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SHOREHAM ACADEMY

Searches Policy (Illicit Possessions) – Guidance for Students, Staff and Parents

Updated Feb 2022

Next review Feb 2024

Shoreham Academy is committed to safeguarding and promoting the welfare and safety of all members of its community. Accordingly there may be occasions when it becomes necessary to search a student, the belongings or the locker of a student. These instructions set out the circumstances in which such searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DFE Guidance for Schools on Screening, Searching and Confiscation (January 2018). The majority of searches will be undertaken by the school's Safety Officer, however other people in the school who can carry out any such search are members of SLT, Heads of School, Pastoral Managers or the School Police Liaison Officer.

In all circumstances the consent of the student to be searched will be requested. A second adult witness should always be present. Affected students' parents/carers will be contacted after any search, regardless of the outcome. In the general course of a day, given the students' good conduct, behaviour and taking into account the positive relationships between students and staff, it is unlikely that searching students will be necessary. There are however some occasions when it might be; at those times, this policy should be followed. Essentially there are two types of search: those with consent and those without consent. These searches are outlined in this policy.

Establishing Grounds for a Search

- The 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.
- School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

Searching with Consent

- Academy staff can search students with their consent for any item which is banned by the school rules.
- Schools are not required to have formal written consent from the student for this sort of search – it is enough for the member of staff to ask the student to turn out their pockets or if the member of staff can look in their locker or bag.
- Before a search is undertaken, students are asked if they have anything on their person that might cause the searcher harm.
- If the student refuses to comply, this is not necessarily an admission of guilt; however the matter should be referred to a senior member of staff if appropriate.

Searching without Consent

- Items that can be searched for under these powers include knives, weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks and pornographic images. Items that are banned from school can be searched for, all items listed in the behaviour policy.
- The search should always be carried out in the presence of another adult witness.
- The search may be carried out if there are reasonable grounds of suspecting that a student is in possession of a prohibited item.
- If a student refuses to be searched, their parent or carer may be contacted by telephone in the presence of the student and asked to either come into the school or give their permission over the phone. The police may be contacted if deemed necessary.

Searching a Student's Person

- If a student is suspected of carrying a prohibited item they may be asked, in the presence of a second adult witness, to turn out their pockets.
- Staff will not touch the student but are allowed to ask them to remove any outer clothing in order to conduct the search. Outer clothing refers to any item which is not immediately touching the skin.
- If this fails and possession of such items is still strongly suspected, the police will be called, who are allowed to conduct a personal search if they believe that a crime has been committed.

Searches of a Student's Personal Property

- There may be circumstances in which staff wish to search a student's personal property, such as a bag, mobile phone or locker.
- Under common law, if a student consents any item may be searched for.
- If a student does not consent to a search, it is only possible to search for the prohibited items
- Any such search must be witnessed by a second adult and, ideally, the student.

Searches of School Property

- Those authorised to carry out searches may search school property, such as a student's locker, if they believe illegal drugs or weapons or stolen property to be stored there. Prior consent can be sought, but individuals should be made aware that the school may still proceed with a search even if consent is refused. The decision to go ahead in such circumstances would have to take into account the likelihood of an offence having been committed. A second adult witness should always be present and, if possible, the student concerned.
- For less serious items, the same rules apply as above, but the extent and nature of the search should be proportionate to the value of the item sought and the likelihood of the item being found.
- Forcible entry into locked school property is only justified in extreme circumstances and would need the authorisation of a member of the Senior Leadership Team.

Follow Up

- After undertaking a search, a record must be made in the Searches log.
- If any prohibited items are found they should be bagged and sealed in a plastic wallet and labelled. If it is a prohibited item other than or in addition to the purpose of the search, this should be included in the report. The packaged item should be delivered to the police or, if dangerous, contact the Premises Manager for advice or enact major incident alarm.
- If the item is in the prohibited list then the item should be kept safely by the Safety Officer until handed to the police.

School Trips

This policy on searches of students and their belongings applies at all times, irrespective of whether the student is at the school or on a non-residential, or residential trip. There may therefore be occasion to carry out a search on a school trip.

Sanctions

Sanctions will be issued in line with the school behaviour policy. In more serious cases the police will be informed.

Confiscation

- School 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 school discipline.
- When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018

Dealing with Electronic Devices (statutory guidance)

- 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. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, 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 following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device
- In determining a ‘good reason’ to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to go against the expectation in the school’s Behaviour Policy.
- 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 school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Informing Parents

- There is no requirement for the school to inform parents before a search.
- Parents will be informed as part of the school behaviour policy and procedures.
- If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed.