



# HALL GREEN SCHOOL

## SCREEN, SEARCH AND CONFISCATION POLICY

<b>Adopted:</b>	March 2021
<b>Last Review:</b>	
<b>Next Review:</b>	March 2023
<b>Governing Committee:</b>	Full Governing Body
<b>Responsibility:</b>	Headteacher Assistant Headteacher - Pastoral

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## **Statement of Intent**

Hall Green School appreciates that pupils have a 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.

However, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose pupils 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 authorised staff members can screen and search pupils, particularly without consent. It also outlines the legal powers to seize and then confiscate items during a search.

Staff members authorised by the Headteacher with screen and search powers are:

- Headteacher
- Deputy Headteachers
- Assistant Headteachers
- SENCO
- Heads of Houses
- Behaviour Mentors

The Headteacher may authorise other members of staff to carry out a screen or search as required. See 2 below.

## **Prohibited items**

Knives or weapons, alcohol, illegal drugs and stolen items.

Tobacco and paraphernalia, fireworks and pornographic images.

Any article 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 to property.

Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## **Banned items**

Psychoactive substances, formerly known as 'legal highs'.

E-cigarettes

Aerosol cans.

Paint thinners.

Non-prescribed hypodermic needles

Tooth pick crossbows

Replica and BB Guns

Laser pens

Knuckle Dusters and studded arm bands and bracelets

Pepper sprays and gas canisters

Dangerous chemicals (e.g. strong acids and alkalis, bleach, hair dyes)

High energy drinks

## **Legal Framework**

1.1. This policy takes regard of the following legislation:

- Health and Safety at Work Act 1974.
- Education Act 1996.
- Education and Inspections Act 2006.
- The Schools (Specification and Disposal of Articles) Regulations 2012.
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012.
- European Convention on Human Rights.

1.2. It also has regard to the following pieces of government guidance and advice:

- DfE (2018) 'Searching, screening and confiscation'.
- DfE (2013) 'Use of reasonable force'.
- DfE (2016) 'Behaviour and discipline in schools'.

## **2. Authorisation**

- 2.1. The Headteacher has the responsibility to decide who to authorise to use these powers, but there is no requirement to provide authorisation in writing.
- 2.2. The Headteacher can give authorisation to a member of staff to carry out a search or screen as required, for example, in the absence of an authorised member of staff in the statement of intent above, or where an authorised member of staff is not present, such as on a trip or residential.
- 2.3. Staff members can be authorised to search for some items but not others. Staff members may refuse to carry out a search.
- 2.4. Staff members conducting a search on a pupil must be the same sex as the pupil being searched and there must be a witness (also a staff member) and, if possible, the witness should be the same sex as the pupil being searched.
- 2.5. Staff members can search a pupil of the opposite sex only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately.
- 2.6. Staff members can search a pupil without a witness present only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately.

## **3. Training**

- 3.1. When designating a member of staff to undertake searches under these powers, the Headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

#### **4. Screening**

- 4.1. The statutory power of Hall Green School to make rules on pupil behaviour and its duty to manage the safety of staff members, pupils and visitors enables it to impose a requirement that pupils undergo screening.
- 4.2. The screening of pupils by a walk-through or hand-held metal detector is permitted, even if the school does not suspect them of having a weapon and it can be held without the consent of pupils.
- 4.3. If a pupil refuses to be screened, the school has the right to refuse to allow that pupil on the premises. This does not mean that the school has excluded that pupil and the pupil's absence will be treated as unauthorised.
- 4.4. Screening without physical contact is not subject to the same conditions as those that apply to the powers to search without consent, in that the pupil should not be forced to undergo the screening without their consent.

#### **5. Searching with consent**

- 5.1. Hall Green School has the right to search pupils with their consent for any item. Formal written consent is not required. It is enough for the teacher to ask the pupil to turn out his/her pockets or look in the pupil's bag and for the pupil to agree.
- 5.2. All members of staff have the authority to instruct a pupil to turn out his/her pockets or bag if it is suspected that the pupil has a banned item in his/ her possession. If a pupil refuses, the teacher will apply the appropriate punishment as outlined in the School Behaviour Policy.
- 5.3. A pupil's refusal to cooperate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff. The appropriate disciplinary penalty will be applied with due regard for the level of risk the refusal to comply poses.
- 5.4. Where a member of staff has asked a pupil to comply with a search with consent, and the pupil has declined, the member of staff should refer the pupil to a member of staff with authority to carry out a search without consent where the teacher has reasonable grounds to believe the pupil is in possession of a banned or prohibited item.

#### **6. Location**

- 6.1. 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 pupil, for example, on a school trip.

#### **7. Searching without consent**

- 7.1. Authorised staff members (see statement of intent above) can undertake a search without consent if there are reasonable grounds to suspect that a pupil is in possession of a banned or prohibited item, as outlined in section 8 of this policy.

- 7.2. Staff members are empowered to search regardless of whether the pupil is found after the search to have a prohibited item.
- 7.3. Authorised staff members can view CCTV footage to inform their decision as to whether to conduct a search for a prohibited item.
- 7.4. Authorised staff members (see statement of intent above) can undertake a search of a pupil's belongings without consent and in their absence if there are reasonable grounds to suspect that a prohibited item (as outlined in section 8 of this policy) is in their belongings.

## **8. Prohibited items**

8.1. The following items are prohibited:

- Knives or weapons, alcohol, illegal drugs and stolen items.
- Tobacco and paraphernalia, fireworks and pornographic images.
- Any article 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 to property.
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## **9. Banned items**

9.1. Items banned by the school rules may only be searched under these powers if it has been identified in the school rules as an item that can be searched for.

9.2. Banned items that can be searched for include:

- Psychoactive substances, formerly known as 'legal highs'.
- E-cigarettes
- Aerosol cans.
- Paint thinners.
- Non-prescribed hypodermic needles
- Tooth pick crossbows
- Replica and BB Guns
- Laser pens
- Knuckle Dusters and studded arm bands and bracelets
- Pepper sprays and gas canisters
- Dangerous chemicals (e.g. strong acids and alkalis, bleach, hair dyes)
- High energy drinks

9.3. The school rules must be determined and publicised by the Headteacher.

## **10. During the search**

10.1. Members of staff can use such force as is reasonable given the circumstances when conducting a search for prohibited items, but cannot use force to search for items banned only under school rules.

- 10.2. The power to search without consent enables a personal search, involving removal of outer clothing and the searching of pockets and bags, but not an intimate search going further than that, which only a person with more extensive powers (i.e. a police officer) can do.
- 10.3. Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but includes hats, shoes, boots, gloves and scarves.
- 10.4. If a pupil does not consent to a search or withdraws consent having signed a consent form, then it is possible to conduct a search without consent but only for prohibited items. In these circumstances the school is likely to call the police to assist in any search without consent.

## **11. After the search**

- 11.1. Staff members can confiscate, retain or dispose of a pupil's property (see 8.1 and 9.2) as a disciplinary penalty, where reasonable to do so.
- 11.2. Staff members can use their discretion to confiscate, retain and / or destroy any item found as a result of a 'with consent search' so long as it is reasonable in the circumstances. Where an article is thought to be a weapon, it must be passed on to the police.
- 11.3. 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.
- 11.4. A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- 11.5. Where a staff member conducting a search finds alcohol, he/she may retain or dispose of it as they think appropriate, but must not return it to the pupil.
- 11.6. Where a staff member finds:
  - Controlled drugs, these must be delivered to the police as soon as possible, but may be disposed of if the person thinks there is a good reason to do so.
  - Other substances which are not believed to be controlled drugs can be confiscated where a teacher believes them to be harmful or detrimental to discipline. Where staff suspect that a substance may be controlled, they should treat it as controlled drugs as above.
  - Stolen items must be delivered to the police as soon as reasonably practicable, but may be returned to the owner or disposed of if the person thinks there is good reason to do so.
  - Tobacco or cigarette papers may be retained or disposed of, but must not be returned to the pupil.
  - Fireworks may be retained or disposed of, but must not be returned to the pupil.
  - Pornographic images: staff may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography), in which case it must be delivered to the police as soon as is reasonably practicable.

Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to police.

- An article that has been or could be used to commit an offence or to cause personal injury or damage to property may be retained, disposed of, delivered to the police or returned to the owner, as appropriate.
- An item banned under the school rules: staff should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Weapons or items which are evidence of an offence must be passed to the police as soon as possible.

## **12. Parental consent**

- 12.1. Hall Green School is not required to inform parents before a search takes place or to seek their consent to search their child.
- 12.2. Hall Green School will inform the individual pupil's parents/carers where alcohol, illegal drugs or potentially harmful substances are found, though this is not a legal obligation.
- 12.3. Parents will be informed if their children have been the subject of a search in school where a banned or prohibited item was suspected to be in their child's possession, whether or not any banned or prohibited items were found.

## **13. Monitoring/reporting**

- 13.1. Although it is not a legal requirement to do so, for the purposes of accountability and transparency, the school will keep a record of all searches undertaken by authorised staff members where possession of a banned or prohibited item was suspected.

## **14. Enforcement**

- 14.1. Hall Green School expects authorised staff members to use their screen and search powers in accordance with the provisions of this policy.
- 14.2. Staff members that abuse these powers or screen and search pupils without consent for items other than those which are prohibited, will be subject to the appropriate disciplinary action.

## **15. Complaints**

- 15.1. Complaints about screening or searching should be dealt with through the school's normal complaints procedure.

## **16. Policy circulation**

- 16.1. This policy will be circulated to every staff member.
- 16.2. This policy will be included in the publication scheme on the school's website and will be made available to the public.

**17. Policy review**

17.1. This policy is reviewed every two years by the Assistant Headteacher with responsibility for pastoral care and the Headteacher.

17.2. The scheduled review date for this policy is March 2023.