



Searching and Screening Policy

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Searching and Screening Policy

Introduction

Education Act 1996 and this policy takes account of the DfE guidance Search, screening and confiscation, January 2018. This policy also operates alongside Academy policies relating to behaviour, exclusion and the use of reasonable force/ positive handling.

Searching - Key Points

Under common law powers academy staff can search pupils with their consent for any item. In addition, 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 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 of, any person (including the pupil).

Principals and authorised staff can also search for any item banned by the academy as defined within the academy Behaviour Policy. The Academy is not required to have formal written consent from the pupil for this sort of search - it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.

Where a student refuses to cooperate with such a search the academy can apply an appropriate disciplinary penalty.

Academy staff can seize any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to academy discipline.

Screening

The academy may require students to undergo screening by a walk through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students. Any member of academy staff can screen students.

If a student refuses to be screened the academy may refuse to have the student on the premises. In such a situation if the academy has not excluded the student the student's 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 without consent

This can be undertaken by the Principal or a member of academy staff authorised by the Principal, where there are reasonable grounds for suspecting that a student is in possession of a prohibited item. There is no requirement to provide this authorisation in writing. When designating a member of staff to undertake search the Principal should consider whether the member of staff requires an additional training to enable them to carry out their responsibilities. Staff can refuse to undertake a search.

The search **must** be undertaken by a member of staff of the same sex as the student. There **must** be a witness, also a staff member, who is of the same sex as the student being searched. The only exception is where the staff member reasonably believes that there is a risk of serious harm will be caused if the search is not carried out immediately and where it is not reasonably practicable to summon another member of staff.

The Principal can require a member of the academy security staff to undertake a search. If the security guard is not a member of the academy staff the witness should ideally be a permanent member of the academy staff as they are more likely to know the student.

Searches can only be carried out on the academy premises or, if elsewhere, where the member if staff has lawful control or charge if the students - for example of an academy trip in England.

Extent of any search

The person conducting the search may not require the student to remove any clothing, other than outer clothing. Outer clothing is defined as clothing not worn next to the skin or immediately over a garment that is being worn as underwear, but can include hats, shoes, boots, gloves and scarves.

Possessions can also be searched. These are anything over which the student has, or appears to have, control. This includes desks, lockers, bags.

Where appropriate the academy provides a desk or locker for storage by a student on the clear understanding that it may be searched without consent for any item defined as prohibited by this policy.

Member of staff can use such force as is reasonable given the circumstances when conducting a search for items defined as prohibited under this policy. Such force cannot be used to search for other items banned by the academy behaviour policy eg mobile phones

Powers to seize or confiscate items

An academy member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty, where it is reasonable to do so. Where an item is retained it must be stored securely.

If during any search the member of staff finds:

- An item suspected to be an **offensive weapon** or **items that are evidence of an offence** must be passed to the Police;
- Any **alcohol, tobacco, cigarette papers, or fireworks** must not be returned to the student;
- **Controlled drugs**, these must be delivered to the Police as soon as possible, but may be disposed of if the person believes there is a good reason to do so;

- Any **other substances**, which are not thought to be controlled drugs (e.g. legal highs) may be confiscated if the member of staff believes them to be harmful to good order and discipline. Where staff are unsure of their legal status and have reason to believe that it may be a controlled drug they should treat it as such.
- Items that have been **stolen**, these must be delivered to the Police as soon as practically possible, or returned to the owner. The Police should only be involved if the items are deemed to be valuable (eg iPads, computers);
- Any **pornographic images**, these may be disposed of, following consultation with the Designated Safeguarding Lead, unless there are reasonable grounds to suspect that its possession constitutes a specific offence. In such circumstances the image(s) must be delivered to the Police as soon as possible.

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they have acted lawfully.

Electronic Devices

Where an electronic device is prohibited by the academy, is reasonably thought to have been used to commit an offence, or cause personal injury or damage to property is found during a search the academy or Leigh Academies Trust IT Services may examine any data or files on the device where there is good reason to do so.

The academy or Trust IT Services may delete data or files where there is a good reason to do so, unless the device is to be given to the Police. In determining a 'good reason' to examine or erase data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm to disrupt the operation of the academy, or other educational settings, or breaks the academy rules on the use of technology.

All academy staff will be trained about the behaviours linked to the online sexual harassment including the non-consensual sharing of nude and semi nude images, how to deal with such issues and support those whose dignity has been violated and feel humiliated or degraded through such behaviours.

Where a device is suspected to contain evidence in relation to an offence no material, data or files must not be deleted prior to it being given to the Police.

Informing parents/ carers

The academy is not required to inform parents before a search takes place or seek their consent to search their child and there is no requirement to keep a record of a search. Where alcohol, illegal drugs or potentially harmful substances are found the academy will seek to discuss the matter with parents / carers, although there is no legal requirement to do so

Any complaints about screening or searching will be addressed through the normal academy complaints process.