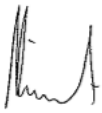




The Bridge Short Stay School

SEARCHING, SCREENING & CONFISCATION POLICY

Lead responsibility for policy	A Stewart Date: September 2022
Approved (Head Teacher)	 Date: September 2022
Date policy due for renewal	September 2023

Searching, Screening & Confiscation Policy

Statement of intent

The Bridge Short Stay School appreciates that students have the right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected.

Nevertheless, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose students or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which students can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

1. Legal framework

1.1. This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Health and Safety at Work Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- European Convention on Human Rights
- DfE (2022) 'Searching, screening and confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2022) 'Behaviour and discipline in schools'

1.2. This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Physical Restraint and Reasonable Force Policy
- Complaints Policy & Procedure
- Staff Discipline Policy and Procedure
- CCTV Policy
- Health and Safety Policy
- Offensive Weapons Policy
- Substance misuse Policy

2. Screening

- 2.1. Under the school's statutory power to make rules on student behaviour and the duty to manage the safety of staff, students and visitors, the school imposes a requirement that students may undergo screening either on arrival to school or during the school day.
- 2.2. All members of the senior leadership team and the behaviour coordinator have the authority to screen students.
- 2.3. The screening of students by a hand-held metal detector without their consent is permitted, even if it is not suspected that they are in possession of a banned item.
- 2.4. If a student refuses to be screened, the school has the right to refuse to allow that student on the premises. This does not mean that the school has excluded that student and the student's absence will be treated as unauthorised.
- 2.5. Screening without physical contact is not subject to the same conditions as those that apply to the powers to search without consent.

3. Searching with consent

- 3.1. Any member of staff has the authority to search students for any item with their consent.
- 3.2. Formal written consent is not required for this sort of search, it is sufficient for the member of staff to, for example, ask the student to turn out their pockets or to look in their bag
- 3.3. Items banned from the school premises under school rules are outlined in clause 5.7 of this policy and communicated through the home school agreement and behaviour policy.
- 3.4. If a member of staff suspects a student is in possession of a banned item, the student will be instructed to turn out their pockets or bag. If the student refuses to do this, the staff member will refer this to the behaviour coordinator or in their absence member of SLT in line with a refusal to follow instructions under the school's Behaviour Policy.

4. Authorising members of staff

- 4.1. Only the Headteacher and authorised members of staff have the authority to search students without their consent.
- 4.2. The Headteacher is responsible for deciding who the authorised staff are. Staff members authorised by the Headteacher with these powers are: all members of the senior leadership team and behaviour coordinators. Other staff may be authorised on a case by case basis dependent on the context, no written consent is required for that member of staff to be authorised
- 4.3. Staff members are permitted to refuse to undertake a search.

5. Searching without consent

- 5.1. The Headteacher and authorised staff have the statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may be in possession of a prohibited item. The staff member will decide what constitutes as reasonable grounds for suspicion on a case-by-case basis.
- 5.2. Prohibited items include (but not limited to):
 - Knives or weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - Fireworks
 - Pornographic images
 - Any item that a 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 the property of, any person.
 - Banned items as identified in the Behaviour Policy (refer to section 5.7 below)

- 5.3. Students will only be searched without consent by staff members who are the same sex as them and all searches will be witnessed by another member of staff who will be, where possible, the same sex as the student being searched.
- 5.4. A search will only be conducted by a person who is not the same sex as the student being searched, or without a witness, where the staff member reasonably believes that there is a risk of serious harm if the search is not conducted as a matter of urgency **and** in the time available it isn't practicable for the search to be conducted by a member of staff who is the same sex as the student **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff. Under these exceptional circumstances, the member of staff conducting the search should immediately report this to another member of staff and ensure a written record of the search is kept.
- 5.5. The school may consider the use of CCTV footage in order to decide whether to conduct a search of an item. Any CCTV usage will be conducted in line with the school's CCTV Policy.
- 5.6. An item banned by the school rules will only be searched for without consent if it is identified in the school rules that it is an item that can be searched for.
- 5.7. Banned items include:
- Legal highs
 - Aerosol cans
 - Paint thinners
 - Drug-related paraphernalia
 - Mobile Phones
 - E-Cigarettes
- 5.8. Searches without consent will only be carried out on the school premises or, if elsewhere, where the member of staff conducting the search has lawful control or charge of the student, e.g. on a school trip in England.
- 5.9. In any case where a search has been conducted for prohibited items, or the need for search highlights a potential safeguarding risk, the DSL (or deputy) should be informed as soon as possible. Records of these searches must also be recorded on CPOMS

6. Before the Search

- 6.1 A search will be considered if the member of staff has reasonable grounds for suspecting the student is in possession of a prohibited item.

The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other students and staff

- 6.2 Before any search takes place, the member of staff conducting the search should explain to the student why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions
- 6.3 If a student refuses to cooperate with a search staff should consider the potential reasons why this may be, which may include that:
- they are in possession of a prohibited item
 - they do not understand the instruction
 - they are unaware of what a search may involve
 - they have had a previous distressing experience of being searched

If a student continues to refuse to cooperate, the member of staff may sanction the student in line with the school behaviour policy

- 6.4 If the member of staff still considers a search to be necessary, but not required urgently, they should seek the advice of a member of SLT or Safeguarding staff who may have more information about the student. During this time the student should be kept supervised and away from other students
- 6.5 If the search is deemed necessary and urgent, staff may consider the use of reasonable force. This decision should be taken on a case by case basis and consider whether conducting the search will prevent the student from harming themselves or others, damaging property or causing disorder

7. During the search

- 7.1. Definitions:
- Outer clothing – clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, e.g. hats, shoes, gloves.
 - Possessions – any goods over which the student has or appears to have control, including desks, lockers and bags.
- 7.2. The person conducting a search will first ask 'if there are any sharp or dangerous objects that may cause harm' in pockets or on the person.
- 7.3. The person conducting a search will not ask the student being searched to remove any clothing other than outer clothing.

- 7.4. A student's possessions, their locker or desk will only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused if the search is not conducted immediately.
- 7.5. The power to search without consent enables a personal search, involving removal of outer clothing and the searching of pockets, but not an intimate search going further than that, which only a person with more extensive powers (i.e. a police officer) can do.
- 7.6. If a student does not consent to a search or withdraws consent then they may be subject to a search without consent but only for prohibited items.
- 7.7. Members of staff are permitted to use such force as is reasonable, given the circumstances, when conducting a search for prohibited items, but will not use force to search for items banned only under school rules. Any use of reasonable force will be conducted in line with the school policy on restraint and use of reasonable force

8. Strip Searching

- 8.1 A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by Police Officers under the Police and Criminal Evidence Act 1984. While the decision to undertake the strip search itself and its conduct are police matters, the school still retains a duty of care to students and should advocate for their wellbeing at all times
- 8.2 Before calling police into school, staff should assess and balance the risk of a potential strip search on student mental and physical wellbeing and the risk of not recovering the suspected item and ensure that other less invasive approaches have been exhausted
- 8.3 Unless there is a risk of immediate harm, staff should inform a parent of the student involved in advance of a search, even if the parent is not acting as the appropriate adult. Parents should always be informed once a strip search has taken place.
- 8.4 Other than in urgent cases with a risk of serious harm, there must be at least two people present other than the student, one of which must be the appropriate adult. If the student's parent wishes to be the appropriate adult school will facilitate this wherever possible. Police officers carrying out the search must be of the same sex as the student being searched. An appropriate adult not of the same sex as the student being searched may be present if specifically requested by the student, otherwise no-one of a different sex to the student is permitted to be present and the search must not be carried out in a location where the student could be seen by anyone else

- 8.5 Except in urgent cases as above, a search may take place without an appropriate adult only if the student explicitly states in the presence of an appropriate adult that they do not want an appropriate adult present during the search and the appropriate adult agrees. A record of this decision should be kept and signed by the appropriate adult
- 8.6 Strip searching can be highly distressing and should only take place if considered necessary to remove an item related to a criminal offence and the police officer reasonably considers the student might have concealed such an item
- 8.7 Irrespective of whether the suspected item is found, students should be given appropriate support following the search. The safeguarding team will consider appropriate support to respond to the search itself, as well as wider issues that informed the decision to search in the first place.

9. After the search

- 9.1. Staff members are permitted to confiscate, retain or dispose of a student's property where it is reasonable to do so.
- 9.2. Staff members will use their discretion to confiscate, retain and/or destroy any item found due to a search with the student's consent, so long as it is reasonable in the circumstances. Where any item is reasonably suspected to be an offensive weapon, it will be passed to the police.
- 9.3. Staff members are legally protected from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.
- 9.4. Details of all searches without consent will be recorded on the CPOMS system and the DSL (or deputy) informed to ensure they can implement a safeguarding response

Items found as a result of a search conducted without consent

- 9.5. Staff members carrying out a search are permitted to seize any item they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- 9.6. When a staff member conducting a search finds:
- Alcohol, they will retain or dispose of the item as they see appropriate; the alcohol will not be returned to the student.
 - Controlled drugs, they will deliver them to the police as soon as possible; however, they may also be disposed of if the staff member thinks there is a good reason to do so.

- Other substances which are not believed to be controlled drugs, they will confiscate them if they believe them to be detrimental to behaviour and discipline.
 - Stolen items, they will deliver these to the police as soon as possible or return them to the owner if they think there is a good reason to do so.
 - Tobacco or cigarette papers, they will retain or dispose of them; they will not be returned to the student.
 - Fireworks, they will be retained or disposed of, but not returned to the student.
 - A pornographic image, they will dispose of the image unless there are reasonable grounds to suspect that its possession constitutes a specified offence (i.e. the image is extreme child pornography); in these cases, the staff member will deliver the image to the police as soon as possible.
 - An item that has been, or is likely to be, used to commit an offence or to cause personal injury or damage to property, they will deliver the item to the police, return the item to the owner, or retain or dispose of the item.
 - Weapons or items which are evidence of an offence, they will pass the item to the police as soon as possible.
- 9.7. It is up for authorised staff to decide whether there is a 'good reason' not to deliver stolen items or controlled drugs to the police. In determining what a good reason is, the member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the item.
- 9.8. Where the member of staff is unsure of the legal status of a substance and has reason to believe it may be a controlled drug, the item will be treated as such.
- 9.9. In relation to stolen items, the police will not be involved in dealing with low-value items (e.g. pencil cases); however, it may be appropriate for the school to contact the police if high-value items (e.g. laptops) or illegal items (e.g. fireworks) are involved.

10. Electronic devices

- 10.1. If an electronic device that is prohibited by the school rules or that is reasonably suspected to have been, or is likely to be, used to commit an offence or cause personal injury or damage to property is found during a search, the staff member is permitted to examine any data or files on the device where there is good reason to do so.
- 10.2. Parental consent is not required in order to search a student's phone if it has been seized in a 'without consent' search.

- 10.3. Staff members have the authority to delete data or files if they think there is a good reason to do so, unless the device is suspected to be relevant to an offence, or is a pornographic image of a child or an extreme pornographic image; in these cases, the device will be given to the police and files and data will not be deleted from the device prior to doing this.
- 10.4. In determining what a good reason is, the member of staff will reasonably suspect that the data or file on the device has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
- 10.5. Any electronic device that has been seized which is prohibited by the school rules, and there are reasonable grounds to suspect that it contains evidence relating to an offence, will be given to the police as soon as possible.
- 10.6. If a member of staff does not find any material they suspect is evidence in relation to an offence, and decides to not give the device to the police, they are permitted to decide whether it is appropriate to delete any files or data from the device or retain the device as evidence of a breach of school discipline.

11. Parental consent

- 11.1. The school is not required to inform parents before a search takes place or to seek their consent to search their child.
- 11.2. The Headteacher or appropriate member of staff will inform the individual student's parents where alcohol, illegal drugs or potentially harmful substances are found via a phone call, or where staff have conducted a search without consent.
- 11.3. Complaints about screening or searching will be dealt with in line with the school's Complaints Procedures Policy.

12. Enforcement

- 12.1. All staff members are expected to act in accordance with this policy.
- 12.2. Any breach of this policy will be dealt with in line with the school's Disciplinary Policy and Procedure.

13. Monitoring and review

- 13.1. This policy will be reviewed on an annual basis by the Headteacher.

- 13.2. Any changes to this policy will be communicated to all members of staff, students and their parents.
- 13.3. The next scheduled review date for this policy is September 2023.