



# Holte School

## Search Confiscation and Screening Policy

<b>Lead member of staff:</b>	Andy Oliver (DHT Inclusion/DSL)
<b>Legislation Status: (Statutory/Non-Statutory)</b>	Statutory
<b>Local Authority Model Policy or School Written Policy:</b>	School Written Policy
<b>Required on school website:</b>	Yes
<b>Revision Date:</b>	May 2023
<b>Date Ratified By Full Governing Body:</b>	June 2023
<b>Signed By Chair Of Governors: Ms C Hardy</b>	C Hardy

## **1. Aims and objectives**

1.1 At Holte School we are committed to creating a safe and inspiring place for all children to learn and develop, where children's rights are respected, their talents are nurtured and they are able to thrive as individuals and as a community. The UN Convention on the Rights of the Child (CRC) is at the heart of our ethos and our curriculum.

The four guiding principles of the UN Convention on the Rights of the child state that:

- All children are entitled to the same rights without discrimination of any kind.
- All actions concerning children will take into account the best interests of the individual child or group of children as the primary consideration.
- All children have the right to survival and development.
- Children have the right to express their views in all matters affecting them.

Holte School is committed to the guiding principles of the Convention and is actively committed to promoting all articles of the convention in all areas of the school and its work. The following articles are protected and promoted through this policy – articles 3, 4 and 28.

1.2 Holte School is dedicated to improving life opportunities for all of its pupils through high quality education. We seek to do this by working in harmony with pupils, families and our local community to create an inclusive educational environment. The aim and objectives of this policy are:

1. To ensure that good order in school is maintained
2. To ensure the health, safety and well-being of all personnel on the school site
3. To establish a clear and consistent procedure for maintaining points 1 and 2 above via an agreed search, confiscation and screening policy.
4. To clarify the reasons why search, screening or confiscation may take place.
5. To clarify the types of item that may prompt search, screening or confiscation.
6. To clarify the method by which any search, screening or confiscation will be undertaken.

In order to achieve this, the safety of all pupils, staff and other stakeholders is paramount and the school will take all reasonable and necessary measures to preserve safety and good order within the school environment.

Government legislation since May 31<sup>st</sup> 2007 grants Head Teachers the authority to action a search without consent when they have reasonable grounds for suspecting that a pupil has a weapon or an item likely to cause danger or disruption.

1.3 This policy is in response to and supportive of:

- School Behaviour Regulations (2012)
- Education and Inspection Act (2006)
- DfE guidance on 'Searching, screening and confiscation' (2014)
- The Schools (Specification and Disposal of Articles) Regulations (2012)
- The Human Rights Act 1998
- Health and Safety at Work Act (1974)

## **2. The processes and procedures for searching pupils**

2.1 The Headteacher and staff authorised by the Headteacher have a statutory power to search pupils or their possessions without consent where they have reasonable grounds for suspecting that the pupil may have a prohibited item. The staff authorised by the Headteacher include the Senior Leadership Team, Year Coordinators and Year Managers.

2.2 The following items are prohibited at Holte School:

- Knives or weapons, including items adapted into a weapon
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to, commit an offence or to cause personal injury or damage to the property of another person.
- High energy high caffeine drinks such as Lucozade, LSV or Boost and confectionary.

2.2 School staff can seize any prohibited item found as a result of a search. Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life and therefore pupils have the right to expect a reasonable level of personal privacy. Any interference with this right must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8.

2.3 Government guidance on the searching of pupils distinguishes between no-contact and low-contact screening and body searches that involve touching a pupil. There are three broad powers afforded to Headteachers:

1. Schools can impose random screening without suspicion and without consent. The law allows schools to use hand held metal-detecting wands to screen pupils.
2. Holte School will screen pupils randomly throughout the school year on a form group by form group basis using metal detecting wands. Female staff will use the wands with female pupils and male staff with male pupils. All such searches are recorded.
3. The school will refuse entry to any pupils or person who refuses to be screened. If this is the case the pupil has not been excluded and the pupil's absence should be treated as unauthorised.

2.4 Searching a pupil with their consent

1. If no-contact screening detects a metal object on the pupil's person, or if local intelligence suggests that a pupil is in possession of an item that may be illegal, stolen and/or likely to cause harm or disruption, the Head Teacher, or designated senior member of staff, will search the pupil.
2. The pupil will be asked for their consent to search and every reasonable effort will be made to gain consent from the pupil. Holte School is not required to have formal written consent from the pupil for this sort of search.
3. Contact searches of pupils will be undertaken by staff of the same sex as the pupil.
4. A second member of staff will witness any searching of pupils that takes place.
5. Searching of pupils should take place in a private place out of view of all except those who need to be present for the search.
6. The search procedure may be personal (removal of outer clothing and garments and searching of pocket contents) but not an intimate search that goes further than that. Personal dignity of the pupil must remain in place at all times.
7. A police officer must be used to conduct a more detailed search of an individual.
8. Should an item be discovered that is illegal and/or likely to cause harm or disruption the pupil will be asked to surrender the item and it will be placed in the school safe (please see "Confiscation of Property" below).

## 2.5 Searching without a pupil's consent

1. Under the new powers the Head Teacher or staff authorised by the Head Teacher may search a pupil even when consent has not been given by the pupil. Such a search must be conducted by a member of staff who is the same sex as the pupil being searched and there must be a witness. Such searches will be carried out if there are reasonable grounds for suspecting that a pupil is in possession of a prohibited item. Prohibited items are listed in the Holte School Behaviour Policy.
2. In such cases, where consent to search is not given, staff should not put themselves in a position where physical harm can be caused to themselves, the pupil or any property.
3. If the pupil decides to consent to a contact search then points 1-5 of "Searching with Consent" above should be followed.

4. If the pupil continues to refuse to a search, school staff should follow the guidance below or contact West Midlands Police requesting assistance with the search.

## 2.6 Expectations during the search of a pupil

1. No pupil will be asked to remove clothing other than outer clothing, such as a blazer, or coat. A metal detecting wand will be used to search a pupil. Pupils will be asked to empty the contents of their pockets before a search takes place. A search of a pupil's bag is also permissible.
2. Pupil's possessions will only be searched in the presence of the pupil and another member of staff. The member of staff conducting the search will be the same gender as the pupil being searched.
3. 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.

## 2.7 School Link Police Officer

1. Wherever possible the Link Police Officer for the school will be asked to lead or oversee more detailed screening or searching of a pupil or pupils.
2. Where consent to search is persistently and strongly refused by pupil and parent the School Link Police Officer or West Midlands Police will be contacted.
3. Where police involvement takes place they will follow police protocol to record the incident. However, school recording procedure should still be maintained (see "Record Keeping" below).

## 2.8 Confiscation, Retention and Disposal of Property

1. All confiscations of property must be reasonable and proportionate.
2. Confiscation is a disciplinary action to preserve good order, address and prevent unlawful or disruptive behaviour and ensure the health and safety of the school community.
3. The lead member of staff will explain to the pupil that the reason for confiscation is in line with points 1 and 2 above thus providing a defence against any allegations of infringement of human rights and making the confiscation lawful.

4. Where a staff member finds alcohol they will retain or dispose of it. It will not be returned to the pupil.
5. Where a staff member finds controlled drugs, these will be delivered to the Police as soon as possible.
6. Where other substances are found, such as 'legal highs', these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
7. Where a staff member finds stolen items these must be delivered to the Police as soon as possible.
8. Where a search finds tobacco or cigarette papers the school may retain or dispose of them. They should not be returned to the pupil.
9. Fireworks can be disposed of and should not be returned to the pupil.
10. Images of a pornographic nature can be disposed of unless its possession constitutes a specified offence (i.e. child pornography). In this case the material must be handed over to the Police as soon as possible. Images found on a mobile phone or other electronic device can be deleted unless they need to be passed onto the Police.
11. Where a teacher finds an item banned under the school rules they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it.
12. Any weapons or items which are evidence of an offence must be passed to the Police as soon as possible.
13. If a pupil refuses to surrender an item upon request this should **not** be pursued unless retention of the item by the pupil is likely to cause danger to other members of the school community.
14. It is reasonable and proportionate to issue a sanction in line with the school Behaviour and Relationship Policy if a pupil refuses to hand over an item that is likely to cause disruption.
15. Once an item has been confiscated the member of staff responsible will place the item in the school safe having signed and dated the log sheet in the school Finance Office.

If unsure, a member of staff should seek advice from the Head Teacher or the Designated Safeguarding Lead, Andy Oliver before taking action.

## 2.9 Electronic Equipment and Technologies

The school policy on the carrying and using of mobile electronic technologies is made clear to pupils and parents via the school Relationships and Behaviour Policy and should regularly be reinforced to ensure clarity and understanding.

- If pupils contravene the agreed school policy on mobile electronic technologies it is reasonable and proportionate to confiscate the item and secure it in the school safe until a parent/carer visits school to discuss the incident and have the item returned.
- At Holte School the carrying of mobile electronic technologies is discouraged but permitted if they are turned off and out of sight. Items are carried at pupils' own risk and school will not be responsible for loss or damage. Post 16 students may use mobile phones and other mobile technologies in school **but only** in their allocated Common Room space.
- In circumstances as outlined above it is reasonable and legitimate to confiscate a mobile phone but searching through a phone or accessing text messages is not. This must only be done by the Headteacher, the Designated Safeguarding Lead or the Assistant Headteacher (Pastoral).
- The Headteacher, Designated Safeguarding Lead or AHT Pastoral may ask a pupil to reveal the contents of a phone to establish whether, for example, cyber-bullying has taken place but if the pupil refuses then the member of staff should not enforce the instruction. At this point the School Link Police Officer or West Midlands Police should be contacted. A school sanction can reasonably be issued for refusing to follow a request.

## 2.10 External Examinations

- The directive from the Joint Council for Qualifications (JCQ) for examinations states:  
  
*“Do not take into the examination room any unauthorised materials or equipment which might give you an unfair advantage.  
This includes notes, calculator cases/instruction leaflets, bags, personal TVs/stereos, digital equipment, reading pens, electronic or radio communication devices, **including mobile telephones**, iPods, MP3 players and pagers... ..... Possession of unauthorised material is breaking the rules, even if you do not intend to use it, and you will be subject to penalty and possible disqualification”*
- In response to this Holte School offers secure facilities for pupils to leave unnecessary and unauthorised items.



- As part of this a numbered tray is offered to all pupils to place their switched off phone or electronic equipment in exchange for a correlating numbered ticket. This tray is supervised and secure at all times. When a pupil candidate leaves the examination hall at the end of the examination they can reclaim their telephone in exchange for the appropriate ticket.
- Failure of a pupil candidate to follow the above requests will lead to actioning of examination board sanctions outlined above plus confiscation of the equipment until a parent/carer attends to meet a senior member of staff and reclaim the property. The parent/carer may also be asked to pay the cost of examination entry should any further breaches of examination regulations take place.

### 2.11 Record Keeping of Searches

In the event that screening or searching of pupils or confiscation of items or property take place it is essential that records are kept.

- If a pupil or pupils are screened via a metal detecting wand or searched by a member of staff this should be recorded on the relevant spreadsheet saved in the Pastoral Interventions folder.
- If an item is taken from a pupil it must be logged in the school Finance Office and stored securely in the school safe.
- If proven that a screening or search has discovered an item that requires disciplinary action, the whole incident should be recorded via the *Sleuth* system. It may be necessary to take more detailed statements from various witnesses if the incident requires more serious disciplinary action, e.g. an exclusion.
- If a search reveals an illegal item or substance it must be logged and recorded. At this point the Police should also be informed and they will record events under their established procedures and protocols.
- Parents/carers do not have to be informed before a search or screening of a pupil takes place. However, if a pupil has been searched or screened, and items have been confiscated, parents/carers should be informed of this as soon as possible.
- In certain exceptional circumstances it may not be appropriate to inform parents/carers i.e. if it is a criminal matter where the parent may also be involved or where, even if nothing is found, revealing the search to parents may put the child at risk of harm from the parent/carer.

2.12 As a proactive measure, Holte School occasionally runs a weapon arch operation in conjunction with West Midlands Police. When this is done, all guidance contained within the recently published 'GUIDANCE FOR WEAPONS ARCH OPERATIONS ON EDUCATIONAL PREMISES' produced by West Midlands Police, is followed closely in partnership with our Link School Police Officer. The DSL has a copy of this guidance.