

SCREENING, SEARCHING & CONFISCATION



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SCREENING, SEARCHING & CONFISCATION POLICY

2018

SCREENING, SEARCHING & CONFISCATION

1. Introduction

Haydon School priority is the health and safety of all students and staff. This policy sets out the Schools 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 of Education document, "Screening, Searching and Confiscation - Advice for headteachers, school staff and governing bodies" (February 2014), the Education Act and Inspections Act 1996 and the Education Act 2011.

2. Related Policies:

The Behaviour for Learning Policy

The Substance Misuse Policy

Safeguarding Policy

ICT Policy

3. Prohibited Items

3.1 The following are considered prohibited items (DfE 2013):

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the 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)

3.2 The Headteacher and authorised staff: Leadership Team, Year Leaders, Deputy Year Leaders and Home School Liaison Officer can search for any item banned by the school rules.

- lighters
- legal highs
- electronic cigarettes
- DVD's and games age inappropriate
- BB guns
- Folding pocket knives/any other item that may be used as a weapon
- Air rifles
- Matches
- Laser pens
- Imitation weapons
- Any item regarded as drug related paraphernalia
- Any item considered harmful or detrimental to school discipline

4. Screening

- Students may be required to undergo screening by a walk- through or hand-held metal detector (arch or wand) even if they are not suspected of having a weapon on them. This may take place from time to time in conjunction with the police.
- Students may be screened by a wand by a member of the Safeguarding team if they are believed to have an offensive weapon on their possession.

SCREENING, SEARCHING & CONFISCATION

- If a student refuses to be screened the school may refuse to have the student on the school premises. Parents will be informed and the student's absence treated as unauthorised. The student should comply with the rules and attend.
- At unannounced times a Drugs Dog (Licensed by the Home Office) may be used to carry out pro-active searches of rooms in school. Students will be asked to leave blazers and coats on the back of their chairs with bags on the floor. They will then be asked to leave the room whilst the dog carries out the search with a member of Haydon staff present and Schools Police Officer. If the dog makes an indication the items will then be searched with the student present, member of school staff and Schools Police Officer. A Drugs Dog may also be used for passive scanning in the corridors and around the building.

5. Searching**5.1 Searching With Consent**

- Staff can search students with their consent for any item
- Staff can ask students to turn out their pockets, search their bag or locker
- If staff suspect the student has a banned item in his/her possession they can instruct the student to turn out pockets and bag. If the student refuses, parents and police may be called

5.2. Searching Without Consent

- Prohibited items and banned items can be searched for if a member of staff has reasonable grounds for suspecting that a student is in possession of a prohibited or banned item. For example they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious. School staff can also view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- The Headteacher or a member of staff authorised by the Headteacher may carry out the search
- The member of staff must be the same sex as the student being searched, there must be a witness (also a member of staff) and, if at all possible they should be the same sex as the student
- A member of staff can carry out a search of a student of the opposite sex to them and without a witness present but only where they reasonably believe that there is a risk that serious harm will be caused to the person if they do not conduct the search immediately and where it is not reasonably practical to summon another member of staff.
- 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 a school trip in England or in a training setting.

5.3 During the Search

- The person conducting the search will not require the student 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' for example hats, shoes, boots, gloves and scarves.
- 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- A student's possessions can only be searched in the presences of the student and another member of staff, except where there is a risk that serious harm will be

SCREENING, SEARCHING & CONFISCATION

caused to the person if the search is not conducted immediately and where it is not practically reasonable to summon another member of staff.

- Members of staff can use such force as it 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 could be used to commit an offence or cause harm. Such force cannot be used to search for banned items.
- If a student refuses to co-operate with the search the police may be called.

6. 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.

7. After The Search

7.1 The Power to Seize and Confiscate Items – General

- Schools' general power to discipline, as set out in Section 91 of the Education Inspectors Act 2006, enables a member of staff to confiscate, retain or dispose of a student'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 as long as it is reasonable in the circumstances.
- Any item thought to be a weapon 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.

7.2 Items Found as a Result of a 'Without Consent' Search

- A member of staff 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.
- **Alcohol:** must be disposed of
- **Controlled drugs:** these must be delivered to the police as soon as possible but may be disposed of if the member of staff thinks there is good reason to do so
- **Other substances:** which are not believed to be controlled drugs can be confiscated where the member of staff believes them to be detrimental to good order and discipline. This would include for example so called 'legal highs'.
- **Stolen items:** these must be delivered to the police as soon as reasonably practical – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practical) if the person thinks that there is good reason to do so.
- **Tobacco or cigarette papers:** must be disposed of
- **Fireworks:** must be disposed of.
- **Pornographic images:** the image must be kept as it may constitute a specified offence (i.e. it is extreme child pornography). The image should be shown to the Safeguarding Officer who must decide if the image should be delivered to the police. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them on to the police.

SCREENING, SEARCHING & CONFISCATION

- **An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property:** may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- **Weapons or items which are evidence of an offence:** must be passed to the police as soon as possible.

8. Statutory Guidance on the Disposal of Controlled Drugs and Stolen Items

- It is up to the teachers 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.
- **In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police, 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 (ipods/laptops) or illegal (alcohol/fireworks).

9. Statutory Guidance for Dealing with Electronic Devices

Staff may lawfully search electronic devices, without consent or parental permission, if there is a suspicion that the pupil has a device prohibited by school rules, or the staff member has good reason to suspect the device may be used to:

- cause harm,
- disrupt teaching,
- break school rules,
- commit an offence,
- cause personal injury, or
- damage to property.

Any data, files or images that are believed to be illegal must be passed to the police as soon as practicable, including pornographic images of children, without deleting them.

Any data, files or images that are not believed to be unlawful, may be deleted or kept as evidence of a breach of the school's behaviour policy

10 Informing Parents

- School is 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 keep a record of a search but Haydon School will do this and place in the students file.
- Haydon School will inform parents or guardians when a prohibited or banned item is found on their child's possession following a search.
- Complaints about screening or searching should be dealt with through the normal school complaints procedures

SCREENING, SEARCHING & CONFISCATION

History

Date	Issue	Status	Comments
Feb 2014	1	New	To Parent Voice 06.02.14 for consultation. Accepted. To Student Committee 20.03.14. To FGB for vote & approval 08.05.14 Accepted
May 2017	2	Updated	To Student committee 24.05.17. Approved. To FGB 06.07.17 for information
January 2018	2	Update	To Student committee 17.02.18 – Approved. To FGB 02.02.18 for information
February 2018	3	Update	In line with DfE guidance. To Student committee 20.03.18. Approved to FGB 03.05.18 for information only.