Search, Confiscation and Screening Policy

Date adopted: December 2018  Next review date: December 2019

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Rationale

Wodensborough Ormiston Academy is dedicated to improving life opportunities for all of its students through high quality education. We seek to do this by working in harmony with students, families and our local community to create an inclusive educational environment.

In order to achieve this, the safety of all students, staff and other stakeholders is paramount and the school will take all reasonable and necessary measures to preserve safety and good order within the school environment.

Government legislation since May 31st 2007 grants Principals the authority to action a search without consent when they have reasonable grounds for suspecting that a student has a weapon or an item likely to cause danger or disruption.

This policy is in response to and supportive of:

- School Behaviour Regulations (2012)
- Education and Inspection Act (2006)
- DfE guidance on ‘Searching, screening and confiscation’ (2014)
- The Schools (Specification and Disposal of Articles) Regulations (2012)
- The Human Rights Act 1998
- Health and Safety at Work Act (1974)

Aims and objectives

The aims of the ‘Search Confiscation and Screening Policy’ are:

1. To ensure that good order in the Academy is maintained

2. To ensure the health, safety and well-being of all personnel on the Academy site

3. To establish a clear and consistent procedure for maintaining points one and two above via an agreed search, confiscation and screening policy.

The objectives of the ‘Search Confiscation and Screening Policy’ are:

1. To clarify the reasons why search, screening or confiscation may take place.

2. To clarify the types of item that may prompt search, screening or confiscation.

3. To clarify the method by which any search, screening or confiscation will undertake.
Processes and procedures: screening and searching

The Principal and staff authorised by them have a statutory power to search students or their possessions without consent where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to, commit an offence or to cause personal injury or damage to the property of another person.

School staff can seize any prohibited item found as a result of a search.

Under article 8 of the European Convention on Human Rights students have a right to respect for their private life and therefore students have the right to expect a reasonable level of personal privacy. Any interference with this right must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8.

Government guidance on the searching of students distinguishes between non-contact and low-contact screening and body searches that involve touching a student. There are three broad powers afforded to Principals:

1. **Screening** - non-contact random screening of students
   
   - Academies can impose random screening without suspicion and without consent. The law allows schools to use hand held metal-detecting wands to screen students.
   
   - Wodensborough Ormiston Academy may screen students non randomly upon reasonable suspicion or received intelligence.
   
   - The Academy may refuse entry to any students or person who refuses to be screened. If this is the case the student has not been excluded and the student’s absence should be treated as unauthorised.
   
   - Any member of school staff can screen students.
2. **Searching with Consent** - a contact search of students with the student’s consent

- If no-contact screening detects a metal object on the student’s person, or if local intelligence suggests that a student is in possession of an item that may be illegal, stolen and/or likely to cause harm or disruption, the Principal, or designated senior member of staff, will search the student.

- The student will be asked for their consent to search and every reasonable effort will be made to gain consent from the student. Wodensborough Ormiston Academy is not required to have formal written consent from the student for this sort of search. If the student refuses to be searched the school will apply an appropriate punishment as set out in the Wodensborough Ormiston Academy Behaviour and Discipline Policy.

- Contact searches of students will be undertaken by staff of the same sex as the student.

- A second member of staff will witness any searching of students that takes place.

- Searching of students should take place in a private place out of view of all except those who need to be present for the search.

- The search procedure may be personal (removal of outer clothing and garments and searching of pocket contents) but not an intimate search that goes further than that. Personal dignity of the student must remain in place at all times.

- A police officer must be used to conduct a more detailed search of an individual.

- Should an item be discovered that is illegal and/or likely to cause harm or disruption the student will be asked to surrender the item and it will be placed in the school safe (please see “Confiscation of Property” below).

**Searching without Consent** - a contact search where consent has been refused

- Under the new powers the Principal or staff authorised by the Principal may search a student even when consent has not been given by the student. Such a search must be conducted by a member of staff who is the same sex as the student being searched and there must be a witness. Such searches will be carried out if there are reasonable grounds for suspecting that a student is in possession of a prohibited item. Prohibited items are listed in the Behaviour and Discipline Policy, this list is not exhaustive.

- In such cases, where consent to search is not given, staff should not put themselves in a position where physical harm can be caused to themselves, the student or any property.

- If the student decides to consent to a contact search then points 1-5 of “Searching with Consent” above should be followed.

- If the student continues to refuse to a search, school staff should follow the guidance below or contact the Police requesting assistance with the search.
Process and procedure

- No student will be asked to remove clothing other than outer clothing.

- Student’s possessions will only be searched in the presence of the student and another member of staff.

- 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.

Neighbourhood Police Officer

- Wherever possible the Neighbourhood Police Officer for the Academy will be asked to lead or oversee more detailed screening or searching of a student or students. This may include use of a ‘knife arch’ to screen larger number of students.

- Where consent to search is persistently and strongly refused by student and parent the Link Police Officer or West Midlands Police will be contacted.

- Where police involvement takes place they will follow police protocol to record the incident. However, Academy recording procedure should still be maintained (see “Record Keeping” below).

Confiscation, Retention and Disposal of Property

1. All confiscations of property must be reasonable and proportionate.

2. Confiscation is a disciplinary action to preserve good order, address and prevent unlawful or disruptive behaviour and ensure the health and safety of the school community.

3. The lead member of staff will explain to the student that the reason for confiscation is in line with points 1 and 2 above thus providing a defence against any allegations of infringement of human rights and making the confiscation lawful.

4. Where a staff member finds alcohol they will retain or dispose of it. It will not be returned to the student.

5. Where a staff member finds controlled drugs, these will be delivered to the Police as soon as possible.

6. Where other substances are found, such as ‘legal highs’, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.

7. Where a staff member finds stolen items these must be delivered to the Police as soon as possible.

8. Where a search finds tobacco or cigarette papers the school may retain or dispose of them. They should not be returned to the student.

9. Fireworks can be disposed of and should not be returned to the student.
10. Images of a pornographic nature can be disposed of unless its possession constitutes a specified offence (i.e. child pornography). In this case the material must be handed over to the Police as soon as possible. Images found on a mobile phone or other electronic device can be deleted unless they need to be passed onto the Police.

11. Where a teacher finds an item banned under the school rules they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it.

12. Any weapons or items which are evidence of an offence must be passed to the Police as soon as possible.

13. If a student refuses to surrender an item upon request this should not be pursued unless retention of the item by the student is likely to cause danger to other members of the school community.

14. It is reasonable and proportionate to issue a sanction in line with the school Behaviour and Discipline Policy if a student refuses to hand over an item that is likely to cause disruption.

15. Once an item has been confiscated the member of staff responsible will place the item in the school safe having signed and dated the log sheet in the school Finance Office.

If unsure, a member of staff should seek advice from the Head Teacher before taking action.

**Electronic Equipment and Technologies**

The Academy policy on the carrying and using of mobile electronic technologies is made clear to students and parents via the school Behaviour and Discipline Policy and should regularly be reinforced to ensure clarity and understanding.

- If students contravene the agreed school policy on mobile electronic technologies it is reasonable and proportionate to confiscate the item and secure it in the school safe until a parent/carer visits school to discuss the incident and have the item returned.

- At Wodensborough Ormiston Academy the carrying of mobile electronic technologies is discouraged but permitted with the following conditions:
  a) Items are carried at students own risk and school will not be responsible for loss or damage
  b) Items must be turned off and out of sight at all times.

If either of points a) or b) above are contravened the item will be confiscated, secured and later returned as stated above.

- In circumstances as outlined above it is reasonable and legitimate to confiscate a mobile phone but searching through a phone or accessing text messages is not.

- A member of staff may ask a student to reveal the contents of a phone to establish whether, for example, cyber-bullying has taken place but if the student refuses then the member of staff should not enforce the instruction. At this point the School Link Police Officer or West Midlands Police at should be contacted. A school sanction can reasonably be issued for refusing to follow a request.
**Record Keeping**

In the event that screening or searching of students or confiscation of items or property take place it is essential that records are kept.

1. If a student or students are screened via an electronic wand or searched by a member of staff this should be recorded.

2. If an item is taken from a student it must be logged stored securely in the Academy safe.

3. If proven that a screening or search has discovered an item that requires disciplinary action, the whole incident should be recorded via Classcharts/SIMS.

4. It may be necessary to take more detailed accounts from various witnesses if the incident requires more serious disciplinary action.

5. If a search reveals an illegal item or substance it must be logged and recorded as for Points 1-3 above. At this point the police should also be informed and they will record events under their established procedures and protocols.

6. If Point 5 is actioned it will be necessary to delay securing statements under Point 4 until the extent of police action is confirmed. School should be guided by the police in this matter.

7. Parents/carers do not have to be informed before a search or screening of a student takes place. However, if a student has been searched or screened, and items have been confiscated, parents/carers should be informed of this as soon as possible.

8. In certain exceptional circumstances it may not be appropriate to inform parents/carers i.e. if it is a criminal matter where the parent may also be involved or where, even if nothing is found, revealing the search to parents may put the child at risk of harm from the parent/carer.

**Reference to Other Policies**

- Anti-Bullying Policy
- Behaviour and Discipline Policy
- Code of Conduct
- Safeguarding and Child Protection Policy
- SEN/D Policy