



# ARRANGEMENTS FOR SEARCHING PUPILS AND THEIR POSSESSIONS

<b>Policy owner</b>	RSSKL - Principal
<b>Policy lead</b>	Designated Safeguard Lead
<b>Audience</b>	All staff and volunteers and is available to parents on request
<b>Legislation and regulation</b>	DFE Guidelines on Searching, Screening and Confiscation 2014
<b>Formally endorsed by</b>	SMT and the Board of Trustees
<b>Endorsement date</b>	November 2017
<b>Next review</b>	November 2019

## **1. General Approach**

RSSKL is committed to safeguarding the welfare of all students and we seek to cultivate an environment of mutual respect and treat students and staff fairly and sensitively. In the unusual event of a pupil, or a pupil's possessions, being searched, the School and its staff will take all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases: if in any doubt, advice should be sought from a SMT member, unless the urgency or another overriding aspect of a situation makes such referral impractical.

The fundamental principles are two:

- Act with due care, consideration and sensitivity and remain mindful of the need to respect privacy;
- Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care can in certain circumstances override all other protocols

Whilst a search may be required for suspected dangerous/illegal items, a search may also be justified for other reasons – for items that are simply not allowed in school, for instance, but which are not necessarily of themselves dangerous (or illegal), or items which are allowed in school but which are not being properly used. These searches only take place in accordance with the DfE Guidance for Schools on Screening, Searching and Confiscation (February 2014).

## **2. Confiscation**

The same applies to confiscation: such items found in school or on a pupil's person may be confiscated for a time. Any item confiscated, should be kept safe and the details of the confiscation (item, date, time, location, owner, reason, etc) logged. An indication should be given at the time of confiscation to the pupil by the member of staff who has confiscated an item of when the item is likely to be returned. The duration of a confiscation should be reasonable and proportionate and, as in all matters, not unduly (or necessarily at all) punitive. 48 hours might be a reference-point for a confiscation period. Consideration should be given to the possible consequences of keeping the item and the pupil apart (for instance travel safety in the case of a confiscated mobile 'phone, which should be returned at the end of the school day).

## **3. External Agencies and Disciplinary Action**

If a pupil is suspected of carrying on their person or having in their possessions an item or items considered by the School to be dangerous and/or illegal, such as drugs, then the matter should be referred to the Principal and it may be appropriate to call the Police. Irrespective of any action taken or not taken by external agencies like the Police, the School may take its own action, such as suspending the pupil in the first instance from school if they refuse permission for the search to take place. Any subsequent decision related to any or to further disciplinary actions from school would take into account any co-operation, or lack of it, on the pupil's part and what might reasonably be inferred from that.

Whilst it is not possible to have detailed procedures that cover every eventuality, in general, the following guidelines should be borne in mind and, where possible, observed:

#### **4. Personal Searches**

If a pupil is suspected of carrying an unauthorised item, for example, alcohol or illegal drugs stolen items, tobacco and cigarette papers (in under 16s), and fireworks a member of staff should ask the pupil, if feasible in the presence of a second adult witness, if the pupil is happy to turn out his/her pockets or bag. If the pupil refuses to cooperate, the member of staff should contact the Principal who should consider if it is appropriate to try to contact the pupil's parents. As appropriate, and if the parents can be contacted, they should be encouraged to persuade the pupil to agree to the search taking place. If the matter is of major concern and the pupil still refuses to approve of the search, then the Police may be called in to conduct the personal search. Personal searches, especially forced personal searches, should if at all possible be avoided, though may in extremis be necessary. For example, all reasonable steps should be taken, where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk. This might include, in extremis, all or any of the following: physical restraint, forced search (of person and/or of property), and confiscation.

#### **5. Forced Searches**

Reasonable force may be used in exercising the statutory power to search pupils, without their consent, for weapons and for alcohol, illegal drugs and stolen property ('prohibited items'). At RSSKL, this search power may be exercised by staff where they have reasonable grounds for suspecting that a pupil has such items. However, the School's guidance in this matter is that any such 'forced search' should be undertaken only if absolutely necessary, such as in extreme situations where leaving a pupil with such a suspected item could pose risks to others (or to that pupil). Other means of dealing with the pupil and the situation should be used if possible – such as keeping the pupil under close surveillance (so any item cannot be surreptitiously disposed of), isolating the pupil from others for the time it takes for matters to be addressed, etc. Very strongly recommended wherever feasible are the following courses of action:

- Refer the matter to a The Principal/DSL before/rather than making any physical intervention
- Consider whether or not such a search might be better conducted by the Police rather than by a member of staff (the former being preferable wherever possible)
- If at all possible, do not be alone with a pupil if it really is necessary to conduct a search

Much of this is common sense: avoid, if at all possible, any physical contact altogether with a pupil, most especially any kind of forced physical contact that might prompt resistance on the pupil's part.

For 'lost' items of relatively low value, a pupil should be asked to search his/her own belongings to see if the item has been 'misplaced'. If more than one pupil is included, the scope of the search and the number of pupils involved should reflect the nature of the loss and be legitimately targeted. Members of staff (one as witness) might watch the pupil(s) search, but this may not be deemed necessary or appropriate.

#### **6. General Guidelines**

Generally, staff should not without very good cause:

- Touch the pupil, especially forcibly. (Any restraint should be in line with the School's policy on the use of Physical Restraint and Intervention)
- Search the pupil's person, which for these purposes extends to his or her outer clothing and pockets, or remove the pupil's clothing - even their coat - for the purpose of searching it.
- Search a pupil's pockets: these should be turned out by the pupil.
- Search a pupil's room or bag without them being present and without another adult witness being present.
- Act in isolation, if in any doubt staff should refer to an appropriately senior member of staff.

As a guide here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform an appropriate Principal, who will see that the finding of any weapons, or suspected weapons, is reported to the Police.
- If evidence of illegal substances drugs or of suspected illegal substances is found, the staff member involved determines what action to take in accordance with the School's Policy. If tobacco or alcohol items are found in a pupil's possession, they should be confiscated by the member of staff, who will inform the Principal. The Principal determines what action to take.

Further suitable courses of action might, depending on circumstances, include the following, but would not preclude other suitable ways of proceeding:

- In the case of initial refusal to co-operate, a member of staff to contact parents/guardians and ask them to persuade the pupil to submit to the request.
- In the case of continuing refusal to co-operate, the Principal to suspend and isolate the pupil in school and call the parents to attend. If appropriate (items of considerable value, illegal drugs, weapons etc.), advise parents and pupil that the police might be contacted and asked into the School to make the search.
- In the case of continuing refusal to co-operate, the Principal is to call the police so that they might make the search at School. If for some reason the police cannot immediately attend and the search is deemed urgent, then the pupil should attend while a member of staff, with another member of staff as witness, makes the search. Forcible search is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act 1971) or weapons, and then only on school property, not personal property.
- All searches to be undertaken by a minimum of 2 members of staff
- Wherever possible the student to be asked to make available the required area (such as a drawer) and to remove contents
- Parents to be informed
- Recording the results of personal and / or property searches must be made and stored on pupil file.

When a search has taken place the following items should be noted and kept on the relevant pupil's file:

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- The reason for the search taking place
- The date and time of the search
- The results of the search
- All staff involved
- Other agencies involved
- The outcome (including any disciplinary action taken in respect of that pupil)

**(Guidance taken from DfE Guidelines on Searching, screening and confiscation - Advice for headteachers, school staff and governing bodies February 2014)**