfE (2013) 'Use of reasonable force'.
- DfE (2016) 'Behaviour and discipline in schools'.

## **2. Authorisation**

2.1. The Principal/Heads of Education have the responsibility to decide who to authorise to use these powers, but there is no requirement to provide authorisation in writing.

2.2. Staff members can be authorised to search for some items but not others.

2.3. Staff members must be the same sex as the child being searched and there must be a witness (also a staff member) and, if possible, they should be the same sex as the child being searched.

2.4. Staff members can search a child of the opposite sex only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately.

2.5. Staff members can search a child without a witness present only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately.

## **3. Training**

3.1. When designating a member of staff to undertake searches under these powers, the Principal/Heads of Education should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## **4. Screening**

4.1. The statutory power of Chaigeley School to make rules on child behaviour and its duty to manage the safety of staff members, children and visitors enables it to impose a requirement that children undergo screening.

- 4.2. The screening of children by a walk-through or hand-held metal detector is permitted, even if they do not suspect them of having a weapon and without the consent of children.
- 4.3. If a child refuses to be screened, the school has the right to refuse to allow that child on the premises. This does not mean that the school has excluded that child and the child's absence will be treated as unauthorised.
- 4.4. Screening without physical contact is not subject to the same conditions as those that apply to the powers to search without consent.

## **5. Establishing grounds for a search**

- 5.1. Chaigeley School has the right to search children with their consent for any item. Formal written consent is not required. It is enough for staff to ask the child to turn out his / her pockets or look in the child's bag and for the child to agree.
- 5.2. Members of staff can instruct a child to turn out his/her pockets or bag if it is suspected that the child has a banned item in his/ her possession. If a child refuses, the member of staff will apply the appropriate punishment as outlined in the School Behaviour Policy.
- 5.3. A child's' refusal to cooperate with such a search raises the same kind of issues as where a child refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff. The appropriate disciplinary penalty will be applied.

## **6. Location**

- 6.1. 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 child.

## **7. Searching without consent**

- 7.1. Authorised staff members can undertake a search without consent if there are reasonable grounds to suspect that a child is in possession of a prohibited item, as outlined in section 8 of this policy.
- 7.2. Staff members are empowered to search regardless of whether the child is found after the search to have a prohibited item.
- 7.3. Staff members can view CCTV footage to inform their decision as to whether to conduct a search for a prohibited item.

## **8. Prohibited items**

- 8.1. The following items are prohibited:

- Knives or weapons, alcohol, illegal drugs and stolen items.
- Tobacco and paraphernalia, fireworks and pornographic images.
- Any article that a 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 property.
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## **9. Banned items**

9.1. Items banned by the school rules may only be searched under these powers if it has been identified in the school rules as an item that can be searched for.

9.2. Banned items include:

- Legal highs.
- Aerosol cans.
- Paint thinners.
- Non-prescribed hypodermic needles.

9.3. The school rules must be determined and publicised by the Principal.

## **10. During the search**

10.1. Members of staff can use such force as is reasonable given the circumstances when conducting a search for prohibited items, but cannot use force to search for items banned only under school rules.

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

10.3. Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but includes hats, shoes, boots, gloves and scarves.

10.4. If a child 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 prohibited items.

## **11. After the search**

11.1. Staff members can confiscate, retain or dispose of a child's property as a disciplinary penalty, where reasonable to do so.

11.2. Staff members 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. Where an article is thought to be a weapon, it must be passed on to the police.

- 11.3. Staff members are legally protected from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.
- 11.4. 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.
- 11.5. Where a staff member conducting a search finds alcohol, he/she should dispose of it as they think appropriate, but must not return it to the child.
- 11.6. Where a staff member finds:
- Controlled drugs, these must be delivered to the police as soon as possible, but may be disposed of if the person thinks there is a good reason to do so.
  - Other substances which are not believed to be controlled drugs, these can be confiscated where a staff member believes them to be harmful or detrimental to discipline, including legal highs. Where staff suspect that a substance may be controlled, they should treat them as controlled drugs as above.
  - Stolen items, these must be delivered to the police as soon as reasonably practicable, but may be returned to the owner or disposed of if the person thinks there is good reason to do so.
  - Tobacco or cigarette papers, they may retain or dispose of them, but must not return them to the child.
  - Fireworks, they may be retain or dispose of them, but must not return them to the child.
  - Pornographic images, they may dispose of the image 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 is reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to police.
  - An article that has been or could be used to commit an offence or to cause personal injury or damage to property, this may be retained, disposed of, delivered to the police or returned to the owner, as appropriate.
  - An item banned under the school rules, they 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.
  - Weapons or items which are evidence of an offence, these must be passed to the police as soon as possible.

## **12. Parental consent**

- 12.1. Chaigeley School is not required to inform parents before a search takes place or to seek their consent to search their child.

12.2. Chaigeley school will inform the individual child's parents / guardians where alcohol, illegal drugs or potentially harmful substances are found, though this is not a legal obligation.

### **13. Monitoring/reporting**

13.1. Although it is not a legal requirement to do so, for the purposes of accountability and transparency, the school will keep a record of all searches undertaken by staff members.

### **14. Enforcement**

14.1. Name of school expects authorised staff members to use their screen and search powers in accordance with the provisions of this policy.

14.2. Staff members that abuse these powers or screen and search children without consent for items other than those which are prohibited, will be subject to the appropriate disciplinary action.

### **15. Complaints**

15.1. Complaints about screening or searching should be dealt with through the school's normal complaints procedure.

Source: SPD	Date: 18/08/2021	Board:	Review: 08/2023
-------------	------------------	--------	-----------------

---