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1. Introduction

1.1 This policy takes into consideration the DfE ‘Searching, Screening and Confiscation advice for schools’ published in July 2022 and is applicable to all areas of the school including the Early Years Foundation Stage and after school care.

2. What Can Be Searched For under the Education Act

2.1 The Headteacher (and any staff authorised by the Headteacher) has a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect the pupil may have any of the following prohibited items listed under the Education Act:

- Knives and weapons
- Alcohol
- Illegal Drugs
- Stolen Items
- Any article that the staff member reasonably suspects has been used to commit an offence or to cause personal injury or damage to someone’s property
- Tobacco products or E Cigarettes
- Fireworks
- Pornographic Images

3. What Can Be Searched For under the School Rules

3.1 School staff also have the power to search a pupil where they have reasonable grounds to suspect the pupil may have any item prohibited under the school rules. These are as follows:

- Mobile phones
- Smart watches
- Electronic devices other than school issues iPad
- Sweets/Snacks (Grub)
- Money

4. Pupil Consent

4.1 Before any search takes place, the member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their consent is provided. The only exception to this is where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and the pupil is not readily available to obtain consent.

5. Search Process

5.1 A pupil's possessions will only be searched in the presence of the pupil and another member of staff. The only exception to this is where there is a risk that serious harm will be caused to a person if the search is not conducted immediately.

5.2 Where possible the search should take place away from other pupils.

5.3 If the Search is of the pupil (rather than their possessions), then the member of staff conducting the search must be of the same sex as the pupil being searched and there must be another member of staff present to witness the search.

5.4 A member of staff may search a pupil's outer clothing, pockets or possessions. The person conducting the search must not require the pupil to remove any clothing other than outer clothing. Outer clothing means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots and scarves.

6. Pupil Refusal for Search to Take Place

6.1 If a pupil refuses to cooperate with the search, the pupil may be sanctioned in line with the school's behaviour policy. If the member of staff considers a search to be necessary, they should seek the advice of the headteacher and DSL. During this time the pupil should be supervised and kept away from other pupils.

6.2 If the pupil still refuses to cooperate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. Reasonable force can be used to search for an item prohibited under the Education Act (para one) but not an item which is prohibited under the school rules (para two).

- 6.3 Reasonable force should be considered on a case-by-case basis and consideration should be given to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder.
- 6.4 When exercising the power to search, the school must consider the age and needs of pupils being search or screened (this includes the individual needs or learning difficulties of pupils with SEN) and making reasonable adjustments that may be required where a pupil has a disability.
- 6.5 The DSL should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. Staff should inform the DSL without delay if they believe that a search has revealed a safeguarding risk.

7. Strip Searches (Only permitted to be conducted by the Police)

- 7.1 Should the Police have reason to enter the school to conduct a strip search of a pupil, (which involves the removal or more than outer clothing), school staff retain a duty of care to the pupils involved and will advocate for the pupil's wellbeing at all times. Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected. The Police only have power to conduct a strip search if it is considered necessary to remove an item related to a criminal offence.
- 7.2 Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult (i.e. a teacher or parent). Further information is available under Code C of the Police and Criminal Evidence Act 1984 (PACE).
- 7.3 Following any such search, the school, led by the Designated Safeguarding Lead, will ensure the appropriate pastoral support and any required referrals are made.

8. Recording Searches

- 8.1 Any search by a member of staff for a prohibited item (and all searches conducted by police officers) should be recorded in My Concern (the schools safeguarding reporting system). The record of each search should include
- The date, time and location of the search
 - Which pupil was searched
 - Who conducted the search and any other adults or pupils present
 - What was being searched for
 - The reason for the searching
 - What items, if any, were found
 - What follow up action was taken as a consequence of the search
- 8.2 The DSL and Assistant Head (Operations) will monitor these records for any trends that emerge.

9. Informing Parents

Parents will always be informed of any search for an item prohibited under the Education Act and the outcome of the search as soon as is practicable. The school may inform parents of a search for an item prohibited under the school rules.

10. Confiscation

Any item can be confiscated following a search if the member of staff has reasonable grounds for suspecting, the item poses a risk to staff or pupils, is prohibited in school or identified in the school rules for what a search can be made or is evidence in relation to an offence.

- **Prohibited Items of Illegal Drugs**
Controlled drugs and any other substance which the member of staff believes could be harmful, should be delivered to the police as soon as possible unless there is a good reason not to. The school does not legally have to give the name of the pupil from whom drugs have been taken to the police, but it will consider doing so on a case-by-case basis.
- **Tobacco products or E Cigarettes, Alcohol, or Fireworks**
The person conducting a search should retain or dispose any such items sound as they think appropriate but should not return them to the pupil
- **Pornographic Images**
The person conducting the search 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 an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable.
- **Stolen Items**
These must be delivered to the police as soon as reasonably practicable. However, if there is a good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning them to their owner is not practicable.
- **Weapons or Items which are evidence of a suspected offence**
Must be passed to the police as soon as possible.
- **Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage**
Should be confiscated. If a member of staff suspects a confiscated item has been used to commit an offence, or is evidence in relation to an offence, the item should be delivered to the police.
- **Items banned under the school rules**
Members of staff should use their judgement to decide to return, retain or dispose of any item banned under the school rules.

- **Electronic Devices**

Staff may examine any data or files on an electronic device they have confiscated as a result of a search if there is a good reason to do so. As with all prohibited items staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

If the member of staff conducting the search suspects, they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image and must never copy, print, share, store or save such images. When an incident might involve an indecent image or a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the DSL.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.

If the data or files are not suspected to be evidence in relation to an offence, the member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

11. Confiscation as a disciplinary penalty

The school's power to discipline pupils enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. Staff must consider (in line with section 91 of the Education and Inspections Act 2006) where confiscation, retaining or disposing of a pupils' property constitutes a proportionate punishment in the circumstances of the case.

12. Items Discovered by Staff Going About Their Duties

12.1 It is accepted that staff, may discover prohibited items whilst going about their normal duties. Any items will be handed in to the Heads of Boarding or Assistant Head (Operations) for safekeeping before being followed up.

12.2 Any 'prohibited items' discovered will be left in situ until a senior member of staff is present to confirm the discovery. In both situations, parents will be informed by a member of staff.

13. Complaints

Any complaints about searching, screening or confiscation should be dealt with through the school complaints procedure which can be found on the school website at www.windlesham.com