

Queenswood



Searching, Screening and Confiscation Policy

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Introduction

The Education Act 2011 and common law, gives school staff the power to search a pupil or their possessions, even if they are under the age of criminal responsibility, if they believe them to be carrying any article which the school suspects has been, or is likely to be, used to commit a criminal offence, cause personal injury or damage to the property of any person, or for anything which is linked to a breach of the school rules. This policy has been written whilst following the guidance from “Searching, Screening and Confiscation, Advice in schools July 2022” and takes into account the BSA Boarding Paper 15. The policy should be read in conjunction with the school’s Safeguarding and Behaviour Policies.

Before any search is made, the member of staff must be satisfied that the action is reasonable, legitimate and proportionate to what is at stake. They should be satisfied that there are good grounds for targeting an individual or group of pupils and to balance the likelihood that an offence has been committed and danger posed by the item to either the pupil themselves or other members of the Queenswood Community against the risk of infringing a pupil’s privacy without just cause. Under the European Convention on Human Rights, under Article 8, pupils have a right to respect their private life.

What can be searched for?

School staff can search a pupil for any item if the pupil agrees. The Principal and staff authorised by the pupil 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.

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco, cigarette papers and e- cigarettes
- Fireworks
- Pornographic images
- any article, including electronic devices, that the member of staff reasonably suspects has been, or is likely to be used to commit an offence or cause personal injury to, or damage to, the property of, any person (including the pupil).

The Principal, Deputy Head, Pastoral or any member of the Senior Management Team can also search for any item involved in a breach of the school rules.

All staff understand their rights and the rights of the pupils who are being searched.

Procedure for a search

When considering the search, staff will consider the age and needs of the pupils being searched or screened. This includes the individual needs or learning difficulties, in which case reasonable adjustments may be required. Only the Principal and Deputy Head Pastoral (also the DSL) and any other member of the SMT, can authorise a search and may authorise individual members of staff to search for specific items and specific conditions. For example, a member of staff may be authorised to search for stolen property in their possessions, but not to do a search of the pupil’s outer clothing.

The pupil would then be asked, in the presence of a second member of staff, permission for the search. This should take place in an appropriate location. The search itself, would also take place with a second member of staff, of the pupil's choice and/or her parent present, if practical. The member of staff conducting the search must be of the same sex as the pupil being searched. This policy does not authorise an intimate search or physical compulsion in removing clothing. The person conducting the search may not require the pupil to remove any clothing other than outer clothing. Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but outer clothing includes: hats; shoes; boots; gloves and scarves.

Strip searches on school premises can only be carried out by the police officers under the Police and Criminal Evidence Act 1984 (PACE) Code 4 and Code C. The school staff retain a duty of care to the pupils and should advocate for pupil wellbeing at all times. An appropriate adult of the same sex should be provided by the school. If the pupil's parents would like to be the appropriate adult then we, as a school, will facilitate this, where possible.

Strip searches can be highly distressing for the pupil, and should only be considered if related to a criminal offence and the pupil is considered to be concealing an item.

The pupil's possessions may be searched and this means any goods over which they have or appears to have control – this includes their room, desks, lockers and bags, electronic devices etc. Where appropriate, they may be asked for access to their social networking sites. If the member of staff finds an indecent image of a child, the member of staff should never intentionally view, print, share or copy the image. This should be referred to the DSL or DDSL and guidance will followed from [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#). In exceptional circumstances, the member of staff may dispose of the image.

A pupil's possessions can only be searched with the permission of the pupil 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. As far as possible, the pupil would empty her own drawers, locker, pockets etc under supervision. In the absence of pupil consent, the pupil's parents should be contacted, or if there is concern about illegal substances or weapons, then the police should be called. The pupil's consent would not be needed to search her belongings or room and access to locked storage may be made by forcible entry if staff were satisfied that an offence had been committed and danger posed by the item to either the pupil themselves or other members of the Queenswood Community. In most cases, the police would be called if this were to be the case.

Confiscation of items

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline, or in order to protect an individual; for example, if they were likely to receive unkind messages from their peers. At Queenswood, the policy is to hand illegal items to the police, and all other confiscated items will be given to the parents.

Communication with Parents

A member of the Senior Executive Team or Senior Management Team, but usually the Deputy Head Pastoral or Assistant Head Boarding, will contact the affected pupil's parents regardless of outcome and a written record will be kept. This will include

- The date, time and location of the search
- Which pupil was searched
- Who conducted the search and any other adults of pupils present
- What was being searched for
- The reason for searching
- What items, if any, were found
- What follow-up actions were taken as a consequence of the search.

If the pupil does not give permission for a search, the parents will also be contacted. The school may sanction the pupil in line with the school's Behaviour policy.

After a search

Support should be offered to the pupil after a search, irrespective of whether the suspected item is found. Pupils should have an opportunity to express their view.

Complaints Procedure

The normal school complaints procedure applies.

Related policies

- Safeguarding Policy
- Behaviour Policy
- Smoking (tobacco), Alcohol and Drugs Policy
- Exclusion, Expulsion and Review
- Anti-bullying Policy
- Electronic and Social Media Policy