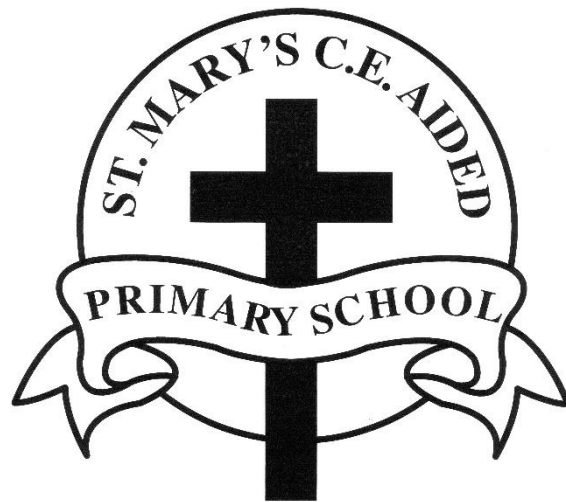


SEARCHING AND CONFISCATION POLICY



This policy is new, and based upon the model policy from the Department for Education January 2018

Amanda McGarrigle
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“ Let the children come to me, and do not hinder them, for the kingdom of God belongs to such as these.” (Luke 18:16)

CONTEXT

This policy is intended to explain school's powers of searching and screening pupils, so that staff have confidence to use them. In particular it explains to all stakeholders the use of the powers to search pupils without consent. It explains the powers that schools have to seize and confiscate items found during a search. It includes statutory guidance, which school must have regard to.

REVIEW

This policy will be reviewed and updated as necessary.

SEARCHING

- School staff can search a pupil for any item if the pupil agrees.
- Headteachers and staff directly 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

Cigarettes and tobacco

Fireworks

Pornographic images

Any item that is likely to be used to commit an offence, cause injury to or damage of the property of any person (including the pupil themselves).

Any item banned by the school.

In addition to this list. At St Mary's CE (VA) Primary School, we consider lighters, fire starters and tools to be banned items.

CONFISCATION

Items found as a result of a search can be confiscated. They are also able to seize any item they consider harmful or detrimental to school discipline.

HUMAN RIGHTS

Under article 8 of the European Convention on Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils 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 a school (or any public body) must be justified and proportionate.

Any confiscated items will be held by the Headteacher, and parents will be informed (please see our behaviour policy).

SEARCHING WITH CONSENT

school staff can search pupils with their consent for any item.

Also note:

- Schools are 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 and for the pupil to agree.
- 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 punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

SEARCHING WITHOUT CONSENT

What the law says:

What can be searched for?

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for (see above).

WHO CAN SEARCH?

The Headteacher or anyone directly authorised by them.

UNDER WHAT CIRCUMSTANCES?

- There must be a witness to the search, and if possible the person searching should be the same sex as the pupil.

WHEN SHOULD YOU SEARCH?

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.