

## Search screening and confiscation section for your behaviour policy

All searches that take place at **Lever Park** will be reasonable, proportionate and justified and a consistent approach to searching will be applied. Searching takes place to reduce the risk to pupils and staff and remove the level of threat carrying any prohibited items may cause.

Reasonable grounds will NEVER be supported on the grounds of personal factors alone e.g. age, hairstyle, colour, dress or the fact they have been previously found in possession of an item. We must have knowledge of enough facts and circumstances to believe that a threat exists. If after a search no item is found this does not mean the reasonable grounds were incorrect or did not exist.

The Academy Lead and staff authorised by the Academy Lead can search a pupil without consent where they have reasonable grounds to suspect the pupil may have a prohibited item.

Prohibited items are:

- Knives or Weapons
- Alcohol
- Illegal Items
- Stolen Items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any item 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 the property of, any person (including the pupil)
- Academy Leads and authorised persons 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

Searches should take place by a member of staff the same sex as the person being searched, along with an observer, ideally of the same sex as the person being searched. In some cases those conducting searches or those observing may be of the opposite sex if delaying the search would cause serious harm. Searches may also take place without an observing if again delaying the search could lead to serious harm. If a member of the opposite sex is conducting a search the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.

Searches should only take place where it is safe to do so. If a search becomes unsafe it should cease. In this instance the pupil should remain under observation while advice is sought.

At **Lever Park** the Academy Lead or any person authorised by the Academy Lead can search for any items **with the consent** of the pupil. No written consent will be obtained and pupils may simply be asked to turn out their pockets. If pupils refuses to comply with the search an appropriate consequence will be applied as per our behaviour policy.

Sometimes it may be necessary to conduct a search which need to be carried out **without the consent** of the pupil. The person carrying out the search must have reasonable suspicion the person is carrying a prohibited item and reasonably believe that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency. Reasonable suspicion could be overhearing other pupils talking about the item or noticing a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.

Searches **without consent** can be carried out on the school premises and elsewhere when a member of staff has lawful control/charge of the pupils E.g. school trips, transport and enrichment activities.

Appendix A outlines the search process for staff.

### **Types of searches**

At **Lever Park** searches may be conducted in the following way:

Reactive search – A search conducted where there are reasonable grounds a threat exists.

Proactive search routine – A planned search conducted within a set frequency as identified by a risk assessment process

Proactive search random – A search conducted in a frequency identified by a risk assessment process additional to proactive searches to mitigate predictability of planned searches

### **During the search**

When a search is taking place 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 outer clothing includes hats; shoes; boots; gloves and scarves.

A pupil's possessions (any goods over which the pupil has or appears to have control – this includes desks, lockers and bags) 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. Consent must be obtained to search such items unless looking for a prohibited item.

### **Use of force**

Members of staff can use such force as is reasonable 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 items banned under the school rules.

## **The power to seize and confiscate items – general**

Schools' general power to discipline, as circumscribed by 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.

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. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

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.

### **Items found as a result of a 'without consent' search**

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.

Where a person conducting a search finds alcohol, they 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 they find 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.

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.

Where they find stolen items, 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 person thinks that there is a good reason to do so.

Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

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

If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that 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.

Where an article that has been (or is likely to 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 a member of staff finds an item which is 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.

Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

Any items found as a result of a “with consent” or “without consent” search must be recorded on the CPOMS and include; details of the item, where it was found, how it was found and how the item has been retained, destroyed or returned.

## **Screening**

The law states that all schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils.

At **Lever Park** any member of school staff authorised by the Academy Lead can screen pupils.

If a pupil refuses to be screened, we may refuse to have the pupil on the premises. Health and safety legislation requires schools to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.

If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil’s absence should be treated as unauthorised. The pupil should comply with the rules and attend.

This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

## **Appendix A**

## Conducting a Search

First consider:

- Do I have reasonable grounds to conduct the search?
- Is the search justified?
- Is it in line with my school policy?
- Do I have the authority to conduct the search?

Step 1 – Obtain the right equipment e.g. gloves, table, storage for items seized

Step 2 – Check the area you are using for the search e.g. does it offer enough privacy

Step 3 – Explain the reason for the search e.g. reasonable grounds to suspect they are carrying a prohibited item

Step 4 – Obtain consent

Step 5 – Note the time, date, location, observers, type of search, grounds for the search

Step 6 – Ask the pupil if they are in possession of any unauthorised items

Step 7 – Ask the pupil if they have been asked to bring in any unauthorised items

Step 8 – Ask the pupil to remove items from any belonging e.g. bags and place them on the table. Inspect the empty bag and belonging then ask the pupil to put belongings back into the bag

Step 10 – Ask the pupil to remove outer clothing only and search items as necessary, once complete return items of clothing

Step 11 – Note any items that have been found and confiscated.

Step 12 – Update CPOMS with details of the search and the findings and inform parents of the search and the outcome

In some cases when searching for a weapon you may use a search wand to perform the search. Only those trained how to use a wand may search pupils using this method.