



**The Priory School**

**Educating Students for Success in Life**

<b>Name of policy</b>	<b>Searching, Screening &amp; Confiscation</b>
<b>Statutory</b>	<b>No</b>
<b>Date policy was updated</b>	<b>September 2022</b>
<b>Date of next review</b>	<b>September 2023</b>
<b>Governors committee</b>	<b>Student Wellbeing</b>
<b>Member of staff responsible for the policy</b>	<b>LF</b>

## Rationale

The Priory School is committed to safeguarding the welfare of all students and cultivating an environment of mutual respect. In the unusual event of a student, or a student's locker, bag or other repository for possessions, being searched, the school will take all reasonable steps to maintain a balanced approach to student privacy.

## Aims

We aim to:

- Ensure that students and parents are aware of what items are not allowed on the school site or on off-site visits and learning outside the classroom (LOtC);
- To raise the students awareness of the dangers of illegal items and the consequences of having them in their possession;
- To exercise the powers of search, screening and confiscation in a manner that makes reasonable adjustments for students with learning difficulties, disabilities and other protected characteristics under the 2010 Equality Act
- To comply with statutory legislation when searching, screening or confiscating items.

## Schools' Obligations under the European Convention on Human Rights (ECHR)

Under Article 8 of the European Convention on Human Rights, students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect a reasonable level of personal privacy. The right under Article 8 is not absolute, it can be interfered with but any interference with this right by The Priory School must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8. The Priory School in exercising these powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8.

## Prohibited Items

Below in Table 1 is a list of banned items that students must not bring to school or have in their possession during the school day. This table can also be found in the school's Behaviour for Learning Policy.

In addition:

- 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 the property of, any person (including the student)

will be searched for and confiscated.

## Table 1

Knives or weapons	Controlled drugs and paraphernalia	Tobacco and cigarette papers	Pornographic images
Alcohol	Fireworks	Stolen items	Energy and fizzy drinks

Solvents and glues including nitrous oxide	E-cigarettes and vaping equipment	Chewing gum	Mobile phones
Aerosols and gases	Matches and lighters	Legal highs	Spinners or similar gadgets
Medication unless by prior agreement	Items of clothing and jewellery that do not follow the school uniform		

## Screening

The Priory School will comply with statutory legislation with regard to screening. The Priory School has the statutory power to make rules on student behaviour and a duty as an employer to manage the safety of staff, students and visitors. The Priory School can impose, as a requirement to entering the school, that students undergo screening. This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent. The Priory School will use a metal detector wand if we deem it necessary. Two members of staff will be present when the wand is in use.

## Electronic devices

All students are aware and have signed the Acceptable use Agreement and have been taught about on-line safety. Where a mobile phone or electronic device has been confiscated after a search, the school has the statutory authority to examine any data or files on the device where there are concerns that an offence has been committed. Parental or student consent to search through a mobile phone or electronic device is not required. Where pornographic images of children or extreme pornographic images are discovered the school DSP will liaise with the police and relevant outside agencies.

## Refusing to Be Screened

- Health and safety legislation requires a school to be managed in a way that does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a student refuses to be screened then a decision to refuse the student onto the school site could be made.
- If the student fails to comply, and the school does not let the student in, the school has not excluded the student and the student's absence should be treated as unauthorised.
- Alternatively the student may be placed in isolation and parents contacted to come and resolve the situation.

## Searching

To ensure the safety and wellbeing of members of the school community there will be occasions where students will have their possessions searched. There are two types of searches:

- Searching with consent; and
- Searching without consent.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. The school will contact the parents / carers when a search has been conducted and the outcome of the search. Consequences will be issued in line with the school Behaviour for Learning Policy and recorded on the student's behaviour log.

## Searching with Consent

- School staff can search students and their belongings for banned items under the common law powers to search.

- If a member of The Priory School staff suspects a student has a banned item in their possession, they can instruct the student to turn out their pockets or bag. No formal written consent from the student is required.
- If the student refuses, the member of staff can apply an appropriate sanction as set out in the school's Behaviour for Learning Policy.
- Under common law powers, the school is able to search lockers and desks for any item provided the student agrees. If a student does not consent to a search then it is possible to conduct a search without consent but only for the items identified in Table 1.
- Where a student has refused to give consent for a search the school will sanction a search without consent. A sanction for defiance will be given in the first instance in line with the Behaviour for Learning Policy.
- If the search turns up any banned items then a further consequence will be issued in line with the Behaviour for Learning Policy.

## **Searching without Consent**

- School staff can search students and their belongings for banned items under common law powers.
- A search can be undertaken if a member of staff has reasonable grounds for suspecting that a student is in possession of a banned item as identified in Table 1.

## **Protocols for Searching without Consent**

- At The Priory School a search without consent will be undertaken by members of the Senior Leadership Team and / or the pastoral team.
- There must be two members of staff involved in the search and where possible both members of staff should be the same sex as the student. If this is not the case, the member of staff doing the searching must be the same sex as the student.
- In exceptional cases where there is a serious risk of harm and clear urgency, a search of a student of the opposite sex to the member of staff and / or without a witness present may take place.
- Where a member of staff conducts a search without a witness this should be reported immediately their line-manager and a written record made
- The searching of a student should be undertaken away from other students and where possible in an office or the pastoral base.
- The member of staff conducting the search must 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' includes hats, shoes, boots, gloves, ties and scarves.
- If a student refuses to co-operate with the members of staff conducting the search then the following actions may be applied dependent on the banned items being looked for:
  1. Low risk banned items – parents contacted and the student placed in isolation until they are able to come in to resolve the issue;

2. High risk banned items – parents contacted, police informed and the student placed in isolation until parents or police arrive.
- **Using force** - If it is deemed that the student has a high risk banned item e.g. a weapon or drugs and there is serious risk of harm to themselves or others, then members of staff can use such force as is reasonable when conducting the search. Any restrictive physical intervention (RPI) will be conducted in line with the school Restrictive Physical Intervention Policy.

## Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

- The school will assess the balance of risk to the wellbeing of the student, their ability to comprehend the process and sensitivities based on culture, religion and sex.
- The decision to call the police to conduct a strip search on a student will be agreed if the Headteacher and the Senior Designated Person feel that such an action is proportionate.
- The school will only involve the police if there is a serious safeguarding concern regarding what the student may be concealing after all avenues of persuasion from the school and parents have failed.
- Unless there is an overriding safeguarding concern in relation to the students' parents, the school will actively engage with them and seek their support if a strip search is deemed appropriate
- Regardless of the level of the search an appropriate adult would be in the room whilst the search was being undertaken.

## The process the police must follow during a strip search

- Except in cases of urgency where there is risk of serious harm to the student or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult.
- The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult must not be a police officer or otherwise associated with the police. Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation. Note that an appropriate adult is not required when a pupil is eighteen or above.

- If the student's parent would like to be the appropriate adult, the school should facilitate this where possible.
- Police officers carrying out the search must be of the same sex as the student being searched. An appropriate adult not of the same sex as the student being searched may be present if specifically requested by the student. Otherwise, no-one of a different sex to the student being searched is permitted to be present, and the search must not be carried out in a location where the student could be seen by anyone else.
- Except in urgent cases as above, a search of a student may take place without an appropriate adult only if the student explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees.
- A record should be made of the student's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

#### **After-care following a strip search**

- The student should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the student's wellbeing and involves relevant staff, such as the designated safeguarding lead.
- Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the student to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, the student should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.

#### **After a search**

- A review will be conducted after a strip search has been undertaken to ensure that due diligence has been undertaken with regards the care of the student and wider individuals involved in the process.
- The review will be conducted by a member of the Governing Board and /or an outside consultant from HfL
- All relevant safeguarding concerns will be recorded and actioned accordingly by the Senior Designated Person

#### **Recording searches**

The recording of searches carried out on students, including by the police should be recorded on CPOMS, whether or not an item was found. This will allow the Senior Designated Person to identify possible risk and initiate a safeguarding response if required.

The record of the search should include:

- Date, time and location of the search;
- Who conducted the search and the names of other adults or students present;
- What was being searched for, what was found if anything;
- What follow-up actions were taken.

Knives or weapons	Controlled drugs and paraphernalia	Tobacco and cigarette papers	Pornographic images
Alcohol	Legal highs	Stolen items	Fireworks
Solvents and glues including nitrous oxide			

## Confiscation

Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property. The Priory School staff can seize any banned item found as a result of a search. They can also seize any item they consider harmful or detrimental to school discipline, the welfare and safeguarding of others in the school community. Students who have been searched and items confiscated will be dealt with in line with the school Behaviour for Learning Policy. Confiscated items that the school offer for the parents to collect will be disposed of if parents do not collect it within 2 weeks of notification.

**Table 2**

Banned item	Action required
Knives or weapons	The school will secure the item and contact the police.
Controlled drugs and paraphernalia	The school will secure the item and contact the police.
Legal highs	The school will secure the item and contact the police.
Alcohol	School will dispose of the item.
Energy and fizzy drinks	School will dispose of the item.
Fireworks	School will dispose of the item.
Stolen items (high value)	The school will secure the item and contact the police.
Stolen items (low value)	The school will look to return the item.
Pornographic images	The school will secure the images, refer to the DSP and contact the police.
Solvents and glues	School will dispose of the item.
Aerosols and gases	School will dispose of the item.
Tobacco and cigarette papers	School will dispose of the item.
Matches and lighters	School will dispose of the item.
Chewing gum	School will dispose of the item.
Medication unless by prior agreement	School will dispose of the item.
E-cigarettes and paraphernalia	The school will secure the item and return to the parents / carers of the student involved.
Mobiles phones	The school will secure the item and return to the parents / carers of the student involved.
Spinners or similar gadgets	The school will secure the item and return to the student at the end of the day.
Items of clothing and jewellery that do not follow the school uniform	The school will secure the item and return to the student at the end of the day.

## Analysis of the data

- Half termly analysis of searching, screening and confiscation data will be carried out and reported to SLT so as to target specific support for students and staff. Key findings and actions will be reported to the Governing Board termly

**Relevant other policies:**

<b>Restrictive Physical Intervention Policy</b>	<b>The Drugs Policy</b>	<b>Mobile Phone Statement</b>
<b>Special Education Needs Policy</b>	<b>Acceptable Use Agreement</b>	<b>Home School Agreement</b>
<b>Anti-Bullying Policy</b>	<b>Child Protection Policy</b>	<b>Behaviour for Learning Policy</b>