

OLD VICARAGE SCHOOL

SEARCHING, SCREENING, AND CONFISCATION

This policy, which applies to the whole school, including the Early Years Foundation Stage (EYFS), is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.

Scope: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school. All new employees and volunteers are required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing the *Policies Register*.

Legal Status: Complies with The Education (Independent School Standards) (England) Regulations currently in force.

Monitoring and Review: These arrangements are subject to continuous monitoring, refinement, and audit by the Head of School. The Proprietors will undertake a full annual review of this document, inclusive of its implementation and the efficiency with which the related duties have been implemented. This review will be formally documented in writing. Any deficiencies or weaknesses recognised in arrangements or procedures will be remedied immediately and without delay. All staff will be informed of the updated/reviewed arrangements, and it will be made available to them in writing or electronically.

Signed:

Reviewed: May 2023

Next Review: May 2024

Matthew Adshead
Proprietor

Jenny Adshead
Proprietor

Mrs Kerry Wise
Head of School

Searching and confiscation: All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so. The school's policy on searching and confiscation has regard to guidance published by the DfE, Searching, Screening and Confiscation (July 2022).

Prohibited Items: The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulation 2012:

- knives or weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco and cigarette papers;
- fireworks;
- 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, the property of, any person (including the student) and;
- any item banned by the School Rules that are identified as being items which may be searched for.

The school has banned items that are reasonably believed to be likely to cause harm or disruption. Students must not have these items in their possession on school premises or at any time when they are in the lawful charge and control of the school (for example on an educational visit).

Responsibility for searches: Only the Head of School and members of staff authorised by the Head of School may conduct searches. The Head of School is responsible for ensuring such members of staff as are required receive appropriate training in searching, screening, and confiscation.

If a search for a prohibited item is conducted, or if a member of staff conducting a search believes it has revealed a safeguarding concern, the Designated Safeguarding Lead must be informed immediately. The Designated Safeguarding Lead is then responsible for ensuring any safeguarding concerns are dealt with as appropriate.

Searching with consent: Before any search is undertaken the student will usually be asked to consent. In seeking consent, the age and maturity of the student will be taken into account together with any special needs the student may have. Written consent will not usually be required, but the member of staff conducting the search must ensure the student understands the reasons for the search and how it will be conducted such that consent is informed

The consent of a student must be obtained for searches for items that are not prohibited items as listed above. The consent of the student must be sought even if not at school at the time. A member of staff conducting a search with consent may instruct the student being searched to turn out their pockets or bag.

Searching for prohibited items

- Where the Head of School or an authorised member of staff has reasonable grounds to suspect that a student may have a prohibited item other than an item identified in the school rules, consent is not required.
- The member of staff conducting the search must explain how and where the search will take place and seek the student's co-operation.
 - If co-operation is not given and the search is not urgent, the member of staff should consult the Head of School and/or the Designated Safeguarding Lead who will determine how to proceed. This may include the use of reasonable force to conduct the search.
 - If the search is considered urgent, an authorised member of staff may use reasonable force to conduct the search.
- Searches will be carried out only on school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on an educational visit or in training settings.
- If it is believed that a student has a prohibited item, it may be appropriate for a member of staff to carry out:
 - a search of outer clothing and/or
 - a search of school property (e.g. students' lockers or desks, bed studies or dormitories) and/or
 - a search of personal property (e.g. bag or pencil case).
- Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a student or their possessions will be carried out in the presence of the student and another member of staff. Where a student is searched, the searcher and the second member of staff present will be the same gender as the student.
- Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of the student of the opposite sex and/or in the absence of a witness.
- Where the Head of School, or staff authorised by the Head of School, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.
 - If a member of staff has reason to believe a strip search is necessary, the Police must be called to conduct it. The search will be conducted in line with the Police and Criminal Evidence Act 1984 (PACE) Code A and in the Police and Criminal Evidence Act 1984 (PACE) Code C.

Confiscation

- Under the College's general power to discipline, a member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.
- Confiscation of an item may take place following a lawful search, as set out above, or if the member of staff considers it to be harmful or detrimental to school discipline.

Searching electronic devices:

- An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break School Rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff and the DSL and/or DDSL.
- Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break School Rules.
- If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of school discipline or criminal offence or hand it over to the police if the material is of such seriousness that police involvement is required.

Disposal of confiscated items:

Alcohol: Alcohol which has been confiscated will be destroyed.

Controlled drugs: Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Head of School or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the student. Where it is not clear whether or not the substance seized is an illegal drug, it will be treated as though it is illegal and disposed of as above.

Other substances: Substances which are not believed to be illegal drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") will be delivered to the police as soon as possible unless. In exceptional circumstances and at the discretion of the Head of School or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the student.

Stolen items: Stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head of School or authorised member of staff there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. They may also be retained or destroyed if returning them to the owner is not practicable. This is likely to apply to items of low value, such as pencil cases.

Tobacco or cigarette papers: Tobacco or cigarettes papers will be destroyed or retained as determined appropriate by the Head of School. This also includes vaping material. They will not be returned to the student.

Fireworks: Fireworks will not be returned to the student. They will be disposed of safely at the discretion of the Head of School or other authorised member of staff which may include donation to an appropriate charity.

Pornographic images: Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the student has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to Cornwall Council's Multi-Agency Referral Unit (MARU).

Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

Article used to commit an offence or to cause personal injury or damage to property: Such articles may, at the discretion of the Head of School or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of.

Weapons or items which are evidence of an offence: Such items will be passed to the police as soon as possible.

Items banned under School Rules: Such items may, at the discretion of the Head of School or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. Where staff confiscate a mobile phone that has been used in breach of the School Rules, the Head of School may consider it necessary to retain the device for evidence in disciplinary proceedings in accordance with the below. If a student persists in using a mobile phone in breach of School Rules, the phone will be confiscated and must be collected by a parent.

Electronic devices: If it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break School Rules, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent or carer, and the student may be prohibited from bringing such a device onto school premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

Communication with parents:

- Parents will be informed of all searches for prohibited items, except items banned by the school rules. If a search is conducted for an item prohibited by the school rules, parents will be informed where appropriate.
- We will keep a record of all searches carried out, whether the search is with or without the consent of the student, which can be inspected by the parents of the student(s) involved subject to any restrictions under the Data Protection Act 1998. The record will include details of any disposal of items confiscated.
- Complaints about searching or conversation will be dealt with through the School's Complaints Procedure. A copy of the procedure is available on request.
- The school will take reasonable care of any items confiscated from students. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the school does not accept responsibility for loss or damage to property.