



Screening, Searching and Confiscation Policy & Procedure

July 2016

TABLE OF CONTENTS

Introduction	3
Prohibited Items & Items Banned by the School Rules	3
Screening	3
Searching	3
Guidance	3
Procedure	3
Searching WITH Consent	3
Searching WITHOUT Consent	4
Confiscation	4
Guidance	4
Procedure	4
Banned Items	4
Prohibited Items	5
Informing Parents & Dealing with Complaints	5
Resources	5
Appendix	6
Appendix A – Members of staff authorised to carry out searches WITHOUT consent	6
Training for Members of Staff	6
Appendix B – Items banned by the school rules	6

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This policy and procedure document links with and is supported by the following other policy and procedure documents:

- Conduct Policy & Procedure
- Exclusions Policy & Procedure
- Mobile Phones & Other Devices Policy & Procedure – Students

INTRODUCTION

This policy sets out the School's framework for responding to a student having, or suspected of having a prohibited item or items banned by the school rules.

This policy is linked with the Department for Education document, "Screening, Searching & Confiscation – Advice for head teachers, staff and governing bodies" (DfE, 2012), the Education and Inspections Act 1996, and the Education Act 2011.

PROHIBITED ITEMS & ITEMS BANNED BY THE SCHOOL RULES

Those items considered as being prohibited and banned by the school rules are published as part of Appendix B to this policy and on the school website.

The following are considered as **prohibited items**:

- Knives or weapons
- Alcohol
- Illegal and non-prescription drugs
- Substances previously known as "Legal Highs"
- Stolen items
- Tobacco and cigarette papers/filters
- Fireworks
- Pornographic images (including those held on students' own mobile devices)
- Any article that the member of staff reasonably suspects has been, or is likely to be, used...
 - i. to commit an offence
 - ii. to cause personal injury to, or damage to the property of, any person (including the student)

SCREENING

Tytherington School does not apply walk through or hand held screening.

SEARCHING

GUIDANCE

- Any member of school staff can search a pupil for any item if the pupil agrees.
- Headteachers and staff authorised by them 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.
- Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.
- The 'extent' of any search that can be carried out by a member of staff includes outer clothing, possessions, desks and lockers:
 - 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 desks, lockers and bags.
- The power to search with or 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.

DfE, 2012

PROCEDURE

SEARCHING WITH CONSENT

Under schools' common law powers to search, any member of staff can search a student with their consent for any item. If a member of staff suspects a pupil has a prohibited or banned item in his/her possession, they should:

1. Ask the student to turn out their pockets, their bag(s) and/or their locker.

2. If the member of staff chooses to search the student's possessions themselves (i.e. beyond asking the student to show items in their possession) then they must do this in the presence of another member of staff.
3. If a student refuses to consent to the search the member of staff can apply an appropriate sanction as set out in the school's behaviour policy.
4. If any banned items are found then the member of staff should refer to the 'Confiscation' section of this policy and apply an appropriate sanction as set out in the school's behaviour policy.
5. If any prohibited items are found then the member of staff should inform the appropriate Assistant Head of Year/Head of Year immediately so that they may respond as set out in the 'Confiscation' section of this policy and the school's conduct policy.
6. Staff involved should write up an account of any search made and forward to the appropriate Assistant Head of Year/Head of Year for use in response and then filing at a Key Stage Office and on SIMS by SSSOs.

SEARCHING WITHOUT CONSENT

If a member of staff had reasonable grounds to suspect that a student has a **prohibited item**, the Headteacher authorises the members of staff identified within Appendix A to this policy to carry out the following:

1. Inform a member of the Senior Leadership Team of the intent to carry out a search without consent.
2. If the suspecting member of staff is not the same gender as the student being searched, arrange for an authorised member of staff that is the same gender as the student to lead it.
3. Where possible, request that the Safer Schools Partnership School Based Officer be a witness of the search, otherwise, there must be another member of staff as a witness and, if at all possible, they should be the same gender as the student being searched.
4. If required and where practicable, move the student and their possessions to a location that is suitable for carrying out the search.
5. In the presence of the student and witness carry out the search of outer clothing, possessions and, if required, desk and locker.
6. If any banned items are found, then the members of staff should refer to the 'Confiscation' section of this policy and apply an appropriate sanction as set out in the school's behaviour policy.
7. If any prohibited items are found, then the members of staff should inform the appropriate Assistant Head of Year/Head of Year immediately so that they may respond as set out in the 'Confiscation' section of this policy and the school's conduct policy.
8. Staff involved should write up an account of any search made and forward to the appropriate Assistant Head of Year/Head of Year for use in response and then filing at a Key Stage Office and on SIMS by SSSOs.

CONFISCATION

GUIDANCE

- 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.

DfE, 2012

PROCEDURE

BANNED ITEMS

If any items banned by the school rules (please see Appendix B) are found as a result of a search the member of staff will be required to confiscate them immediately using the following procedure:

1ST CONFISCATION OF ITEM(S)

1. Take the item(s) to the appropriate Key Stage Office for safe storage, or store it in a locked/safe area and take it to a Key Stage Office at the earliest opportunity; clearly communicating to the SSSO the name of the pupil.
2. The student may then collect the item(s) from the Key Stage Office at the end of the school day.

2ND & SUBSEQUENT CONFISCATION OF ITEM(S)

1. Take the item(s) to the appropriate Key Stage Office for safe storage, or store it in a locked/safe area and take it to a Key Stage Office at the earliest opportunity; clearly communicating to the SSSO the name of the pupil.
2. The SSSO will then place the item(s) into safe storage near to main reception and contact the student's parents.
3. Parents/carers will be asked to collect the item(s) from the Reception at their earliest convenience.

Mobile phones, headphones and other mobile devices should only be confiscated and dealt with in this way if found outside of a student's bag/locker or turned on whilst in the student's bag, in accordance with the "Mobile Phones & Other Devices Policy".

PROHIBITED ITEMS

If any prohibited items are found as a result of a search members of staff will be required to confiscate them immediately and take the item(s) to the appropriate Key Stage Office or office of the Assistant Headteacher – Pastoral where they will be dealt with lawfully through the following procedure:

1. Where a person conducting a search finds **alcohol**, it is retained or disposed of.
2. Where they find **controlled drugs**, these must be delivered to the police through the Safer Schools Partnership School Based Officer. They are to be placed in a sealed drugs bag with the details completed on them and then stored in the school safe until a time that they can be taken to the local police station to be destroyed.
3. Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
4. Where they find **stolen items**, these must be delivered to the police through the Safer Schools Partnership School Based Officer unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.
5. Any **weapons or items which are evidence of an offence** must be passed to the police through the Safer Schools Partnership School Based Officer as soon as possible.
6. All other prohibited items are to be disposed of appropriately so as not to allow others access to or use of the items.

It is up to the Senior Leadership Team of Tytherington School to decide whether there is a 'good reason' not to deliver stolen items to the police through the Safer Schools Partnership School Based Officer.

In determining what 'good reason' is, the member 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 staff 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, school staff may judge it appropriate to contact the police if the items are valuable (e.g. iPods/laptops) or illegal (e.g. alcohol/fireworks).

Schools can dispose of alcohol and cigarettes as they think appropriate but this does not include returning it to the pupil.

INFORMING PARENTS & 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 but it is Tytherington School's policy is to keep a record through the recording of searches.

Tytherington School will inform the individual pupil's parents or guardians where prohibited items are found, though there is no legal requirement to do so.

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

RESOURCES

DfE (2012); *Screening, Searching & Confiscation – Advice for head teachers, staff and governing bodies*; Department for Education, London

APPENDIX

APPENDIX A – MEMBERS OF STAFF AUTHORISED TO CARRY OUT SEARCHES WITHOUT CONSENT

The following members of staff have been authorised by the Headteacher to carry out searches where a member of staff had reasonable grounds to suspect that a student has a prohibited item:

- Headteacher
- Members of the Senior Leadership Team
- Heads of Year
- Assistant Heads of Year
- SSSOs
- Members of the Inclusion Department
- The Designated Leader of any school trip and an additional member of staff authorised by them.

Designated staff can decline to undertake a search.

The Safer Schools Partnership School Based Officer is only able to assist members of school staff with any searches through the offering of advice and acting as a witness.

TRAINING FOR MEMBERS OF STAFF

There is no legal requirement for a head teacher or authorised member of staff to be trained before undertaking a 'without consent' search.

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

The Safer Schools Partnership School Based Officer will support in the training of authorised members of staff.

APPENDIX B – ITEMS BANNED BY THE SCHOOL RULES

The following table details those items that are presently banned by the rules of Tytherington School:

Items	Clarifying Information
Mobile Phones	Found out of students' bags or turned on and in students' bags between the hours of 08:45-15:20 (Monday-Wednesday & Friday) and 08:45-14:50 (Thursday)
Headphones	
Other Mobile Devices	
Electronic Cigarettes	
Inhalators (including "Vapours")	
Lighters	
Matches	
Nitrous Oxide	
Any item considered to be harmful or detrimental to good order and discipline	