

# **Searching, Screening and Confiscation policy**

## **St John the Baptist Church of England**

### **Primary School**



### **Background**

At St Johns, we follow the statutory DfE guidance 'Searching, screening and confiscation July 2022'. As such, should the need arise to screen or search a pupil this will be done in line with the above guidance and only with the authorisation of the Headteacher.

### **Objectives of this policy**

To outline the policy and legal powers the school has for screening and searching pupils. It also outlines the powers the school has to seize and then confiscate items found during a search.

### **Searching**

Before screening or conducting a search of a pupil, we will consider their obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item. Prohibited items are;

- Knives and 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 property of; any person (including the pupil).

## **Confiscation**

School staff can confiscate any prohibited item found as the result of a search. The designated safeguarding lead (or deputy) 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 as listed above. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

Headteachers and authorised staff can also search and confiscate any item banned by the school rules. At St Johns these are items that are considered harmful or detrimental to school discipline and would include;

- An item posing a threat to good order for learning: for example, a pupil uses a personal music-player in class. Pupils' mobile devices would also fit into this category;
- An item is against school uniform rules: for example, a pupil refuses to take off a baseball cap/hoodie on entering a classroom
- An item poses a health or safety threat: for example, a pupil wearing large ornate rings in PE may present a safety threat to other pupils, e-cigarettes/vapes may cause damage to the overall health of pupils
- An item which is counter to the ethos of the school: for example, material which might: cause tension between one community and another;

## **Searching with consent:**

- School staff can search pupils with their consent for any item
- Formal written consent is not required from the pupils (such as asking the pupils to turn out his or her pockets or if the teacher can look in a pupils' bag or locker and for the pupil to agree.
- Any items banned from school will be clearly shared with parents and carers via the Weduc app.
- If a member of staff suspects a pupil has a banned item in his/her bag and if the pupil refuses, the member of staff can apply an appropriate sanction as set out in the school's behaviour policy.

## **Searching without consent:**

- The headteacher or a member of staff authorised by the headteacher can search without consent of child or their parent/ carer if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.
- A member of staff must be the same sex as the pupil being searched; and there must be a witness (also a member of staff) and, if at all possible, they should be the same sex as the pupil being searched.
- If you believe the child is at risk of serious harm if you do not search immediately then the search can be conducted on a child of the opposite sex and with a witness.
- 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 pupils, for example on school trips in England or Overseas.

## During the search

The law states:

- The person conducting the search may not request the pupils to remove clothing other than outer clothing
- 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 reasonably practicable to summon another member of staff.
- It does NOT enable or allow an intimate search going further than that, which only a person with more extensive powers (e.g. police officer) can do.
- 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 as listed above.

## Electronic Devices

- If it is suspected that the device has been or is likely to be used to commit an offence or cause personal injury or damage to property then data or files on the device can be examined.
- This can be done under the powers of 'without consent' search if it is reasonably suspected to be used to commit an offence or cause personal injury or damage to property
- If inappropriate material is found on a pupil's device, the Designated Safeguarding Lead will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- Any material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image must not be deleted and must be given to the police as soon as reasonably possible.
- The school may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

## After the search

- Senior leaders can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.
- Any offensive weapon, controlled drugs, stolen items (unless low value eg. Pencil cases), pornographic images that are a specified offence (ie. Extreme or child pornography) must be passed to the police.
- The school will inform the individual pupil's parents or guardians where a search has taken place, though there is no legal requirement to do so.

## **Schools obligation under the EU Convention on Human Rights**

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 reasonable level of personal privacy. The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school must be justified and proportionate. The powers of search in the Education Act 1996 are compatible with Article 8.

## **Screening**

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector. We do not have such devices.

The advice will be kept under review and updated as necessary.

Policy approved January 2023

To be reviewed January 2025