



**GEORGE
SALTER
ACADEMY**

Search, Confiscation and Screening Policy

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Search, Confiscation and Screening Policy

Rationale:

George Salter Academy is dedicated to improving life opportunities for all of its pupils through high quality education. We seek to do this by working in harmony with pupils, families and our local community to create an inclusive educational environment.

In order to achieve this, the safety of all pupils, staff and other stakeholders is paramount and the school will take all reasonable and necessary measures to preserve safety and good order within the school environment.

Government legislation since May 31st 2007 grants Head Teachers the authority to action a search without consent when they have reasonable grounds for suspecting that a pupil has a weapon or an item likely to cause danger or disruption.

This policy is in response to and supportive of:

- School Behaviour Regulations (2012)
- Education and Inspection Act (2006)
- DfE guidance on 'Searching, screening and confiscation' (2014)
- The Schools (Specification and Disposal of Articles) Regulations (2012)
- The Human Rights Act 1998
- Health and Safety at Work Act (1974)

Aims:

1. To ensure that good order in school is maintained
2. To ensure the health, safety and well-being of all personnel on the school site
3. To establish a clear and consistent procedure for maintaining points 1 and 2 above via an agreed search, confiscation and screening policy.

Objectives:

1. To clarify the reasons why search, screening or confiscation may take place.
2. To clarify the types of item that may prompt search, screening or confiscation.
3. To clarify the method by which any search, screening or confiscation will be undertaken.

Searching of Pupils:

The Principal and staff authorised by them 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 and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to, commit an offence or to cause personal injury or damage to the property of another person.

Academy staff can seize any prohibited item found as a result of a search.

Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life and therefore pupils have the right to expect a reasonable level of personal privacy. Any interference with this right must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8. Government guidance on the searching of pupils distinguishes between no-contact and low-contact screening and body searches that involve touching a pupil. There are three broad powers afforded to Headteachers/Principals:

Screening - non-contact random screening of pupils

1. Schools can impose random screening without suspicion and without consent. The law allows schools to use hand held metal-detecting wands to screen pupils.
2. George Salter Academy will screen pupils randomly upon reasonable suspicion or received intelligence.
3. The Academy will refuse entry to any pupils or person who refuses to be screened. If this is the case the pupil has not been excluded and the pupil's absence should be treated as unauthorised.
4. Any member of Academy staff can screen pupils.

Searching with Consent - a contact search of pupils with the pupil's consent

1. If no-contact screening detects a metal object on the pupil's person, or if local intelligence suggests that a pupil is in possession of an item that may be illegal, stolen and/or likely to cause harm or disruption, the Principal, or designated senior member of staff, will search the pupil.
2. The pupil will be asked for their consent to search and every reasonable effort will be made to gain consent from the pupil. George Salter Academy is not required to have formal written consent from the pupil for this sort of search. If the pupil refuses to be searched the school will apply an appropriate punishment as set out in the George Salter Academy Behaviour Policy in addition to the actions identified in "Searching without Consent" below.
3. Contact searches of pupils will be undertaken by staff of the same sex as the pupil.
4. A second member of staff will witness any searching of pupils that takes place.
5. Searching of pupils should take place in a private place out of view of all except those who need to be present for the search.
6. The search procedure may be personal (removal of outer clothing and garments and searching of pocket contents) but not an intimate search that goes further than that. Personal dignity of the pupil must remain in place at all times.
7. A police officer must be used to conduct a more detailed search of an individual, see section on School Link Police Officer.
8. Should an item be discovered that is illegal and/or likely to cause harm or disruption the pupil will be asked to surrender the item and it will be placed in the school safe (please see "Confiscation of Property" below).

Searching without Consent - a contact search where consent has been refused

1. Under the new powers the Principal or staff authorised by the Principal may search a pupil even when consent has not been given by the pupil. Such a search must be conducted by a member of staff who is the same sex as the pupil being searched and there must be a witness. Such searches will be carried out if there are reasonable grounds for suspecting that a pupil is in possession of a prohibited item.
2. In such cases, where consent to search is not given, staff should not put themselves in a position where physical harm can be caused to themselves, the pupil or any property.
3. If the pupil decides to consent to a contact search then points 1-5 of "Searching with Consent" above should be followed.
4. If the pupil continues to refuse to a search, Academy staff should follow the guidance below or contact the Police requesting assistance with the search.

During the Search

1. No pupil will be asked to remove clothing other than outer clothing.
2. Pupil's possessions will only be searched in the presence of the pupil and another member of staff.
George Salter Academy Search Confiscation and Screening Policy June 2016.
3. Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for other items banned under the Academy rules.

School Link Police Officer:

1. Wherever possible the Link Police Officer for the school will be asked to lead or oversee more detailed screening or searching of a pupil or pupils.
2. Where police are involved parents will be contacted unless there are Child Protection concerns.
3. Where consent to search is persistently and strongly refused by pupil and parent the Link Police Officer or West Midlands Police at Moor Street Police Station will be contacted.
4. Where police involvement takes place they will follow police protocol to record the incident. However, Academy recording procedure should still be maintained (see "Record Keeping" below).

Confiscation, Retention and Disposal of Property

1. All confiscations of property must be reasonable and proportionate.
2. Confiscation is a disciplinary action to preserve good order, address and prevent unlawful or disruptive behaviour and ensure the health and safety of the Academy community.
3. The lead member of staff will explain to the pupil that the reason for confiscation is in line with points 1 and 2 above thus providing a defence against any allegations of infringement of human rights and making the confiscation lawful.
4. Where a staff member finds alcohol they will retain or dispose of it. It will not be returned to the pupil.
5. Where a staff member finds controlled drugs, these will be delivered to the Police as soon as possible.
6. Where other substances are found, such as 'legal highs', these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
7. Where a staff member finds stolen items these must be delivered to the Police as soon as possible.
8. Where a search finds tobacco or cigarette papers the Academy may retain or dispose of them. They should not be returned to the pupil.
9. Fireworks can be disposed of and should not be returned to the pupil.
10. Images of a pornographic nature can be disposed of unless its possession constitutes a specified offence (i.e. child pornography). In this case the material must be handed over to the Police as soon as possible. Images found on a mobile phone or other electronic device can be deleted unless they need to be passed onto the Police.
11. Where a teacher finds an item banned under the Academy rules they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it.
12. Any weapons or items which are evidence of an offence must be passed to the Police as soon as possible.

13. If a pupil refuses to surrender an item upon request this should **not** be pursued unless retention of the item by the pupil is likely to cause danger to other members of the Academy community.

14. It is reasonable and proportionate to issue a sanction in line with the Academy Behaviour Policy if a pupil refuses to hand over an item that is likely to cause disruption.

15. Once an item has been confiscated the member of staff responsible will place the item in the school safe having signed and dated the log sheet in the school Finance Office.

If unsure, a member of staff should seek advice from the Principal before taking action.

Electronic Equipment and Technologies

The Academy policy on the carrying and using of mobile electronic technologies is made clear to pupils and parents via the Academy Behaviour Policy (copy in pupil planners) and should regularly be reinforced to ensure clarity and understanding.

- If pupils contravene the agreed Academy policy on mobile electronic technologies it is reasonable and proportionate to confiscate the item and secure it in the Academy (House Office) safe until a parent/carer visits school to discuss the incident and have the item returned.
- At George Salter Academy the carrying of mobile electronic technologies is discouraged but permitted with the following conditions:
 - a) Items are carried at pupils own risk and school will not be responsible for loss or damage
 - b) Items must be turned off and out of sight at all times.

(Post 16 students may use mobile phones and other mobile technologies in the Academy **but only** in their allocated Common Room space).

If either of points a) or b) above are contravened the item will be confiscated, secured and later returned as stated above.

- In circumstances as outlined above it is reasonable and legitimate to confiscate a mobile phone but searching through a phone or accessing text messages is not.
- A member of staff may ask a pupil to reveal the contents of a phone to establish whether, for example, cyber-bullying has taken place but if the pupil refuses then the member of staff should not enforce the instruction. At this point the School Link Police Officer or West Midlands Police at Moor Street Station should be contacted. A school sanction can reasonably be issued for refusing to follow a request.

External Examinations:

- The directive from the Joint Council for Qualifications (JCQ) for examinations states:

“Do not take into the examination room any unauthorised materials or equipment which might give you an unfair advantage. This includes notes, calculator cases/instruction leaflets, bags, personal TVs/stereos, digital equipment, reading pens, electronic or radio communication devices, **including mobile telephones**, iPods, MP3 players and pagers……. Possession of unauthorised material is breaking the rules, even if you do not intend to use it, and you will be subject to penalty and possible disqualification”
- In response to this George Salter Academy offers secure facilities for pupils to leave unnecessary and unauthorised items.
- When a pupil candidate enters the examination hall they are provided with a facility to store their device(s) and they can reclaim this at the end of the examination.

Failure of a pupil candidate to follow the above requests will lead to actioning of examination board sanctions outlined above plus confiscation of the equipment until a parent/carer attends to meet a senior member of staff and reclaim the

property. The parent/carer may also be asked to pay the cost of examination entry should any further breaches of examination regulations take place.

Record Keeping:

In the event that screening or searching of pupils or confiscation of items or property take place it is essential that records are kept.

1. If a pupil or pupils are screened via an electronic wand or searched by a member of staff this should be recorded in a central electronic log.
2. If an item is taken from a pupil it must be logged in the House Pastoral Office and stored securely in the safe.
3. If proven that a screening or search has discovered an item that requires disciplinary action, the whole incident should be recorded via the electronic system as per all behavioural incidents.
4. It may be necessary to take more detailed statements from various witnesses if the incident requires more serious disciplinary action.
5. If a search reveals an illegal item or substance it must be logged and recorded as for Points 1-3 above. At this point the police should also be informed and they will record events under their established procedures and protocols.
6. If Point 5 is actioned it will be necessary to delay securing statements under Point 4 until the extent of police action is confirmed. School should be guided by the police in this matter.
7. Parents/carers do not have to be informed before a search or screening of a pupil takes place. However, if a pupil has been searched or screened, and items have been confiscated, parents/carers should be informed of this as soon as possible
8. In certain exceptional circumstances it may not be appropriate to inform parents/carers i.e. if it is a criminal matter where the parent may also be involved or where, even if nothing is found, revealing the search to parents may put the child at risk of harm from the parent/carer.

Reference to Other Policies:

Anti-Bullying Policy

Behaviour Policy and Code of Conduct

Safeguarding & Child Protection Policy

Drugs, Alcohol & Tobacco Policy

Equal Opportunities Policy

To be reviewed by: RRE June 2018