

PENRICE ACADEMY

Search and Confiscation Policy



Introduction

Penrice Academy fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children. Searching can play a critical role in ensuring that schools are safe environments for all students and staff. It is a vital measure to safeguard and promote staff and student welfare, and to maintain high standards of behaviour through which students can learn and thrive.

This policy applies to all students, staff, volunteers and contractors, paid and unpaid, working in Penrice. This policy has been written in line with guidance in Searching, Screening and Confiscation: Advice for Schools DfE 2022.

The Academy acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010.

Before Searching

A search can be considered if the member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the Academy rules for which a search can be made, or if the student has agreed.

The teacher must decide in each case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

Searches without consent can only be carried out on the Academy premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on Academy trips.

The authorised member of staff should assess how urgent the need for a search is and should consider the risk to other students and staff.

Search With Consent

Under common law, Academy staff have the power to search a student for any item if the student agrees. The Academy will take into account the age and understanding of the child when considering consent. The member of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.

The Academy makes clear in this policy and in communications to parents and students what items are banned.

If a member of staff suspects a student has a banned item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if the student refuses to co-operate or follow instructions, the teacher can apply an appropriate sanction as set out in the Academy's behaviour policy.

Search Without Consent

The Head and staff authorised by the Head (see Appendix 1) 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. Prohibited items are:

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

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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).

The Academy also reserves the right to search for and confiscate other items, including mobile phones, where they have been used inappropriately.

The staff member conducting the search must be the same sex as the student being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the student being searched.

The person conducting the search must not require the pupil 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.

There is a limited exception to this rule. Staff can carry out a search of a student of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Confiscation

Academy 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 Academy discipline.

When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Schools DfE 2022.

Items confiscated by staff will be kept safe until their return to students unless otherwise decided. Staff must take reasonable steps to keep items safe. High value items such as mobile phones should be taken to the Academy office, placed in an envelope and placed in the safe until collected by student or parent dependent on the situation. This is in line with Section 94 of the Education Act 2006.

When a member of staff finds an item which is banned under the Academy rules, they will consider all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

We will always dispose of the following items

- 1) Cigarettes
- 2) E-cigarettes / vapes
- 3) Other smoking paraphernalia
- 4) Alcohol
- 5) Energy drinks

This list is not exhaustive but represents a list of items that are more commonly confiscated in secondary schools.

Please note that if drugs are found, then the Police will be informed and the drugs will be handled in accordance with guidance from the Police. This applies for any other illegal items, such as knives or weapons.

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Dealing with Electronic Devices (see statutory guidance for further details)

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. In addition, they may erase any data or files, if they think there is a good reason to do so.

The member of staff must have regard to the DFE guidance when determining what is a "good reason" for examining or erasing the contents of an electronic device.

In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

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 Academy discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Appendix 1: Procedure for Conducting a Search

Staff authorised by the Headteacher to conduct a search within the Academy are members of the Senior Leadership Team, the DSL, Operational DSL and Deputy DSLs. Other staff may be asked to witness the search. Wherever possible, the search will take place in a room where privacy can be respected.

The search will be conducted 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 staff member will ask the child to empty their pockets and their bag. The members of staff will then check the blazer and the bag. They may also check any other outer clothing e.g., ties, jumpers.

The person conducting the search may not ask 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 jumpers and coats, hats, shoes, boots, gloves and scarves.

If items listed in the policy are found, they will be confiscated and a decision will be made in line with the policy regarding return or disposal of the items or passing them onto the Police. The Academy behaviour policy will be followed in following up any items found.

Following the search, it will be recorded on the student log with the following information:

- the date, time and location of the search;
- 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;
- what follow-up action was taken as a consequence of the search.

When an individual search has been conducted, the member of staff who conducted the search will call the child's parents/carers to inform them on the same day.

There may be occasions when this procedure is adapted e.g. a whole class bag search where a potentially dangerous item has gone missing. In this instance a record would only be made if an item was found.

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*If the search is conducted by one member of staff, they will inform the DSL or headteacher immediately after the search has been concluded.