

## Overton Grange School



### Procedures on searching students

Date: September 2023

Any searches will be carried out in line with: Searching, Screening and Confiscation: Advice for schools (Department for Education, January 2022)

#### **List of prohibited items:**

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- 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).
- tobacco and cigarette papers
- fireworks
- pornographic images

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for, including:

- 'legal' highs (e.g. synthetic cannabinoids) – also known as psychoactive substances
- cigarette lighters and matches
- e-cigarettes and vapes
- offensive material of any kind – e.g. racist, homophobic literature
- aerosols
- chewing gum
- energy drinks

#### **Screening**

Overton Grange School currently only screens students who are sitting exams in the school hall. This takes the form of the random screening of some students as they enter the exam hall, or leave for a toilet break, using a mobile phone scanner device. Any electrical devices that are detected are kept by the invigilators and reported to the Exams Officer. Non-prohibited items will be returned at the end of the exam.

#### **Searching**

##### Key principles, in line with statutory guidance:

Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search. The Headteacher can authorise individual members of staff to search for specific items, or all items set out in the behaviour policy. in general, or for a particular search or type of search, in the presence of another member of staff. There must be another member of staff present as a witness to the search.

At least one of the those present during a search must be a member of SLT. All members of SLT are authorised to lead a search.

The member of staff conducting the search must be the same sex as the student being searched. There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

Before the search takes place, the member of SLT leading the search should explain to the student why they are being searched, how and where the search is going to take place and give them the opportunity to ask questions

Students should be given every opportunity to cooperate with the search and to surrender dangerous, illegal or suspicious items although if they do so and grounds for suspicion persist a search should be carried out. Handing over materials voluntarily will count in the student's favour and reduce risk to searchers.

If the student is not willing to cooperate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware what a search may involve; or
- have had a previous distressing experience of being searched.

If a student continues to refuse to cooperate, the member of staff may sanction the student in line with the school's behaviour policy. If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information on the student. During this time the student should be supervised and kept away from other students.

If the student refuses to co-operate, the member of SLT leading the search will follow the DfE guidance (para 22) and assess if it is appropriate to use reasonable force to conduct the search. Any use of force would only be in exceptional circumstances – where it may be necessary to do so to prevent the student harming themselves or others, damaging property or from causing disorder

An appropriate location for the search should be found. Where possible, this should be away from other students. The search must only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip. The powers only apply in England. If concerns arise on the school trips outside England, staff should contact a member of SLT for advice.

A member of staff may search a student's outer clothing, pockets, possessions, desks or lockers. Lockers can be searched for any item, providing the student agrees. If a student does not agree, it is possible to conduct a search, but only for prohibited items .

The person conducting the search must not require the student to remove any clothing other than outer clothing.

- 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

A student's possessions can only be searched in the presence of the student 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.

The member of staff may use a metal detector to assist with the search.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do. The member of staff's power **does not** enable them to conduct a strip search. The member of SLT leading the search will follow the DfE guidance (para 35 – 41) in relation to strip searches.

The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in paragraph 3. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Although not a legal requirement, any search by a member of staff for a prohibited item and all searches conducted by police officers should be recorded using the Search log [see end of appendix]. The record should include:

- the date, time and location of the search;
- which pupil was searched, including name, year, sex, ethnicity;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search

Completed records are kept in the Headteacher's office. Staff might find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Parents/carers should always be informed of any search that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents/carers of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

The member of SLT leading the search will follow the DfE guidance (para 72 – 79) in relation to electronic devices.

### **Informing parents and dealing with complaints**

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. Parents should always be informed once a search has taken place.

Schools should inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

### **Confiscation**

Key principles, in line with statutory guidance:

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or students;
- is prohibited, or identified in the school rules for which a search can be made; or
- is evidence in relation to an offence.

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline. Staff must pass any prohibited items, however found, to a member of SLT.

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so. 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 acted lawfully.

The member of SLT leading the search will follow the DfE guidance (para 58 - 71) in dealing with prohibited items that are found as a result of a search.

Please note:

### **Statutory guidance for dealing with electronic devices**

Where the person conducting the search finds **an electronic device** they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

**SEARCH LOG**  
**Incident Record**

**Search details:**

<b>Date:</b>	
<b>Time:</b>	
<b>Location:</b>	

**Student details:**

<b>Name:</b>		<b>Tutor group:</b>	
<b>Sex:</b>		<b>Ethnicity:</b>	

**Staff details:**

<b>Staff who conducted the search</b>	
<b>Staff witness(es) to search</b>	

**Search details:**

<b>What was being searched for</b>	
<b>The reason for searching</b>	
<b>What items, if any, were found</b>	
<b>Follow-up actions</b>	
<b>Any other comments</b>	

**Report compiled by (please print):** \_\_\_\_\_