

LVS ASCOT



LVS Ascot

A Co-educational Day & Boarding School
for young people aged 4 - 18

SEARCH AND CONFISCATION POLICY

Whole school including the EYFS

Relevant Statutory Regulations:	NMS 9 NMS 12 Screening, Searching and Confiscation – Advice for headteachers, staff and governing bodies January 2018. BSA Briefing Paper 15, 2005.
Nominated member of SMT responsible for the policy:	Christine Cunniffe
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The Governors and staff at LVS Ascot are committed to providing a safe and happy learning environment, promoting equality and diversity and ensuring the well-being of all members of the community. The School is committed to safeguarding the welfare of all children and we seek to cultivate an environment of mutual respect and treat pupils and staff fairly and sensitively.

It is their clear intention to promote good behaviour and to exercise their responsibilities in ensuring the safeguarding and welfare of all pupils and staff within the community. This policy should be read in conjunction with the Personal Conduct Policy, the Alcohol, Drugs and Smoking policies. 'Screening, Searching and Confiscation – Advice for headteachers, staff and governing bodies January 2018.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

1. INTRODUCTION

In the event of a pupil, or a pupil's room, locker or bag, being searched, a member of SMT will always be present, the School will ensure the rights of the pupil are respected and that the usual high standard of safeguarding is not compromised.

This policy ensures that any search of a pupil's personal belongings is carried out in accordance with section 550ZA of the Education Act 1996 and with regard to any guidance issued by the Secretary of State. This policy has also been developed in accordance with the guidance in the 'Education Act 2011', 'Education and Inspections Act 2006' and 'Screening, Searching and Confiscation – Advice for headteachers, staff and governing bodies January 2018.

2. KEY POINTS

The Principal and SMT 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. A full list of such items can be found in the DfE Guidance "Screening, Searching and Confiscation" (January 2018). Prohibited items include:

- knives or weapons,
- alcohol,
- illegal drugs,
- stolen items,
- smoking and vaping paraphernalia,
- fireworks and 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 the property of, any person (including the pupil).

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3. CONDUCTING A SEARCH

Searches will be conducted with a member of SMT and another member of staff. However it may be necessary for other staff (including those involved with offsite trips) to conduct searches. One of the staff members must be the same gender as the pupil being searched and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched. There is a limited exception to this rule, for example in exceptional circumstances, where there is reason to believe a pupil/pupils may be at risk of serious harm and no same sex members of staff are available but there must always be a witness present.

Pupils maybe required to remove outer garments such as hats, gloves, coats, blazers etc. Staff may also request pupils to empty pockets of dresses and/or trousers if suspicion exists.

Pupil's possessions may also be searched if suspicion exists that there are prohibited items. Possessions include, school bags, lockers, wardrobes, drawers, suitcases, pencil cases and electronic devices*.

*Searches of electronic devices can also be undertaken if there is "good reason" to suspect that the data/images have been or could be used to cause harm, disrupt teaching or break school rules.

Personal searches, especially forced personal searches, should, if at all possible, be avoided, though may *in extremis* be necessary, e.g. if it is suspected that a pupil is carrying a knife/offensive weapon. All reasonable steps should be taken where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk. This might include, *in extremis*, all or any of the following: physical restraint, forced search (of person and/or of property), and confiscation. SMT and/or the principal may decide that the police should be called to conduct the search.

Whilst a search may be required for suspected dangerous/illegal items, a search may also be justified for other reasons – for items that are not allowed in school, for instance, but which are not necessarily of themselves dangerous (or illegal).

Searches that have been carried out must always be recorded on CPOMs and if prohibited items found parents and/or guardians will be informed.

The school has the right to authorise the use of sniffer dogs to search for illegal substances as part of its Drugs policy. This may include both passive and active searches and will always be supervised by a member of SMT or a Boarding Housemaster/mistress.

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If a pupil refuses a search this may be taken as an admission of guilt.

4. CONFISCATION

SMT will seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

If a search reveals any offensive weapons or knives, or evidence in relation to an offence, the item or items should be removed to a place of safekeeping. SMT will consult with the Principal to determine what action to take in accordance with the School policy. They would determine whether this should be reported to the Police.

Any prohibited item that is confiscated will be dealt and disposed of appropriately by a member of SMT.

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device (including Pupil's Personal Devices), has been seized by a member of staff who has been formally authorised by the Principal, that staff member can examine data or files, and delete these, where there is good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

If evidence of inappropriate images/data or pornographic images is found on electronic devices, the SMT would consult with the Principal to determine what action to take. They would determine whether this should be reported to the Police.

Any item confiscated should be kept safe and the details of the confiscation (item, date, time, location, owner, reason, etc) logged on CPOMS. Consideration should be given to the possible consequences of keeping the item and the pupil apart (for example, travel safety in the case of a confiscated mobile phone).

There may be occasions when staff will need to confiscate property on a temporary basis (whether identified by search or by chance). This may include some prohibited items, banned items or other items. For example, this might include pupil's personal devices which are being used during the school day, speakers that are being played too loudly, clothing that is not considered to be school uniform. These items should be returned to the pupil's possession at the end of the school day or in the case of boarding houses after a reasonable duration as determined by the Housemaster/Housemistress

5. EXTERNAL AGENCIES AND DISCIPLINARY ACTION

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If a pupil is suspected of carrying on their person or having in their possessions/room an item or items considered by the school to be dangerous and/or illegal, such as drugs, then the matter should be referred to the SMT and/or Principal in the first instance. They will determine whether it is appropriate to call the Police.

Irrespective of any action taken or not taken by external agencies like the Police, the School will take its own action in line with Pupil's Personal Conduct Policy, Alcohol, Anti-Smoking and Vaping policy, Drug's policy, Pupil Personal Devices Policy and the Exclusions Policy.

Whilst it is not possible to have detailed procedures that cover every eventuality, in general these guidelines should be borne in mind and, where possible, observed.

6. GENERAL GUIDELINES

Generally, **staff should not** without very good cause (such as that provided by circumstances exemplified above):

- touch the pupil, especially forcibly (any restraint should be in line with the School's policy on the use of restraint);
- search a pupil's pockets, except in outer wear: these should be turned out by the pupil;
- search a pupil's room or bag without them being present and without another adult witness being present;
- act in isolation: if in any doubt staff should refer to an appropriately senior member of staff.

7. REFUSAL TO COOPERATE

Where suspicion that a pupil has a prohibited item and a member of SMT has requested a search but the pupil has refused:

- in the case of initial refusal to co-operate, a member of SMT should contact parents/guardians and ask them to persuade the pupil to submit to the request;
- in the case of continuing refusal to co-operate, SMT or the Principal should isolate the pupil in school and call the parents to attend. **If appropriate** (where it involves items of considerable value, illegal drugs, weapons etc), advise parents and pupil that the Police might be contacted and asked into the School to make the search;

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- in the case of continuing refusal to co-operate, a member of SMT to call the Police so that they might make the search at school.
- Refusal to cooperate with the school's search policy may result in the pupils place at the school being reviewed in line with the exclusions policy.

8. RECORDING THE RESULTS OF PERSONAL AND/OR PROPERTY SEARCHES

When a search has taken place, the following items should be noted and kept on the relevant pupil's file on CPOMs and the pupil's central file (SEE APPENDIX 1):

- The reason for the search taking place;
- The date and time of the search;
- The results of the search;
- All staff involved;
- Other agencies involved;
- The outcome (including any disciplinary action taken in respect of that pupil);
- The general disciplinary outcome (e.g. suspension etc.);
- This information should then be placed in the pupil file, if any items are found this information should go to the central file in the Principal's PA's Office.

9. SEARCHING ELECTRONIC DEVICES

Where staff reasonably suspect that data has been, or could be, used to cause harm, to disrupt teaching or break the school rules, they can confiscate the device.

If electronic devices are seized under the rules of confiscation (see section 3), staff are asked to contact a member of SMT before they take any further action.

Staff can examine data or files on a mobile phone, computer or other electronic device found as part of a search if they think there is good reason for doing so. Clearly this could be used to gather evidence of cyberbullying or other abuse of technology. Again, if there is good reason for doing so, they may erase any data or files. Where there are concerns of child pornography, a report relating to an online element of child-on-child sexual violence or sexual harassment, the key consideration for staff is not to view or forward the illegal images of a child. <https://www.gov.uk/government/publications/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people>

If inappropriate material is found (such as child pornography), the principal and Designated Safeguarding Lead must be contacted and the material must be handed to the police.

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Appendix 1 - Search Form – Day pupil

Pupil's Name and year group:	
Date and Time:	
Members of staff conducting search (including member of SMT)	
Pupil consented (signature)	

Reason for Search	
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Outcome of Search	
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Further Action taken (including sanctions if appropriate)	
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Appendix 2 – Search Form- Boarding pupil

Search Permission Form



Boarder's Full Name	
Dorm	

I give permission for your BHM/ABHM and one other member of House staff to search my dorm and all off my possessions, I am aware this can include going into my school locker. I also agree that I will be present the whole time.

I understand that the grounds for search are:	
If there is anything you would like to tell staff before the search begins? (Please explain here if there is anything you would like to declare or state)	
Signed Boarder	
Print	
Date and time	

Signed Staff Member 1	
Position in House/School	
Date and time	

Signed Staff Member 2	
Position in House/School	
Date and Time	

Outcome of Search:

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Appendix 3 – Search Checklist

Set out below is a checklist of factors that should be considered before and after initiating a search.

- What is the item being searched for? Is the extent and nature of the search proportionate to the value and 'risk factor' of the item sought? For example, is there suspicion of illegal drugs or simply that a CD has gone missing from a boy's/girl's room?
- Does the pupil consent to the search? *With* and *without consent* searches of a pupil and/or their possessions must be carried out in accordance with this policy.
- Have you got all the relevant details to hand so that a written record of all searches can later be made i.e. date, time, location, people and the outcome of the search?
- Has SMT been informed where prohibited items have been found as a result of the search?
- Will the search entail forcible entry into school property, for example breaking into a secure locker? If so, this should not be undertaken without prior consultation with a member of SMT. The School may conduct a search of school property without consent of parents or pupils if it believes there is a significant threat to the welfare of the School as a whole.

Links to other policies

This policy should be used in conjunction with the following policies and/or documents:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

Anti Smoking Policy 2021-2022

Drugs Policy 2021-2022

Pupil Personal Conduct Policy 2021-2022

Pupil's Personal Device and Mobile Phone Policy 2021-2022

Safeguarding and Child Protection Policy February 2022

Alcohol Policy 2021-2022