

PERCY HEDLEY EDUCATION SERVICES

Arrangements for searching pupils and their possessions

Introduction

The school/college is committed to safeguarding the welfare of all children and young people and we seek to cultivate an environment of mutual respect and treat pupils and staff fairly and sensitively. In the unusual event of a pupil, or a pupil's room, locker, bag or other repository for possessions, being searched, the school/college will take all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases: if in any doubt, advice should be sought from a senior member of staff, unless the urgency or another overriding aspect of a situation makes such referral impractical.

The fundamental principles are two:

1. Act with due care, consideration and sensitivity and remain mindful of the need to respect privacy; particular thought should be given to boarders for whom, during term time, the school/college is their 'home'
2. Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care can in certain circumstances override all other protocols.

At all times a balance should be retained between, on the one hand, common-sense actions rightly taken in respect of ongoing assessed risk in a real-world case and, on the other, the desirability of following step-by-step written guidelines which, however helpful, stand in isolation of a specific context and cannot embrace every eventuality. Specifically, there may or may not, in the assessment of such risk in a particular case, be good grounds for the member of staff who is dealing with the matter to deviate from guidelines. For instance deviation may be warranted, or indispensable, in response to or in pre-emption of immediate or potentially immediate danger to persons/property involved.

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

Confiscation

The same applies to confiscation: such items found in school/college or on a pupil's person may be confiscated for a time. An example may be a laptop which a pupil persists in using after 'lights out' or a mobile 'phone used when it should not be or in an inappropriate way during school/college hours. Any item confiscated, should be

kept safe and the details of the confiscation (item, date, time, location, owner, reason, etc) logged. An indication should be given at the time of confiscation to the pupil by the member of staff who has confiscated an item of when the item is likely to be returned. The duration of a confiscation should be reasonable and proportionate and, as in all matters, not unduly (or necessarily at all) punitive. Twenty-four hours might be a reference-point for a confiscation period. Consideration should be given to the possible consequences of keeping the item and the pupil apart (for instance travel safety in the case of a confiscated mobile 'phone).

External Agencies and Disciplinary Action

If a pupil is suspected of carrying on their person or having in their possessions/room etc an item or items considered by the school/college to be dangerous and/or illegal, such as drugs, then the matter should be referred to a senior member of staff and it may be appropriate to call the Police. Irrespective of any action taken or not taken by external agencies like the Police, the school/college may take its own action, such as suspending the pupil in the first instance from school/college if they refuse permission for the search to take place. Any subsequent decision related to any or to further disciplinary actions from school/college would take into account any co-operation, or lack of it, on the pupil's part and what might reasonably be inferred from that.

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

Scope

If a pupil is suspected of carrying an unauthorised item (for example, alcohol) a member of staff should ask the pupil, if feasible in the presence of a second adult witness, if the pupil is happy to turn out his/her pockets or bag. Throughout, the pupil should, if possible, be kept under close supervision in case there is an attempt to divest himself/herself surreptitiously of any item. If the pupil refuses to cooperate, the member of staff should contact an appropriately senior member of staff who should consider if it is appropriate to try to contact the pupil's parents. As appropriate, and if the parents can be contacted, they should be encouraged to persuade the pupil to agree to the search taking place. If the matter is of major concern and the pupil still refuses to approve of the search, then the Police may be called in to conduct the personal search.

Personal searches, especially forced personal searches, should if at all possible be avoided, though may in extremis be necessary. For example, 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.

Forced Searches

Reasonable force may be used in exercising the statutory power to search pupils, without their consent, for weapons and (with effect from September 2010) for alcohol, illegal drugs and stolen property ('prohibited items'). This search power may be exercised by staff where they have reasonable grounds for suspecting that a pupil has such items. However, the school/college's guidance in this matter is that any

such 'forced search' should be undertaken only if absolutely necessary, such as in extreme situations where leaving a pupil with such a suspected item could pose risks to others (or to that pupil), or mean that what might be the only opportunity to establish that such an item was in that pupil's possession as suspected, is lost. Other means of dealing with the pupil and the situation should be used if possible – such as keeping the pupil under close surveillance (so any item cannot be surreptitiously disposed of), isolating the pupil from others for the time it takes for matters to be addressed, etc. Very strongly recommended wherever feasible are the following courses of action:

- Refer the matter to a senior member of staff before/rather than making any physical intervention
- Consider whether or not such a search might be better conducted by the Police rather than by a member of staff (the former being preferable wherever possible)
- If at all possible, do not be alone with a pupil if it really is necessary to conduct a search

Much of this is common sense: avoid, if at all possible, any physical contact altogether with a pupil, most especially any kind of forced physical contact that might prompt resistance on the pupil's part. Equally, however, preserving safety is paramount, and, where a 'forced search' presents itself as the only or best way of preserving safety, not to conduct such a search might be construed as a failure in the duty of care on the part of the member of staff involved.

Searches of personal property or school/college property, for example in a room

Belongings are no longer 'of the person' when they are being stored at school/college or in school/college property. This allows for a greater flexibility of approach. However if a search by a member of staff is undertaken the level of intrusion is potentially as great and so the offence suspected needs to be sufficiently serious, the need for a search legitimate, and prospect of success reasonable.

For 'lost' items of relatively low value, a pupil should be asked to search his own belongings to see if the item has been 'misplaced'. If more than one pupil is included, the scope of the search and the number of pupils involved should reflect the nature of the loss and be legitimately targeted. Members of staff (one as witness) might watch the pupil(s) search, but this may not be deemed necessary or appropriate.

Where a boarder's room is to be searched, the boarder should be given the opportunity to conduct the search personally by emptying out drawers, under direction from the members of staff present. If a boarder refuses to co-operate or is unable to consent, and the circumstances are deemed to warrant a search by staff, then the room should be searched by staff, with at least two members of staff being present throughout. Any suspicious items found should be deposited in a plastic bag and sealed.

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/college's policy on the use of restraint)
- Search the pupil's person, which for these purposes extends to his or her outer clothing and pockets, or remove the pupil's clothing - even their coat - for the purpose of searching it.
- Search a pupil's pockets: 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.

As a guide only and without any suggestion that these would be the only appropriate ways to proceed, here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform an appropriately senior member of staff, who will see that the finding of any weapons, or suspected weapons, is reported to the Police.
- If evidence of illegal substances drugs or of suspected illegal substances is found, the senior member of staff involved determines what action to take in accordance with the school/college's policy.
- If tobacco or alcohol items are found in a pupil's possession, they should be confiscated by the member of staff, who will inform a senior member of staff. The senior member of staff involved determines what action to take in accordance with the school/college's policy.

Further suitable courses of action might, depending on circumstances, include the following, but would not preclude other suitable ways of proceeding:

- In the case of initial refusal to co-operate, a member of SMT to contact parents/guardians and ask them to persuade the pupil to submit to the request.
- In the case of continuing refusal to co-operate, a member of SMT to isolate the pupil in school/college and call the parents to attend. If appropriate (items of considerable value, illegal drugs, weapons etc.), advise parents and pupil that the police might be contacted and asked into the school/college to make the search.
- 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/college. If for some reason the police cannot immediately attend and the search is deemed urgent, then the pupil should attend while a member of staff, with a member of the SMT as witness, makes the search. Forcible entry is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act

1971) or weapons, and then only on school/college property, not personal property.

- A pupil's room and belongings to be searched only when there are clear grounds for suspecting something is untoward; unless impractical, the reasons to be explained to the pupil, In most circumstances the pupil to be present during the search
- All searches to be undertaken by a minimum of 2 members of staff
- Wherever possible the pupil to be asked to make available the required area (such as a drawer) and to remove contents
- Parents to be informed

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:

- 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)

Policy review undertaken biannually by the Executive Headteacher and Head of Residential Services.