

Katharine Lady Berkeley's School

Searching and Confiscation Policy

Introduction

Katharine Lady Berkeley's School (the "**School**") is committed to ensuring a safe learning environment for our pupils and staff. This policy complies with the Department for Education's (**DfE's**) advice on "*Searching, Screening and Confiscation*" published in 2018. This policy should be read in conjunction with our School's Behaviour and Discipline Policy that requires pupils not to be in possession of items which detract from good behaviour.

Powers of search

The Head teacher and members of the School's Senior Leadership Team can search a pupil and their possessions for any item with the pupil's consent. The consent of the pupil is not required to be written. It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.

The Head teacher and any staff authorised by them have a statutory power to search pupils or their possessions without their consent where they have reasonable grounds for suspecting that the pupil has prohibited items. The items that can be searched for under this power are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any item that a member of staff reasonable 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.

The Head teacher and staff authorised by them can also search for any item banned by the School rules and identified as an item which may be searched for without consent. Such items include, amongst other items:

- Mobile phones if used during the school day by Years 7 to 11 or outside the sixth form area by Years 12 and 13
- Laser pens
- Cigarette lighters, matches and associated paraphernalia
- Items associated with alcohol and illegal drugs
- Aerosol cans
- Any item that may pose a threat to others
- Any item which is contrary to the ethos of the School.

Establishing grounds

Staff can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in their possession a prohibited item or an item banned under the School rules. Staff will decide in each case what constitutes reasonable grounds. It may, for example, be reasonable to conduct a search where pupils have been heard talking about the item or where a pupil has been acting suspiciously.

How to conduct searches

Staff of the same sex as the pupil will carry out any search conducted without consent and there will be another member of staff present as a witness (preferably of the same sex as the pupil). However, staff can carry out a search of a pupil of the opposite sex and without a witness present where they reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Staff can undertake a personal search of a pupil without consent involving the removal of outer clothing (not worn next to the skin or immediately over a garment worn as underwear). It does not, however, allow staff to conduct an intimate search.

Staff can search lockers and desks for any item provided the pupil agrees. The School may 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. If a pupil does not consent to such a search of the School's property, then it is possible to conduct a search without consent but only for prohibited items and items banned by the School rules.

A pupil's possessions 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 to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

The procedure for a search involves:

- asking the pupil to empty the contents of their bag onto a desk. The contents and the empty bag are then inspected
- asking the pupil to remove the contents of their jackets pockets and place them on a desk and then to remove their jacket. The contents and the jacket are then inspected
- asking the pupil to turn out their trouser pockets
- asking the pupil to remove their shoes. The insides of the shoes are then inspected

Searches without consent can only be carried out on the School premises or where the member of staff has lawful charge of the pupil such as on educational visits.

Use of force

Staff can use reasonable force when conducting a search without consent for prohibited items. Such force cannot, however, be used to search for items banned under the School rules (see Use of Reasonable Force Policy).

Confiscation

School staff have a general power to confiscate, retain or dispose of a pupil's property where reasonable to do so which is found as a result of a search with consent.

For items found as a result of a search without consent, staff can confiscate any item they have reasonable grounds for suspecting is a prohibited item or is banned under the School rules.

Where the item may be returned to the pupil, such as a mobile phone, the item will be taken to the School's Reception at the earliest opportunity and the staff member shall name the pupil from whom the item has been confiscated. The item will then be placed in an envelope with the pupil's name and put in the School's safe. The length of confiscation will normally be until the end of the school day or until collected by the pupil's parent.

Where a member of staff conducting a search:

- finds alcohol, they may retain or dispose of it but not return it to the pupil
- finds controlled drugs, these should be handed to the police but may be disposed of if there is a good reason to do so
- finds other substances which are not believed to be controlled drugs, such as 'legal highs', these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline and should be treated as controlled drugs
- finds stolen items, these should be delivered to the police as soon as possible but may be returned to the owner if there is a good reason to do so (for example, a low value item)
- finds tobacco or cigarette papers, they may retain or dispose of them but not return them to the pupil
- finds fireworks, they may retain or dispose of them but not return them to the pupil
- finds a pornographic image they may dispose of the image unless it constitutes an offence (such as child pornography) in which case it must be handed to the police as soon as possible
- finds any weapons or items which are evidence of an offence, they must be passed to the police as soon as possible
- finds an item which is banned under the School rules, they may return it to the owner, retain it or dispose of it
- finds a device prohibited by the school rules or that they reasonably suspect has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data on the device where there is a good reason to do so. They may also delete data if they think there is a good reason to do so (for example, it could be used to disrupt teaching or cause harm) unless they are going to give the device to the police. They may otherwise return the device to the owner, retain it or dispose of it.

School trips

This policy on searches of pupils and their belongings applies at all times, irrespective of whether the pupil is at the School or on a school trip. In such cases the trip leader and other supervising staff are permitted to carry out a search. During a school trip

staff may also search a student's room. Prior consent from the student is not required and this must be carried out by two members of staff.

Record

Staff will keep a record of any search (including information on the pupil, date, consent or otherwise, item found, whether it was retained, returned to the owner, disposed of or handed to the police, the person who conducted the search and any witness).

The School is not required to inform parents before a search takes place or to seek their consent. Staff will inform parents subsequently about the search and any item found.

Complaints about screening, searching or confiscation will be dealt with through the School's complaints procedure.

Sanctions

Any pupil who refuses to co-operate with a search will be considered to have refused a reasonable staff instruction and will be sanctioned in accordance with our Behaviour and Discipline Policy.

Reviewed by: Community and Wellbeing

Date: July 2022

Next review: July 2024