

P15 Searching a Student and/or their Possessions Policy

1. Introduction

This policy is made available to parents, staff and students, and the students are also made aware of the policy in discussion with pastoral staff. In addition, the policy is also made available in the boarding houses to the Houseparent's in their boarding search pack.

The policy has been prepared, taking into account the Education Act 2011 and the National Minimum Standards for Boarding (2015); the Boarding Schools' Association Briefing Paper 'Conducting a Search' (January 2013); and the DfE advice on 'Screening, Searching and Confiscation' (January 2018):

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

The Education Act 2011 gives school staff the power to search a student or their possessions if they believe them to be carrying any article which the staff member reasonably suspects (a) has been, or is likely to be, used to commit a criminal offence or (b) has caused or is liable to cause personal injury to, or damage the property of, any person or (c) is any other item which the school rules identify as an item for which a search may be made. Staff are given the power to search a student even if they are under the age of criminal responsibility, and likewise staff of the opposite sex may still search a student if they believe the risk is so great that serious harm would be caused if they waited to find a member of staff of the same sex as the student to be searched.

Powers are also included under the Act for members of school staff to seize an item discovered as a result of the search (provided the item is one which could be used to commit a criminal offence, cause personal injury or damage or is otherwise identified by school rules).

There are particular rules relating to electronic devices which allow such devices to be seized and examined for relevant data or files which might offend any applicable law or the school rules. The Act provides for the same regime regarding return of such devices, but also deals with any offending data or files, which may be erased from the device if the staff member believes there are good reasons for so doing.

2. Conducting Searches

The Purcell School operates on the basis of trust and respect for the privacy of each individual. However, sometimes this trust may be breached and this necessitates the search of a student's possessions. Such circumstances may include:

- Suspicion of theft
- Suspicion of possession of alcohol, cigarettes, illegal substances or items banned by the School rules
- Suspicion of an item which could be intended to cause harm
- Suspicion of bullying, e.g. through sending an image or message using digital means or in writing

This list is not considered to be exclusive.

A student will be considered innocent until such time as the circumstances prove otherwise or strongly imply on the balance of probability that they have committed a breach of any of the School rules or policies or any relevant national law.

Where there are reasonable grounds to suspect that a student is involved in a situation where a search can help clarify the situation, then a search of their belongings will be carried out. This will usually be undertaken with the student's consent and with the prior knowledge of the parents. In most cases, the student will be present and due consideration will be given to the student's privacy.

School staff can search a student for any item if the student agrees. A search may include examining the contents of a student's bags, locker, desk, cupboards, mobile phone, laptop or other electronic device.

The student will be asked if there is anything in their room/belongings that they know not to be theirs or that they should not have in their possession. The answers to these questions will be recorded and initialed by the member of staff conducting the search and by the student.

A search without consent may be carried out for knives, weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images and any item identified in the School rules. If the student does **not** give their consent, then there are certain protocols for staff to follow as outlined in the DfE advisory paper (January 2018):

- You must be of the same sex as the student 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 student being searched.
- There is a limited exception to this rule. You can carry out a search of a student of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

It should also be noted that searches do not require consent of either the student or their parent when this concerns illegal items or those prohibited by the School rules, such as illegal drugs, weapons, alcohol, cigarettes or when there is reason to believe there may be harmful images stored on an electronic device such as a mobile phone, computer or tablet. Furthermore, School staff may access locked storage areas without consent and, if necessary, by forcible access if there is reasonable suspicion that illegal drugs, weapons or items which may be used to cause harm may be stored in that area.

3. Searching a Person

Members of staff may not carry out a physical search of a student or the clothes that they are wearing except in extremis. The student may be asked to remove any outer clothing such as a coat, hat, gloves or footwear, and will be asked to empty his/her pockets, drawers or bags themselves.

If they refuse to hand over a suspected illegal substance or a weapon, they should be detained under close supervision while the police are called. Any action taken by the police, including

possible searches of any clothing or of the student, will be undertaken by them in accordance with the relevant statutory powers and may include a preliminary search on the School premises.

4. After the Search

If an illegal item is found as a result of the search – such as illegal drugs or a weapon – this will be handed to the police. Items which contravene the School rules will be confiscated and will be returned to the student’s parents (or guardian) at an opportune moment.

If the student’s parents/guardian have not been notified prior to the search, they will be notified as soon as possible after the search by the relevant Houseparent, Director of Boarding, Head of Sixth Form, Vice Principal or Principal as appropriate, irrespective of the outcome.

5. Recording the Search

A record will be made of the search (although there is no legal requirement to do so) and will include:

- The name of the student, date of the search and area(s) or item(s) searched
- The reason why the search was deemed necessary
- Those present during the search
- The outcome of the search, whether or not anything was found
- Future actions
- How and when the parents/guardian were informed and by whom

The record will be made at the time of the search and signed by the staff and student/s present to confirm that it is an accurate record of what took place

The record must be passed to the Vice Principal and Director of Boarding.

<i>Policy author /reviewer:</i>	<i>Policy date /review date:</i>	<i>Next review due:</i>
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