



SEARCH & CONFISCATION POLICY

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Review Process Prior to Ratification:

Name of Committee	Date
Safeguarding	

This Policy has been written with regard to the DfE statutory guidance 2014 'Screening, Searching and Confiscation'. All staff must be aware that before a search happens that is with or without consent, the Principal or Vice Principal must be informed of the full situation. Staff must not search without this consent.

Searches with consent

The School may search pupils with their consent for any item. However, the appropriate procedure must be followed.

The staff member does not need to obtain written consent. It is enough to ask the pupil to hand over an item, or to ask whether the staff member can look in the pupil's bag or locker, and for the pupil to agree.

Searches without consent

The guidance explains that only a Principal or a member of staff authorised by the Principal can conduct a search without a pupil's consent.

The person conducting the search must be the same sex as the pupil being searched, and another staff member must be present.

The guidance adds that there is a limited exception to the above rules. Any member of staff can carry out a search if he or she reasonably believes there is a risk that serious harm will be caused to a person if the search is not conducted immediately and another member of staff cannot be summoned.

Authorised staff members can search for certain items without a pupil's consent, including:

- Any article that the 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 (see pages 3-4 for a list of 'prohibited items').
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Searches without consent can only be carried out on the school premises or where the member of staff has lawful control or charge of a pupil, for example on school trips.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks

- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used
 - i) to commit an offence
 - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)

During a Search

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- A pupil's possessions can only be searched 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.
- Schools are able to search lockers and desks for any item provided the pupil agrees. If the pupil does not consent, it is possible to search a desk or locker but only for the prohibited items listed.
- Members of staff can use reasonable force when conducting a search for prohibited items, but cannot be used to search for items banned under the school rules.

Prohibited Items found in searches

The school may confiscate and retain or dispose of any prohibited items. Any controlled drugs or stolen items should be handed over to the police.

Record Keeping and Informing Parents

A record will be made of any individual searches that take place and this will be placed on the pupil's file. If an individual is found to have any prohibited item in their possession this will be recorded on their file.

Where a search has taken place and prohibited items have been found the school will notify the parents, and will also inform them of any disciplinary sanction involved. If the matter is considered significantly serious, the parents may be invited in to discuss the matter with the Principal. This would always happen where a serious sanction was being considered (in line with the school's Behaviour Policy).

Screening

Future Schools Trust does not apply walk through or hand held screening.

Future Schools Trust Searching Procedures

If a member of staff suspects that a student has a prohibited item, the Principal authorizes the Student Support Team to conduct a “without consent” search.

The person conducting the search without consent should have another person with them of the same sex as the pupil. Two members of staff should be present. The search should take place in an office, not in the presence of other students.

The student will be asked to turn out his/her pockets and empty his/her bag and pencil case.

If a student refuses, the member of staff must contact the Principal or Vice Principal.

If a student refuses to co-operate, parents will be asked to come into school. The Police may also be asked to attend. If this is the case, the Principal must be informed.

After the search: retaining, returning and disposing of items

Staff may retain or dispose of a pupil’s property as a disciplinary penalty where it is reasonable to do so. For example, alcohol, fireworks, tobacco or cigarette papers may be disposed of. These items should not be returned to the pupil. Also,

- Pornographic images may be disposed of/deleted unless an image constitutes a specified offence (ie it is extreme or child pornography). In these cases, it is necessary to pass images to the Police.
- Weapons or items that are evidence of an offence must be passed to the Police as soon as possible.
- Controlled drugs should be passed to the Police unless the member of staff believes there is good reason to dispose of them.
- School staff may judge it appropriate to contact the Police if stolen items are valuable (for example, iPods or laptops) or illegal (for example, alcohol and fireworks).

There is no legal requirement to keep a record of the search, however pupils’ parents or guardians should be informed.

Searching pupils’ electronic devices

After seizing an electronic device, the staff member can either return it to its owner, retain it or dispose of it.

He/she may also examine and erase any data or files on an electronic device if he/she believes there is “good reason to do so”.

In determining a 'good reason' to examine or erase the data or files, the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

This means that an authorised staff member can read messages on a pupil's phone without his/her consent, as long as he/she has good reason to do so.

There is no set limit to how long a device may be retained once confiscated. This is for the staff member to decide based on his/her professional judgement and the school's policy.

Reading pupils' messages

Staff members should only read messages with the pupil's consent, however if the pupil refuses, the school can treat this as a breach of the school's policy and apply sanctions accordingly.

It must be noted that it can be very upsetting for a pupil to have his/her personal messages read without consent, and suggested that the member of staff ask the pupil to show him/her the relevant messages or files, rather than the staff member searching for these him/herself. This would avoid the risk of the member of staff reading personal messages that are not relevant to the investigation.

Dealing with inappropriate material on pupils' devices

The DfE guidance states that if inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the Police.

If a staff member finds pornographic images, the DSL should be informed. However, if the image constitutes an offence, ie is extreme or child pornography, the DSL should deal with this in line with the Safeguarding Policy.

Examining data on electronic devices

The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident. Any further intrusive examination of personal data may leave the school open to legal challenge.

It explains that members of staff may require support in deciding whether material found on an electronic device is inappropriate or illegal, and recommends that the DSL be informed to support.

The policy adds that staff should be careful not to delete material that might be needed as evidence in a criminal investigation.

