

Three Counties Academy Trust



Searching, Screening and Confiscation Policy

#SG25

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Version history

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Common abbreviations and acronyms

AA	Admissions Authority	GPA	Government Procurement Arrangement
AAI	Adrenaline Auto-Injector (Epi Pen)	HASH	Herefordshire Association of Secondary Heads
ACM	Asbestos Containing Materials	HBV	Honour Based Violence
AFH	Academies Financial Handbook	HR	Human Resources
AHT	Assistant Headteacher	H&S	Health and Safety
AIR	Attendance Intervention Reviews	HoS	Head of School
APIs	Application Programme Interfaces	HSE	Health and Safety Executive
BAME	Black, Asian and Minority Ethnic Backgrounds	ICO	Information Commissioners Office
BCP	Business Continuity Plan	IHP	Individual Healthcare Plan
BFR	Budget Forecast Return	IRMS	Information and Records Management Society
CAMHS	Child and Adolescent Mental Health Services	IWF	Internet Watch Foundation
CEO	Chief Executive Officer	KCSIE	Keeping Children Safe in Education
CFO	Chief Financial Officer	KS1/2/3/4	Key Stage 1/2/3/4
CIF	Condition Improvement Fund	LAC	Looked After Child
CIN	Child in Need	LADO	Local Authority Designated Officer
CLA	Children Looked After	LGB	Local Governing Body
CMIE	Child Missing in Education	LLC	Low-Level Concerns

COO	Chief Operating Officer	LSA	Learning Support Assistants
COSHH	Control and Substances Hazardous to Health	MASH	Multi-Agency Safeguarding Hub
CP	Child Protection	MAT	Multi-Academy Trust
CPD	Continuing Professional Development	MFA	Multi-Factor Authentication
CSCS	Children's Social Care Services	MFL	Modern Foreign Language
CSE	Child Sexual Exploitation	NCSC's	National Cyber Security Centres
CTIRU	Counter-Terrorism Internet Referral Unit	NPQEL	National Professional Qualification in Executive Leadership
CWD	Children with Disabilities	PA	Persistent Absence
DBS	Disclosure and Barring Service	PAN	Published Admission Number
DDSL	Deputy Designated Safeguarding Lead	PECR	Privacy and Electronic Communications Regulations
DfE	Department for Education	PEP	Personal Education Plan
DHT	Deputy Headteacher	PEEP	Personal Emergency Evacuation Plan
DSE	Display Screen Equipment	PEx	Permanent Exclusion
DSL	Designated Safeguarding Lead	PLAC	Previously Looked After Child
DPO	Data Protection Officer	PP	Pupil Premium
EAL	English as an Additional Language	PSHE	Personal, Social and Health Education
ECT	Early Career Teacher	PSED	Public Sector Equality Duty

EHA	Early Help Assessment	PTFA	Parent, Teacher and Friends Association
EHCNA	Education, Health and Care Needs Assessment	RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
EHCP	Education, Health and Care Plan	RHE	Relationships and Health Education
EHE	Elective Home Education	RSHE	Relationships, Sex and Health Education
ELSA	Emotional, Literacy and Support Assistant	SALT	Speech and Language Therapist
ESFA	Education and Skills Funding Agency	SARC	Sexual Assault Referral Centre
EVC	Educational Visit Coordinator	SBM	School Business Manager
EWO	Education Welfare and Safeguarding Support Officer	SCCs	Standard Contractual Clauses
EYFS	Early Years Foundation Stage	SDQ	Strengths and Difficulties Questionnaire
FBV	Fundamental British Values	SEMH	Social, Emotional, and Mental Health
FGM	Female Genital Mutilation	SENCO	Special Educational Needs Coordinator
FOI	Freedom of Information	SEND	Special Educational Needs and Disabilities
FSM	Free School Meals	SLA's	Service Level Agreements
FTS	Find a Tender Service	STEM	Science, Technology, Engineering and Maths
GAG	General Annual Grant	TA	Teaching Assistant
GDPR	General Data Protection Regulation	TCAT	Three Counties Academy Trust
GIAS	Get Information about Schools	VSH	Virtual School Headteacher

Statement of intent

Three Counties Academy Trust (TCAT) and our schools appreciate that pupils have the right to expect a reasonable level of personal privacy and will do our utmost to ensure that, as far as possible, this right is respected. We aim to ensure that members of staff have the confidence to search and screen pupils, and to confiscate items as necessary, and that this is enacted in a calm, safe and supportive manner.

TCAT also takes seriously its obligation under health and safety legislation for searching, screening and confiscation to be managed in a way which does not expose pupils or staff members to unnecessary risks.

This policy sets out the framework in which any TCAT school will meet this obligation by outlining the circumstances in which pupils can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

NB. Where the term “parent” or “parents” is used this includes those who act as carers or have parental responsibility.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance and good practice including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- European Convention on Human Rights
- DfE 'Searching, Screening and Confiscation'
- DfE 'Use of reasonable force'
- DfE 'Behaviour in Schools'
- DfE 'Keeping children safe in education'
- DfE 'Schools and college security'
- DfE 'Equality Act 2010: advice for schools'
- DfE 'Working together to safeguard children'
- DfE 'Drugs: advice for schools'
- Criminal Justice and immigration Act 2008

Where legislation has been passed or updated during the shelf life of this policy, we will always apply the latest version available irrespective of the version quoted here.

This policy operates in conjunction with the following policies:

- Behaviour Policy
- Surveillance and CCTV Policy (FI21)
- Complaints Policy and Procedures (GN9)
- Disciplinary Policy and Procedure (HR3)

- Child Protection and Safeguarding Policy and Procedures (SG1)
- Allegations of Abuse Against Staff Policy (SG5)
- Physical Intervention Policy (SG7)
- Trust and School Security Policy (SG34)

Central TCAT policies have the policy number identified, e.g. "SG1". Where no policy number is identified this indicates the policy is a school specific policy available from an individual TCAT school's website.

2. Roles and responsibility

The Trust Board will be responsible for:

- Ensuring this policy is implemented throughout TCAT and its effectiveness is monitored

The Executive Headteacher/CEO and where delegated, Headteachers/Heads of School will be responsible for:

- Authorising members of staff to search pupils for prohibited items and items banned by the school, according to its policies
- Ensuring the procedures in this policy are implemented consistently across each TCAT school
- Assessing on a case-by-case basis whether a search should be undertaken by a member of authorised staff
- Overseeing TCAT's practice of searching to ensure that a culture of safe, proportionate, and appropriate searching is established and maintained
- Ensuring the DSL is called on for support during, or after, searching, as appropriate
- Ensuring a sufficient number of staff are appropriately trained on how to lawfully and safely search a pupil, including managing pupils who are not co-operating with the search
- Ensuring all staff understand their rights and the rights of any pupils being searched
- Ensuring the DSL (or their deputy) is informed of any instances where a staff member had reasonable grounds to suspect that a pupil was in possession of a prohibited item
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g., keeping the pupil supervised and away from others
- Determining whether searches for items banned by TCAT or school policies should be recorded

- Consulting with the local police prior to installing and using any devices for the purposes of screening
- Ensuring parents and pupils are informed about the use of screening devices prior to their use, and the reasons why any devices need to be used
- Ensuring that prohibited items and items banned by TCAT or a TCAT school are outlined in the relevant policies and are communicated with staff, parents, and pupils
- Reviewing this policy in line with the review schedule

The DSL will be responsible for:

- Managing any safeguarding concerns that are raised by staff members who have conducted a search and by pupils subject to a search
- Making referrals, in line with the TCAT's safeguarding procedures, where there is evidence from a search that a pupil is at risk of harm
- Ensuring procedures are in place, and are being followed, for when a safeguarding incident arises
- Ensuring procedures are in place for staff to alert them of instances when they had reasonable grounds to suspect a pupil was in possession of prohibited items and when a prohibited item has been found
- Considering the circumstances of any pupils who are at risk of harm as a result of the search to assess whether there is a wider safeguarding concern
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g., keeping the pupil supervised and away from others
- Advising staff on any aftercare required by a pupil as a result of a search

Staff members will be responsible for:

- Acting in line with this policy when screening or searching a pupil for banned or prohibited items
- Ensuring that the culture of safe, proportionate, and appropriate searching is maintained
- Adhering to the relevant guidance and policies, and familiarising themselves with which items are prohibited and/or banned by the TCAT or the school
- Ensuring they implement sanctions fairly, proportionately, and in line with the Behaviour Policy
- Raising safeguarding concerns with the DSL (or their deputy) as soon as reasonably practicable
- Maintaining their duty of care for any pupils subject to a search, including a strip search, and protecting their welfare at all times

3. Screening

Under our statutory power to make rules on pupil behaviour and the duty to manage the safety of staff, pupils, and visitors, TCAT can impose a requirement that pupils undergo screening. All members of staff will have the authority to screen pupils.

Before the installation of any technology for the purpose of screening pupils, the Executive Headteacher/CEO will consult with the local police about whether the devices are appropriate.

TCAT does not employ the use of screening technologies, for example metal detectors, knife arches or sniffer dogs for mass screening and has no plans to do so. Should the use of such resources be deemed necessary this policy will be amended to reflect such use before it is authorised.

4. Authorising members of staff

Only the Executive Headteacher/CEO, Headteacher/Head of School and authorised members of staff have the authority to search pupils without their consent. Staff members authorised by the Executive Headteacher/CEO with these powers are:

School	Staff Member	Position
Bredenbury Primary	Mrs S McAtear	Head of School DSL
	Mr R Jones	Education Welfare and Safeguarding Support Officer DDSL
St. Peter's Primary	Mrs H Yarnold	Head of School DDSL
	Mrs S Nash	Deputy Headteacher DSL
	Mr R Jones	Education Welfare and Safeguarding Support Officer DDSL
Stoke Prior Primary School	Mr M Lewis	Headteacher DSL

	Mrs J Angel Mr R Jones	Deputy Headteacher DDSL Education Welfare and Safeguarding Support Officer DDSL
Lugwardine Primary Academy	Mrs K Lane Mr S Goodarzi Mr J Church Mr R Jones	Headteacher DSL Deputy Headteacher Assistant Headteacher DDSL Education Welfare and Safeguarding Support Officer DDSL
Queen Elizabeth High	Mr S Seneque Mr M Lake Mrs M Watkiss Mr D Racic Mr M Langley Mrs E Davies Mr R Jones Mrs D Wiles	Head of School Deputy Headteacher Assistant Headteacher Assistant Headteacher Director of STEM Assistant Headteacher and DSL Education Welfare and Safeguarding Support Officer DDSL Chief Finance Officer

- Staff members, will be permitted to refuse to undertake a search

The Executive Headteacher/CEO or the Headteacher/Head of School will make clear which items each authorised staff member is permitted to search for, e.g., a member of staff could be authorised to search for stolen property, but not for weapons.

When deciding which members of staff will be authorised to undertake searches under these powers, the Executive Headteacher/CEO will consider whether each member of staff requires any additional training to enable them to carry out their responsibilities safely and lawfully.

5. List of prohibited and banned items

Prohibited items

Prohibited items include:

- Knives or weapons, including 'Zombie-style' knives
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Razor blades
- 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 the property of, any person (including themselves)

'Zombie-style' knife is the name given to knives over eight inches in length, often with a serrated edge, spikes or more than two sharp points.

Banned items

- Aerosols
- Laser Pens

- Medication (except that held by the school in line with policy)
- E-cigarettes and vaping devices
- Legal Highs
- Non-prescribed Hypodermic Needles

6. Searching with consent

Any member of staff will have the authority to search pupils for any item if **the pupil consents**. Formal written consent will not be required for this sort of search and informed verbal consent will suffice. All staff members will ensure that any pupil subject to a search with consent understands the reason for the search and how it will be conducted.

Searches with consent will be undertaken on the basis that a pupil is, or is suspected to be, in possession of a banned or prohibited item as identified in this policy and the Behaviour Policy.

Searches with consent will be implemented consistently, proportionately, fairly, and in line with this policy at all times.

Each school will ensure that prohibited items are made clear in communications with parents.

If a member of staff suspects a pupil is in possession of a prohibited item, the pupil will be instructed to turn out their pockets, desk and/or bag.

When exercising their authority to search with consent, staff members will assess and consider the age and needs of the pupil being searched. Where required, reasonable adjustments will be put in place where a pupil has additional needs or a disability.

7. Searching without consent

The Headteacher/Head of School and authorised staff have the statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may be in possession of a prohibited item (see section 5). The staff member will decide what constitutes reasonable grounds for suspicion on a case-by-case basis.

An item prohibited by the school rules will only be searched for without consent if it is identified in this policy and/or the Behaviour Policy that it is an item that can be searched for.

Staff members who are not authorised by the headteacher to implement searches without consent will not do so. Where a search is required, and the pupil does not give their consent to be searched, unauthorised staff members will contact an authorised member of staff immediately.

Authorised members of staff will assess whether a search without consent is needed urgently and consider the risk to staff and other pupils if a search is not conducted.

Before a search without consent is conducted, the authorised member of staff will explain to the pupil why they are being searched and how and where the search will take place. They will also provide the pupil an opportunity to ask any questions.

Where possible, the authorised member of staff will seek the co-operation of the pupil prior to the commencement of the search without consent. If the pupil is not willing to co-operate with the search, the authorised member of staff will consider why this is. Reasons might include that they are in possession of a prohibited item, do not understand the instruction, are unaware of what a search may involve, or have had a previous distressing experience of being searched. The pupil may be sanctioned in line with the Behaviour Policy if they continue to refuse to co-operate.

Where possible, searches will be conducted by a minimum of two authorised members of staff and no more than three members of authorised staff.

If the authorised member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, DSL (or deputy) or a member of staff who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search (see section 10).

8. Privacy

Pupils will only be searched by staff members who are the same sex as them. All searches will be witnessed by another member of staff who will be, where possible, the same sex as the pupil being searched.

Where a staff member is not the same sex as the pupil subject to a search, they will summon a staff member of the same sex as the pupil, where practicable. The summoned staff member will be the one to conduct the search.

A search will only be conducted by a person who is not the same sex as the pupil being searched, or without a witness, where:

- The staff member reasonably believes that there is a risk of serious harm if the search is not conducted immediately **and**
- It is not reasonably practicable to summon another member of staff

Under the exceptional circumstances outlined above, the member of staff conducting the search will consider that a pupil's expectation of privacy increases as they get older.

When a member of authorised staff conducts a search without a witness as a result of an imminent threat, they will report the search immediately to another member of staff and ensure there is a record kept of the search.

We may consider the use of CCTV footage in order to decide whether to conduct the search for an item. Any CCTV usage will be conducted in line with TCAT's Surveillance and CCTV Policy.

Authorised staff members will ensure that an appropriate location on the school premises is used for searching. Where possible, this location will be away from other pupils. Searches will only be undertaken off school premises where the authorised staff member has lawful control of the pupil, e.g., on a school trip.

School	Search Location
Bredenbury Primary	SLT Office or Meeting Room
St. Peter's Primary	Head of School's Office or Medical Room
Queen Elizabeth High	Head of School's or Deputy Headteacher's Office or North Base
Stoke Prior Primary School	Headteacher's Office
Lugwardine Primary Academy	Headteacher's Office

9. During the search

Definitions:

- **“Outer clothing”** – clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, gloves.
- **“Possessions”** – any goods over which the pupil has or appears to have control, including desks, lockers and bags.

A pupil’s possessions, their locker or desk or other personal spaces at the school can be searched provided the pupil agrees. The school will make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for prohibited items and any items identified in the school rules for which a search can be made.

A pupil’s possessions, their locker or bags will 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 if the search is not conducted immediately.

Staff will always remain aware that the power to search without consent **only** enables a personal search involving the removal of outer clothing and the searching of pockets, bags, lockers, etc. Staff will never conduct an intimate search and remain aware that only a person with more extensive powers, i.e., a police officer, can conduct an intimate search.

If a pupil does not consent to a search or withdraws their consent, then they may be subject to a search without consent, but only for prohibited items.

10. Physical intervention

Members of staff will only be permitted to use physical intervention when conducting a search for prohibited items but will not use force to search for items banned only under TCAT or school rules.

Physical intervention will be used on a case-by-case basis only.

Searches that require physical intervention will be conducted in line with the TCAT Physical Intervention Policy.

11. Strip searches

The definition of a “**strip search**” is a search that involves the removal of more than outer clothing (see definition of outer clothing in section 9).

Staff members will never conduct a strip search on a pupil – strip searches will only be conducted by police officers.

During a strip search, members of staff will maintain their duty of care to the pupil and will advocate for their wellbeing at all times.

Strip searches will be conducted in a private area of the school, away from others (see section 8).

Before requesting the strip search of a pupil by the police, staff members will balance the risk of negatively affecting the pupil's physical and/or mental wellbeing against the risk of not recovering the suspected item.

Strip searches will only be considered where:

- It is absolutely necessary to undertake this type of search, **and**
- Where other, less invasive approaches cannot be conducted or have already been exhausted, **and**
- It is deemed necessary by a police officer to recover an item related to a criminal offence and they have reasonable grounds to suspect the pupil has concealed the item

Whenever a strip search involves the exposure of intimate body parts, we will ensure that at least two people are present, other than the pupil, where one of whom will be an appropriate adult. Where the pupil's parent wishes to act as the appropriate adult, we will facilitate this where possible. These circumstances may not apply if the strip search is urgent or there is a risk of serious harm to the pupil or others.

Unless in urgent or high-risk cases, strip searches that involve the exposure of intimate body parts will only take place without an appropriate adult where the pupil explicitly states, in the presence of the appropriate adult, that they do not want the appropriate adult to be present during the search. A record will be made of the pupil's decision.

Records of all strip searches will be kept and monitored by TCAT.

12. After the search

Staff members will use their discretion to confiscate, retain and/or destroy any item found due to a search with the pupil's consent, so long as it is reasonable in the circumstances. Where any item is reasonably suspected to be an offensive weapon, it will be passed to the police.

Staff members will be 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.

Confiscation, retention, and disposal of prohibited items

Staff members carrying out a search will be permitted to seize any item they have reasonable grounds for suspecting is a banned or prohibited item or is evidence in relation to an offence.

When a staff member conducting a search finds:

- **Alcohol**, they will retain or dispose of the item as they see appropriate, normally return to parents unless it is suspected parents provided the alcohol to the pupil; the alcohol will never be returned to the pupil
- **Controlled drugs**, they will deliver them to the police as soon as possible and locked in the school safe until such time that handover occurs. Where the school does not have access to a safe on site and no suitable secure storage location is available, an authorised member of the TCAT Central Team will remove the items to the safe at QE
- **Other substances** which are not believed to be controlled drugs, they will confiscate them if they believe them to be detrimental to behaviour, discipline, and safety
- **Stolen items**, they will deliver these to the police as soon as possible or return them to the owner if they think there is a good reason to do so
- **Tobacco or cigarette papers**, they will retain or dispose of them, normally return to parents unless it is suspected parents provided them to the pupil; they will not be returned to the pupil
- **Fireworks**, they will be disposed of, but not returned to the pupil
- A **pornographic image**, they will dispose of the image unless there are reasonable grounds to suspect that its possession constitutes a specified offence, i.e., the image is extreme or child pornography; in these cases, the staff member will deliver the image to the police as soon as possible, retain it in the school safe in a sealed envelope and not copy the image for evidence purposes

- An item that has been, or is likely to be, **used to commit an offence or to cause personal injury or damage to property**, they will deliver the item to the police, return the item to the owner, or retain or dispose of the item
- **Weapons or items which are evidence of an offence**, they will pass the item to the police as soon as possible

It is at the discretion of the Head of School or a member of the TCAT Central Team to decide whether there is a 'good reason' not to deliver stolen items or controlled drugs to the police. In determining what a good reason is, the authorised member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the item.

Where the member of staff is unsure of the legal status of a substance and has reason to believe it may be a controlled drug, the item will be treated as such.

In relation to stolen items, the police will not be involved in dealing with low-value items, e.g., pencil cases; however, it may be appropriate for TCAT to contact the police if high-value items, e.g., laptops, or illegal items, e.g., fireworks, are involved.

Aftercare following a strip search

Pupils subject to a strip search will be provided with appropriate support, regardless of whether a prohibited item is found. Safeguarding processes will be followed where necessary, giving attention to the pupil's wellbeing. The DSL will be involved in any safeguarding processes.

Pupils subject to a strip search will always be given the opportunity to ask questions about the search and express their views following it.

Staff will give particular consideration to the wellbeing and safeguarding of any pupils and/or groups of pupils who have been subject to a strip search with unusual frequency. Where required, preventative approaches will be put in place in order to avoid harm to the identified pupil, or group of pupils', wellbeing.

13. Recording a search

All searches for prohibited items and those conducted by police officers will be recorded via TCAT's safeguarding systems.

Records of searches for prohibited items, both by staff and by the police, will include:

- The date, time, and location of the search

- The name of the pupil subject to the search
- The name of the individual who conducted the search
- The name of any other adults or pupils present during the search
- The item(s) being searched for
- The reason for the search
- Whether the item(s) was/were found
- Any other items found
- What follow-up actions were taken as a consequence of the search

Searches for banned items will not be routinely recorded; however, the Head of School may choose to do so where this forms a pattern of behaviour that requires monitoring.

14. Informing parents

The pupil's parents will **always** be informed when a search of their child is conducted in order to recover prohibited or banned items.

Where a strip search is requested, we will inform the pupil's parents of the search before it is conducted and where possible invite them to attend as the responsible adult, unless there is an immediate risk of harm. Where there is an immediate risk of harm, the pupil's parents will be informed about the strip search as soon as possible.

Complaints about searching, screening or confiscation will be managed via TCAT's complaints procedure, in line with the Complaints Policy and Procedures.

15. Electronic devices

If an electronic device that is prohibited by TCAT or school rules, or that is reasonably suspected to have been, or is likely to be, used to commit an offence or cause personal injury or damage to property is found during a search, the staff member is permitted to examine any data or files on the device where there is good reason to do so.

Parental consent is not required in order to search a pupil's electronic device if it has been seized in a search without consent.

Staff will consider whether an appropriate safeguarding response is required if they reasonably believe that any images, data, or files found on a pupil's electronic device is likely to put others at risk. The staff member will involve the DSL immediately where this is the case, and if necessary, the DSL will liaise with the Trust Education Welfare and Safeguarding Support Officer for further guidance.

Staff members have the authority to delete data or files if they believe there is a good reason to do so, unless the device is suspected to be relevant to an offence or contains a pornographic image of a child or an extreme pornographic image. In these cases, files and data will not be deleted and the device will be given to the police.

It will be considered a good reason if the staff member reasonably suspects that the data or files on the device have been, or could be, used to cause harm, disrupt teaching, or break TCAT or the school rules.

Any electronic device that has been seized which is prohibited by TCAT or school rules, and there are reasonable grounds to suspect that it contains evidence relating to an offence, will be given to the police as soon as possible.

If a member of staff does find any material they suspect is evidence in relation to an offence and decides to not give the device to the police, they are permitted to decide whether it is appropriate to delete any files or data from the device or retain the device as evidence of a breach of TCAT or school rules.

Indecent images of pupils

Staff will be aware that creating, possessing, and distributing indecent imagery of children is a criminal offence, regardless of whether the imagery is created, possessed, and distributed by the individual depicted; however, staff will ensure that pupils are not unnecessarily criminalised.

Where a member of staff becomes aware that an electronic device they are searching involves indecent images of a child, they will refer this to the DSL as soon as possible and will:

- Refrain from viewing, copying, printing, sharing, storing, or saving the imagery
- Confiscate the device and ensure it is securely stored in the school safe
- Inform the DSL immediately if they accidentally view an indecent image and seek support
- Explain to the pupil being searched that the incident will need to be reported
- Not blame or shame anyone involved, and reassure the pupil being searched that they can receive support from the DSL

The DSL will attempt to understand what the image contains **without viewing it** and the context surrounding its creation and distribution. They may seek further advice at this stage from the Trust Education Welfare and Safeguarding Support Officer. They will categorise the incident into one of two categories:

- **“Aggravated”** – incidents which involve additional or abusive elements beyond the creation and distribution of indecent images of children, including where there is an adult involved, where there is an intent to harm the child depicted, or where the images are used recklessly
- **“Experimental”** – incidents involving the creation and distribution of indecent images of children where there is no adult involvement or apparent intent to cause harm or embarrassment to the child

For there to be a good and clear reason to view indecent imagery, the DSL will need to be satisfied that this action is:

- The only way to make a decision about whether to involve other agencies because it is not possible to establish the facts, e.g., the contents of the imagery, from the pupil(s) involved
- Necessary to report it to a website, app, or suitable reporting agency to have the image taken down, or to support the pupil or their parent in making a report
- Unavoidable because the pupil has presented the image directly to a staff member or the image has been found on a TCAT device or network

Where it is necessary to view the imagery, e.g., if this is the only way to make a decision about whether to inform other agencies, the DSL will:

- Never copy, print, share, store or save them as this is illegal – if this has already happened, they will contact the local police for advice and to explain the circumstances
- Discuss the decision with the Trust Education Welfare and Safeguarding Support Officer and/or the Executive Headteacher/CEO
- Make sure viewing is undertaken by them (or a DDSL) or another member of the safeguarding team with delegated authority and/or the Headteacher/Head of School
- Make sure viewing takes place with another member of staff present in the room, ideally the Trust Education Welfare and Safeguarding Support Officer and/or the Headteacher/Head of School who will not view the image(s)
- Wherever possible, make sure viewing takes place on TCAT premises, ideally in the Headteacher/Head of Schools office
- Make sure, wherever possible, that they are viewed by a staff member of the same sex as the pupil 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 imagery was viewed and any subsequent actions

Where the incident is categorised as ‘aggravated’, the situation will be managed in line with TCAT’s Child Protection and Safeguarding Policy and Procedures, and the police will be involved.

Where the incident is categorised as ‘experimental’, any pupils involved are supported to understand the implications of sharing indecent imagery and to move forward from the incident.

Where there is reason to believe that indecent imagery being circulated will cause harm to a pupil, the DSL escalates the incident to the appropriate children’s social care services. Where indecent imagery of a pupil has been shared publicly, the DSL will work with the pupil to report the imagery to websites on which it has been shared and will reassure them of the support available.

16. Staff conduct

All staff members are expected to act in accordance with this policy. Any breach of this policy will be managed in line with TCAT’s Disciplinary Policy and Procedure.

Staff members who conduct searches without consent but are not authorised to do so will be managed in line with the Disciplinary Policy and Procedure.

Staff members will consider the age, needs and wellbeing of pupils at all times during searching and screening procedures.

Under no circumstances will a member of staff conduct the strip search of a pupil.

Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher/CEO in collaboration with the Board appointed Trustee, the Trust Board and Executive and Senior Leadership.

Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to Executive Leaders, the TCAT Central Team and to Headteachers/Heads of School, who, in turn, will alert school-based staff.

The next scheduled review date for this policy is 2nd March 2027.

Signed by:

_____ Executive Headteacher/CEO

Date: _____

_____ Board appointed Trustee

Date: _____