

Searching and Confiscation Policy (Trust including EYFS)

Related Policies

- Behaviour Policy
- Child Protection Policy
- Substance Misuse Policy
- Student AUP
- Mobile Device and Digital Content Policy (Student Guidelines)

1. Introduction

- I. This Policy has been written with regard to the statutory guidance Screening, Searching and Confiscation. (This policy only applies in England. For trips outside England please consult with PDH)

2. Search with Consent

- I. The School staff may search a pupil with their consent for any item. Appropriate consideration will be given to factors that may influence the pupil's ability to give consent.

3. Search without Consent

- I. In relation to prohibited items, as defined below, the Headmaster, and staff authorised by the Headmaster (listed below), may search a pupil or a pupil's possessions, without their consent, where they have reasonable grounds for suspecting that a pupil has a prohibited item in their possession.

a) Authorised Members of Staff: -

- a. Housemaster
- b. Prep School Heads of Year
- c. Deputy Housemaster
- d. SMT
- e. Offsite Trip Leaders

b) Prohibited items: -

Knives or weapons; alcohol; illegal drugs; psychoactive drugs; stolen items; smoking 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 cause personal injury to or damage to the property of any person (including the pupil);

If the pupil refuses, sanctions will be applied (in line with the schools' Behaviour Policies).

c) Location of Search: -

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 pupil, for example on school trips in England or in training settings.

4. Searches Generally

- I. If staff believe a pupil is in possession of a prohibited item, it may be appropriate for a member of staff to carry out:
 - a) **a search of outer clothing.** 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.
 - b) **a search of School property**, e.g. pupils' lockers or desks

- c) **a search of personal possessions.** 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags. Under common law powers schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present. A Pupil's possessions 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 reasonable practicable to summon another member of staff.
- d) **A search of an electronic device.** Where the person conducting the search finds an electronic device they may examine data or files on the device if they think there is a good reason to do so. If there is any suspicion that the device contains youth produced sexual imagery, the device should be seized immediately and securely stored before handing to the DSL. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- II. **Also note:** *the power to search 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.*
- a) Under article 8 of the European Convention on Human Rights, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy during a search.
- b) The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness then the teachers wishing to conduct a search must do so. However, this may not be the case where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practical to summon another member of staff.
- c) Where the Headmaster, or staff authorised by the Headmaster, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item as appropriate in accordance with the DfE guidance *Screening, Searching and Confiscation January 2018*.

5. Record Keeping and Informing Parents

- I. A record will be made of any individual searches that take place and this will be placed on the pupil's file. These will include the reasons why, who was present and whether anything was found. (See Appendix 1)
- II. In the case of a search such as a boarding house search or the searching of a group of lockers, record will be kept in the relevant house.
- III. If an individual is found to have any prohibited item in their possession this will be recorded on their file. Parents or guardians should be informed if alcohol, illegal drugs or potentially harmful substances are found; though there is no legal requirement to do so. If the matter is considered significantly serious, the parents may be invited in to discuss the matter with the Headmaster or Principal Deputy Head or a person that they authorise. This would always happen where a serious sanction was being considered (in line with the schools' Behaviour Policies).

6. Confiscated Items

- a) Staff must seize any prohibited or banned item found during the search.
- b) Items which are evidence of an offence must be passed to the Police as soon as possible.
- c) Any seized substance whose legal status is unsure should be treated as a controlled drug.
- d) Any substance believed to be a 'legal high' will be confiscated.

- e) The Senior Nurse should be informed of any 'sharp' items seized to arrange safe storage / disposal.
- f) Alcohol, tobacco, cigarette papers and e-cigarettes which have been seized should be disposed of.
- g) All other items should be handed into the Principal Deputy Headmaster's office immediately where it will be recorded on the Schools' MIS and then locked away before disposal once disciplinary matters are concluded.

7. Complaints

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

Owned by:	Principal Deputy Head
Authorised by:	SMT
Date:	November 2018
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	Published on school website

Search and Confiscation – Record

[To be completed in accordance with Search and Confiscation Policy (Trust)]

Date / Time of search	
Pupil / pupils searched	
House	
Year / Year groups	
Member of staff in charge (must be Hm / Deputy Hm / SMT and same gender as pupil except in emergency situations)	
Second member of staff present (same gender as pupil)	
Location where search takes place	
Reason for search	
Consent given by pupil? Yes / No	
If Yes , pupil signs here or for large numbers attach sheet	
If No , please give 'reasonable grounds' for search	
Was anything prohibited found – please give details?	
If Yes please note what action has been taken e.g. referral to senior staff, parents / guardians / police informed. How have items been disposed of?	
Signed:	
Dated:	

Viewing and Deleting Youth Produced Sexual Imagery

The Headmaster has authorised the DSL, and in their absence the Assistant DSL to view and delete (where appropriate) youth produced sexual imagery in line with guidance published by; UK Council for Internet Safety (Sexting in schools and colleges, 2016), Department for Education (Searching, screening and confiscation, 2014) and Keeping children safe in education, 2016)

The decision to view youth produced sexual imagery should be based on the professional judgment of the DSL and a verbal description of any imagery should wherever possible, be obtained to inform this decision.

Prior to viewing, such imagery the DSL should be satisfied that it:

- Is the **only** way to ascertain the involvement of external agencies
- Is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report
- Is avoidable because a pupil has presented an image directly to a staff member or the imagery has been found on a school device or network

Viewing:

- The Headmaster should wherever possible be informed prior to the DSL viewing any youth produced sexual imagery
- Ensure viewing is undertaken by the DSL or another member of the safeguarding team with delegated authority from the Headmaster
- Ensure that viewing takes place with another member of staff in the room (preferably a member of the SMT). This staff member does not need to view the image
- Wherever possible the viewing takes place on school premises in a secure location
- Wherever possible ensure that images are viewed by a staff member of the same sex as the young person in the imagery
- Appropriately record the viewing of the imagery and subsequent action in the schools safeguarding records

An appropriate record must be kept of any staff member that has had unavoidable contact with youth produced sexual imagery (e.g IT technical staff carrying out monitoring duties or staff who have been directly presented with an image by a pupil).

Responding to incidents pertaining to youth produced sexual imagery

A risk assessment must be undertaken to ascertain:

- The vulnerability of the child
- Coercion
- Impact on children
- How shared and where
- Age of children featured in the image

Following on from the initial review, the DSL in consultation with the Headmaster can decide that there is no need for the involvement of external agencies and any imagery can therefore be deleted if:

- The incident does not involve an adult (anybody over the age of 18 years old)
- There is no evidence of coercion, blackmail or grooming
- There are no concerns regarding the child's capacity for consent
- There is based on the DSL's understanding of the imagery, no evidence of sexual acts which are violent or unusual for the young person's developmental stage
- The imagery in question does not involve anybody under the age of 13

- There is no reason to believe that the pupil is at immediate risk of harm as a result of the creation or sharing of this image

Should any of the above points not be satisfied, the relevant external agency must be informed.

Deleting:

- The young person should be given the opportunity to delete any imagery from the mobile device and any online platforms including automatic backup facilities
- The young person should be informed that failure to delete such imagery may constitute a criminal offence
- Once satisfied that all imagery has been deleted, the DSL may return the seized device to the pupil
- In extreme instances the DSL or another member of the safeguarding team, with delegated authority from the Headmaster, may delete imagery from mobile devices
- An appropriate record of any deletion must be made in the schools safeguarding records