

LATHOM HIGH SCHOOL SEARCHING, SCREENING AND CONFISCATION POLICY

This policy relates to the following legislation:

- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- Health and Safety at Work etc. Act 1974

The Key Elements of this Policy

School staff can search a student for any item if the student agrees. (The ability to give consent can be influenced by age and other factors)

The Headteacher and staff authorised by her have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Staff can search individuals or identified groups of students.

Prohibited items include:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Lighters and matches
- Fireworks
- Pornographic images
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, to cause personal injury to, or to damage the property of, any person (including the student)
- Mobile phones or electronic devices when operated in the lessons or lesson changeovers
- Any item banned by school rules, including excessive amounts of sweets, crisps and drinks suspected to be sold to other learners or which have been sold
- Make-up
- Items which may be used to damage the school building or property, or contravene good order and discipline in school e.g. marker pens, paint, stink bombs, water bombs etc.
- The whole school can be screened with support from the local police force, for example the use of the metal detection arch and hand held devices

Confiscation

Staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider detrimental to school discipline. Parents/carers will be informed and requested to collect items unless they are items that need to be handed to the police.

Pupils' Rights

Under article 8 of the European Convention on Human Rights students have a right to respect for their private life. This means at Lathom students have the right to expect a reasonable level of personal privacy, unless the school deems a search to be justified and proportionate in accordance with the above information. The powers to search in the Education Act 1996 are compatible with Article 8. A school

exercising those powers lawfully will have no difficulty in demonstrating that it has also acted in accordance with Article 8.

Screening

Currently, the school does not generally operate any screening as identified below but reserves the right to introduce screening if required.

What the law allows:

- We can require students to undergo screening by a walk-through or handheld metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students
- Schools' statutory power to make rules on behaviour and their duty as an employer to manage the safety of staff, students and visitors enables us to impose a requirement that students undergo screening
- Any member of staff can screen students
- If a student refuses to be screened, the school may refuse to let the student on the premises
- Parents/carers are invited in and the student will be isolated. If the parent/carer refuses, the police will be called
- If a student fails to comply, and we do not let the student in, and we have not excluded the student then the absence will be treated as unauthorised
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent

Searching with Consent

Schools' common law powers to search:

- We can search students with their consent for any item

Also note:

- We are not required to have formal written consent from the student for this sort of search it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the students bag
- This policy and the Behaviour Policy makes it clear what items are banned
- If a member of staff suspects a student to have a banned item in his/her possession, they can instruct the student to turn out their pockets or bag and if the student refuses, the appropriate sanction as identified in the Behaviour Policy will be applied, the parent/carer will be called and the student will be isolated, if the parent/carer is unable to attend the police will be informed
- A student refusing to co-operate with a search will be treated as per the school Behaviour Policy, the student will be isolated and the parent/carer will be called, if the parent/carer is unable to attend the police will be informed

Searching Without Consent

What can be searched for?

- Knives or weapons, alcohol, illegal drugs and stolen items
- Tobacco and cigarette papers, fireworks and pornographic images
- 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 to damage property

- Any item banned by the school rules which is identified as an item to search for in this policy and in the Behaviour Policy

Expectations with Regards to Searching:

- Staff searching are authorised by the Headteacher or SLT member. At Lathom, the Senior Leadership Team, House Team and Teaching staff are allowed to conduct searches on students under the following circumstances:
 - Staff must be in pairs when the student is being searched and where possible the witness should be of the same sex as the student
 - There is a limited exception to this rule. Identified staff may carry out a search of a student of the opposite sex when it is believed that 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 practical to summons another member of staff
 - In all cases the student should not be touched when the student empties their person and bag

When Can a Search be Undertaken

- When there is reasonable grounds for suspecting a student has possession of a prohibited item
- Teachers can only undertake a search without consent where there are reasonable grounds that a student or students are in possession of a banned item e.g. where CCTV footage identifies issues, where other students share concerns or are talking about issues etc.
- In exceptional cases when it's necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff should remember that a pupil's expectation of privacy increases as they get older and the student should not be touched
- School staff can view CCTV footage in order to make a decision as to whether a search is needed
- Powers allow staff to search regardless of whether the student is found to have the suspected items
- Parent/carers need to be contacted to inform them of the search

Searches for Banned Items by School Rules

- An item banned by school rules can only be searched for if it is identified in this policy and the Behaviour Policy

Location of a Search

- Searches without consent can only be carried out on the school premises or when the member of staff has lawful control of the child e.g. on a school trip

During the Search

- The person conducting the search may not require the student 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 does include gloves, hats, scarves and shoes
- Possessions means any goods over which the students have or appear to have control
- A student's possessions can only be searched in the presence of the student and other member of staff, except where there is a risk of serious harm as identified above

Use of Force

- Members of staff can use reasonable force when conducting a search for knives, weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic materials or articles that have been or could be used to commit an offence
- A use of reasonable force form must be completed and given to the DSL or Headteacher for safeguarding
- Banned items by the school do not warrant reasonable force
- The school discourages any use of force except in extreme circumstances

After the Search

Disposal of confiscated items with a consent search:

- Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a students' property as a disciplinary penalty. This includes mobile phones and electronic items used against school policy
- Weapons must be handed to the police
- Lathom staff are protected by law and thus have a defence against any allegation brought against them so long as they acted lawfully
- Records of searches to be recorded on SIMS and CPOMS

Disposal of confiscated items as a result of a without consent search:

- A person carrying out a search can seize any item they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence
- Where the member of staff finds alcohol, they may retain or dispose of it but it must not be returned to the student
- Where a member of staff finds controlled drugs, these must be delivered to the police as soon as possible
- Where other substances which are not believed to be controlled drugs, these can be confiscated where a member of staff believes them to be harmful or detrimental to good order and discipline
- Stolen items must be delivered to the police but may be returned to the owner if there is good reason to do so
- Tobacco and cigarette papers should be disposed of and must not be returned to the student
- Fireworks must be retained and disposed of by the school
- With regards to pornographic images, it should be disposed of except where it constitutes an offence e.g. child pornography. In such cases it must be delivered to the police as soon as possible
- Articles used to cause injury to a person or property, or which could be used to commit an offence should be handed to the police or returned to the owner at a later date depending on the severity
- Smaller items or banned school items can be retained and disposed of or returned to the student at a later date as appropriate
- In all cases of confiscation the Headteacher or DSL for safeguarding must be informed on CPOMS

Dealing with Electronic Devices

- Where a member of staff suspects a child of using an electronic device for purposes which contravene good order or discipline, they may examine files and data on the device. Following the examination, the item will be confiscated until a parent collects it. It may be appropriate for the member of staff to delete files if there is good reason to do so

- The member of staff must follow the guidelines from the Secretary of State when deciding what is a 'good reason' for examining or erasing contents of an electronic device

In determining a 'good reason' to examine or erase the data or files the member of staff 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.

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 involvement of the police. Where a teacher feels unsure, they should seek advice from a senior member of staff.

If child pornography is suspected the device should be confiscated and given to the police. Staff must not view this. The Headteacher and DSL for safeguarding to be alerted immediately.

Contact with Parents and Complaints

- It is not a requirement to inform parents before a search takes place or to seek their consent to search their child
- Following a search, a record should be placed on SIMS and CPOMS and all information passed to the Headteacher and DSL for safeguarding
- Staff should inform parents if a search has been completed and the reason
- Staff should inform parents of students where alcohol, illegal drugs or any potentially harmful substances are found, including tobacco
- Any parental complaints regarding screening and searching will be dealt with through the normal school complaints procedure

Staff

- Staff at Lathom High School have the right to refuse to conduct a search. In such cases, staff should refer the matter to their Line Manager or a member of the Senior Leadership Team