



**BROUGHTON**

**HIGH SCHOOL**

*Achieving Together*

# **SEARCHING, SCREENING AND CONFISCATION POLICY**

Last Updated	October 2023
Approved by the Governing Body	Autumn Term 2023
Date to Review	2024-2025

## AIMS AND PRINCIPLES OF THE POLICY

This policy has been written to explain Broughton High Schools' powers of screening and searching pupils. It clarifies the use of the power to search pupils without consent whilst explaining the powers the school has to seize and then confiscate items found during a search (refer to school policy '*Use of Reasonable Force*').

This policy is based on the new advice for Headteachers, staff and governing bodies from the DfE July 2022. In particular, it describes the use of power to search pupils without consent.

### 1. SCREENING

- The law allows that school can require pupils 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 pupils.
- School's statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.
- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil must comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

### 2. SEARCHING

- School staff can search a pupil for any item **if the pupil agrees**.
- School is not required to have formal written consent from the pupil for this sort of search
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate sanction.
- If a pupil refuses to co-operate with a search request the same kind of issues are raised as where a pupil refuses to stay for a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff. In such circumstances school will apply an appropriate disciplinary penalty.

- Headteachers and any authorised staff have a statutory power to search pupils or their possessions, **without consent, should they have reasonable grounds** for suspecting that a pupil is carrying a prohibited item such as:
  - knives or weapons
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco, cigarette papers and e-cigarettes
  - fireworks
  - pornographic images
  - any article that the member of staff reasonably suspects has been, or is likely to be, used
    - i) to commit an offence,
    - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)
- The Headteacher and authorised staff can also search for any item **banned by the school rules** including items which are intended to be sold to other members of the school community such as confectionery, clothing or electronic items.
- Should such a search be required, the member of staff must be the same sex as the pupil being searched and must be witnessed by another member of staff who, if at all possible, should be the same sex as the pupil being searched.
- The limited exception to this rule is conducting the search **only** if the member of staff reasonably believes that there is a **risk of serious harm** and where it is **not reasonably practicable** to summon another member of staff.
- Statutory powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
- Staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- 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 can conduct (e.g. a police officer).

#### Lockers and desks

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

#### Use of force

- 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 items banned under the school rules.

### 3. CONFISCATION

- The Headteacher and authorised school staff can seize any prohibited item found as a result of a search.
- The Headteacher and authorised school staff can also seize any item, however found, which is considered harmful or detrimental to school discipline. Included in such items are energy drinks and large quantities of confectionery.
- The schools' general power to discipline, as set out in Section 89 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.
- Staff have a defense to any complaint or other action brought against them. 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.
- Where any suspected item is thought to be a weapon, controlled drugs, stolen items and pornographic images the police and the pupil's parents/carers will be informed immediately.
- Should a member of staff find alcohol, other substances not believed to be controlled drugs, tobacco or cigarette papers, e-cigarettes, fireworks or large amounts of confectionery and other items destined for sale to members of the school community, then such items will be disposed of as appropriate and **not** returned to the pupil.
- Should a search conducted by the Headteacher or another authorised member of staff reveal electronic devices, then appropriate staff may examine any data or files on the device if they think there is a good reason to do so.
- Following the examination of such data, the member of staff, regardless of whether they return, retain or dispose of the device, may erase any data or files if they think there is a good reason to do so, or retain such data as evidence of a criminal offence or breach of school discipline.

### 4. CONTACT WITH PARENTS

- School is not required to inform parents before a search takes place or to seek their consent to search their child.
- School will inform parents or guardians where alcohol, illegal drugs, potentially harmful substances, knives or weapons, stolen items, fireworks, pornographic images are found, or damage to personal or school property.
- Complaints about searching and confiscation should be directed to the Headteacher and Chair of Governors in the first case.

Information to support this policy can be found in "[Searching, Screening and Confiscation – Advice for Schools](#)" (Dept. for Education July 2022)