

# **AYLSHAM LEARNING FEDERATION**

## **SEARCH, SCREENING AND CONFISCATION POLICY AYLSHAM HIGH SCHOOL**

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Signed: \_\_\_\_\_

Chair

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## A. The Principles

The Governing Board and staff of the Aylsham Learning Federation believe that in order to enable effective teaching and learning to take place, outstanding behaviour in all aspects of school life is necessary. It seeks to create a positive, caring, learning environment in the Federation by the following:

- Promoting the Aylsham Learning Federation code of conduct; respect for self, others and the environment.
- Promoting outstanding behaviour and discipline.
- Promoting self-esteem, self-discipline, proper regard for authority and positive relationships based on mutual respect.
- Ensuring fairness of treatment for all.
- Encouraging consistency of response to both positive and negative behaviour.
- Promoting early intervention.
- Providing a safe environment free from disruption, violence, bullying and any form of harassment.
- Encouraging a positive relationship with parents and carers to develop a shared approach to involve them in the implementation of the federation's policies and associated procedures.

The school communicates regularly the standards of acceptable and unacceptable student behaviour to students and parents/carers through SIMS Student and SIMS Parent, behaviour policy, essential guide to parents, emails and the school prospectus.

Whole school, house and year group assemblies are used to articulate and reinforce acceptable behaviour. There is a very clear message to students that offensive weapons, banned items or drugs are not to be brought into school.

Further awareness is developed through the PHSE Programme.

## B. Searching

1. Searching can play a critical role in ensuring that the school is a safe environment for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which students can learn and thrive.
  - 1.1 The Executive Headteacher and the staff they authorise have a statutory power to search a student and their possessions where they have reasonable grounds to suspect that the student may have a prohibited item listed in section (B)1.2 or any other item that the behaviour policy identifies as a banned item. Authorised staff, other than SLT must seek authority to conduct a search from SLT prior to any search taking place.
  - 1.2 The list of prohibited items is:
    - knives or weapons
    - alcohol
    - illegal drugs
    - stolen items

- 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)
  - An article specified in regulations:
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
- 1.3 Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying students who may benefit from early help or a referral to the local authority children’s social care services. See [keeping children safe in education](#) and [working together to safeguard children](#).
- 1.4 The school’s behaviour policy outlines the banned items for which a search can be made. This includes the list of prohibited items above, and may include other items that the Executive Headteacher has decided are detrimental to maintain high standards of behaviour and a safe environment, such as vapes. See [behaviour in schools](#)
- 1.5 The schools behaviour policy is communicated to all members of the school community to ensure expectations are transparent to all students, parents/carers and staff, and provide reassurance that any searching of a student will be implemented consistently, proportionately and fairly, in line with the school’s policy.
- 1.6 When exercising powers, the school considers the age and needs of students being searched or screened. This includes the individual needs or learning difficulties of students with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a student has a disability.
- 1.7 The school may consider using CCTV footage to decide whether to conduct a search for an item.

## **2 The role of the Executive Headteacher, the designated safeguarding lead and authorised members of staff**

- 2.1 Only the Executive Headteacher, or a member of staff authorised by the Executive Headteacher, can carry out a search. The Executive Headteacher can authorise individual members of staff to search for specific items, or all items set out in the school’s behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs. Authorised staff, other than SLT must seek authority to conduct a search from SLT prior to any search taking place.
- 2.2 The Executive Headteacher should oversee the school’s practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all students and staff with support from the designated safeguarding lead and team.

- 2.3 The Executive Headteacher should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not cooperating, so that these trained staff can support and advise other members of staff in this situation arises. However, it is vital that all staff understand their rights and the rights of the student who is being searched.
- 2.4 The designated safeguarding lead and/or team should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed in section (B) 1.2. The staff member should also involve the designated safeguarding lead and/or team without delay if they believe that a search has revealed a safeguarding risk.
- 2.5 If the designated safeguarding lead/and or team finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in [part 1 of keeping children safe in education](#)). The designated safeguarding lead and/or team should then consider the circumstances of the student who has been searched to assess the incident against potential wider safeguarding concerns.

### **3 Searching for prohibited items**

#### **Before searching**

- 3.1 A search can be considered if the member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the behaviour policy as a banned item for which a search can be made, or if the student has agreed. The list of prohibited items is in section (B)1.2 above.
- 3.2 The authorised member of staff will make an assessment of how urgent the need for a search is, consult with a member of SLT, if necessary, and will consider the risk to other students and staff.
- 3.3 Before a search takes place, the member of staff conducting the search will explain to the student why they are being searched, how and where the search will take place and give them the opportunity to ask any questions.
- 3.4 The authorised member of staff will always seek the cooperation of the student before conducting a search. If the student is not willing to cooperate with the search, the member of staff will consider why this is. Reasons might include that they:
- are in possession of a prohibited or banned item
  - do not understand the instruction
  - are unaware of what a search may involve; or
  - have had a previous distressing experience of being searched
- 3.5 If the student continues to refuse to cooperate, the member of staff may sanction the student in line with the schools behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

- 3.6 If the member of staff still considers a search to be necessary, but is not required urgently, they will seek advice of the Executive Headteacher, member of SLT, designated safeguard lead and/or team, or pastoral member of staff who may have more information about the student. During this time the student will be supervised and kept away from other students.
- 3.7 If the student still refuses to cooperate, the member of staff will assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in section (B)1.2, but not to search for items which are identified only in the behaviour policy as a banned item. See guidance on the [use of reasonable force in schools](#). The decision to use reasonable force will be made on case-by-case basis. The member of staff will consider whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder.
- 3.8 Use of reasonable force will differ depending on whether the member of staff is searching possessions or the student themselves.

### **During a search**

- 3.9 An appropriate location for the search will be found. Where possible, this will be away from other students. The search will only take place on school premises where the member of staff has lawful control **or** charge of the student, for example on a school trip.
- 3.10 The member of staff conducting the search will be of the same sex as the student being searched. There must be another member of staff present as a witness to the search.
- 3.11 There is limited exception to this rule. This is that the member of staff can search a student of the opposite sex/and or without a witness present **only**:
- If the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
  - in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the student **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- 3.12 When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and to ensure a record of the search is kept.

### **The extent of the search**

- 3.13 A member of staff may search a student's outer clothing, pockets, possessions, desks or lockers.
- 3.14 The staff member conducting the search must not require the student to remove any clothing other than outer clothing. 'Outer clothing' means any item of

clothing that is not worn wholly next to skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

- 3.15 'Possessions' means any goods over which the student has or appears to have control- this includes desks, lockers and bags.
- 3.16 A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the student agrees. If the student withdraws the agreement to search, a search may be conducted both for the prohibited items listed in section (B) 1.2 and any items identified in the behaviour policy as banned for which a search can be made.
- 3.17 A student's possessions can be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.
- 3.18 The member of staff may use a metal detector to assist with the search.
- 3.19 The member of staff's power to search outlined above does not enable them to conduct a strip search.

### **Strip Searching**

- 3.20 A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the [Police and Criminal Evidence Act 1984 \(PACE\) Code A](#) and in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#). While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the student/(s) involved and should advocate for student wellbeing at all times.
- 3.21 Before calling police into school, staff should assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item. Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on the school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of student/(s) involved.
- 3.22 Unless there is an immediate risk of harm and where reasonably possible, staff will inform a parent of the student suspected of concealing an item in advance of the strip search, even if the parent is not acting as the appropriate adult. Parents/carers will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

## **The process the police must follow during a strip search**

- 3.23 Except in cases of emergency where there is a risk of serious harm to the student or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the student, one of which must be the appropriate adult. If the student's parent/carer would like to be the appropriate adult, the school will facilitate this where possible. Police officers carrying out the search must be of the same sex as the student being searched. An appropriate adult not of the same sex as the student being searched may be present if specifically requested by the student. Otherwise, no-one of a different sex to the student being searched is permitted to be present, and the search must not be carried out in a location where the student could be seen by anyone else.
- 3.24 Except in urgent cases as above, a search of a student may take place without an appropriate adult only if the student explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record will be made of the student's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.
- 3.25 Strip searching can be highly distressing for the student involved, as well as for staff and other students affected, especially if undertaken on school premises. [PACE Code C](#) states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the student might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider such items are concealed.

## **After-care following a strip search**

- 3.26 Students should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the student's wellbeing and involves relevant staff, such as the designated safeguarding lead. Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the student to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, students should feel they have the opportunity to express their views regarding the strip search and the events surrounding it. School staff will give particular consideration to any students who have been strip searched more than once and/or groups of students who are more likely to be subjected to strip searching with unusual frequency, and consider preventative measures.

## **After a search**

- 3.27 Whether or not any items have been found as a result of any search, the school will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the student is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this is the case, school staff will follow the Federation's child protection policy and speak to the designated safeguarding lead or team as set out in [Part](#)



[one of keeping children safe in education](#). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff will follow the guidance set out under confiscated items.

- 3.28 If a student is found to be in possession of a prohibited item listed in section (B) 1.2, then the staff member will alert the safeguarding team and other relevant staff members and the student should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

## C. Confiscation

### 1. Items found as a result of a search

- 1.1 An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting;
- poses a risk to staff or students
  - is prohibited, or identified in the behaviour policy as banned items for which a search can be made; or
  - is evidence in relation to an offence

### 2. Prohibited or illegal items

- 2.1 Where the school finds **controlled drugs**, these must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance below in 2.2 issued by the Secretary of State.
- 2.2 The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.
- 2.3 Where the school finds **other substances** which are not believed to be controlled drugs these will be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.
- 2.4 Where a member of staff conducting a search finds **alcohol, tobacco, cigarette papers or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the student.
- 2.5 If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect its possession constitutes a specified offence (i.e. it is extreme or indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child



(also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

- 2.6 Where staff finds **stolen items**, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff will have regard to the following guidance issued by the Secretary of State in 2.7 below.
- 2.7 The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff will consider the following;
- the value of the item – it would not be reasonable or desirable to involve the police in dealing with low value items such as a pencil case, though school staff may judge it appropriate to contact the police if the items are valuable;
  - whether the item is banned by the school;
  - whether retaining or returning the item to the owner may place any person at risk of harm; and
  - whether the item can be disposed of safely
- 2.8 Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible.
- 2.9 Where an **article that has been (or could be) used to commit an offence or to cause personal injury or damage to property** it should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the secretary of state in 2.10 and 2.11
- 2.10 The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider:
- whether it is safe to dispose of the item; and
  - whether and when it is safe to return the item
- 2.11 If a member of staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.
- 2.12 Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the behaviour policy**. In deciding what to do with such an item, such as vapes, the member of staff will have regard to the guidance issued by the secretary of state in 2.13
- 2.13 The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In taking into account all relevant circumstances, the member of staff will consider:
- the value of the item

- whether it is appropriate to return the item to the student or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school

2.14 Members of staff will follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

### 3 Electronic Devices

- 3.1 Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- 3.2 As with all prohibited items, staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- 3.3 Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.
- 3.4 If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead or safeguarding team as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and the school will follow the principles as set out in [Keeping Children Safe in Education](#). The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: [sharing nudes and semi-nudes: advice for education settings working with children and young people](#)
- 3.5 If a member of staff finds any image, data or file that they suspect might constitute an specified offence, then they must be delivered to the police as soon as reasonably practicable.
- 3.6 In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the secretary of state in 3.7 and 3.8
- 3.7 In determining whether there is a '**good reason**' to **examine** the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.
- 3.8 In determining whether there is a '**good reason**' to **erase** any data or files from the device, the member of staff should consider whether the material found may

constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed into the police as soon as is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to cause harm to any person and the student and/or the parent refuses to delete the data or files themselves.

#### **4 Confiscation as a disciplinary penalty**

- 4.1 The School's general power to discipline enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
- 4.2 The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any items they have confiscated, provided they acted lawfully.

### **D Recording searches**

- 1.1 Any search made by a member of staff for a prohibited item listed in section (B)1.2 and all searches conducted by the police officers will be recorded in CPOMS, including whether or not an item is found. This will allow the designated Safeguarding lead and/or or team to identify possible risks and initiate a safeguarding response if required. The Executive Headteacher may also decide that all searches for items banned within the behaviour policy should be recorded. Staff members will follow the behaviour policy in these cases.
- 1.2 The school will include in the record of each search;
  - the date, time and location of the search
  - which student was searched
  - who conducted the search and any other adults or students present
  - what was being searched for
  - the reason for searching
  - what items, if any, were found; and
  - what follow-up action was taken as a consequence of the search
- 1.3 The school will review the number of searches and will consider whether the searches fall disproportionately on any particular groups of students by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, the school will consider where any actions should be taken to prevent this.

### **E Informing parents**

- 1.1 The school will reinforce the whole school approach by building and maintaining positive relationships with parents/carers. Parents/carers will always be informed of any search for a prohibited item listed in section (B) 1.2 that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action that the school has taken, including any sanctions applied.

- 1.2 The school will consider that in some circumstances it might be necessary to inform parents of a search for an item banned within the school behaviour policy.
- 1.3 Any complaints about searching, screening or confiscation should be dealt with through the normal federation complaints procedure.

## **F Screening**

- 1.1 Screening can help provide reassurance to students, staff and parents that the school is taking measures to create a calm, safe and supportive environment.
- 1.2 The schools statutory power to make rules on student behaviour and their duties as employers in relation to the safety of staff, students and visitors enables the school to impose a requirement that students undergo screening.
- 1.3 Screening is the use of a walk through or hand held metal detector (arch or wand) to scan all students for prohibited items.
- 1.4 Before considering the installation and use of technology for screening, the Executive Headteacher will consult with local police who may be able to provide advice about whether installation of these devices is appropriate.
- 1.5 If the Executive Headteacher decides to introduce a screening arrangement, they will inform students and parents in advance to explain what the screening will involve and why it will be introduced.
- 1.6 Where a student has a disability, the school will make reasonable adjustments to the screening process that may be required.
- 1.7 If a student refuses to be screened, the member of staff will consider why the student is not cooperating, and make an assessment of whether it is necessary to carry out a search.

## **G Responsibilities**

The Governing Board is responsible for reviewing this policy.

The Executive Headteacher is responsible for:

- determining whether the screening of students will be organised;
- ensuring that this policy on screening, searching and confiscation of possessions is brought to the notice of parents;
- informing staff, parents/carers, and students of the policy, and how the policy will be put into action.

Staff are responsible for carrying out any responsibilities they have accepted.

No members of staff may be directed by the Executive Headteacher to screen and search students.

## **H Equal Opportunities**

The Executive Headteacher will ensure that any actions taken under this policy will be in accordance with the Federation's equalities objectives policy

## **I Monitoring and Review**

This policy will be monitored through reports to the Governing Board by the Executive Headteacher.

## Appendix 1

# Aylsham High School

## Record of Search

Name of student	
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Date and time of search	
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<b>Name of person authorised to conduct the search and SLT approval:</b>	
<b>Name of other adult</b>	

<b>Statement by person conducting search</b>

Parent informed	

<b>Actions resulting from the search</b>

Signature of person authorised and conducting the search	
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Signature of other adult	
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