

Heathlands School Search Policy

Approved by Governors 10.7.17

Review due July 2019

1. Introduction

- 1.1 Heathlands School recognises students' right to privacy. This is especially the case in Heath House where the philosophy is to create a homely and trusting environment. There are times however, when staff need to take action either to prevent crime or to protect the health and safety of others. For example, there may be occasions, when we are required to carry out searches for mislaid, lost, or possibly stolen items which are either illegal or not permitted on the school premises.
- 1.2 This policy outlines the circumstances in which the school may exercise its powers to search students and the procedures for doing so whilst also respecting their rights to privacy.
- 1.3 This policy follows the guidance laid down in the DFE advice paper for Head Teachers *Searching, Screening and Confiscation* February 2014

2. Key Principles

- Staff can search a pupil for any item if the student gives consent.
- Staff will consider the child's age and ability when assessing if consent has been given
- Staff will not undertake body or intimate searches
- Staff may search pupils for prohibited items without their consent if there are reasonable grounds for suspecting the student may have a prohibited item.
- Staff may search pupils for any item banned under school rules as an item which may be searched for. Such items will be made clear to pupils and parents.
- The decision to initiate a search must be justified and proportionate
- Searches are only to be carried out as a last resort and are also to be conducted as sensitively as possible.

3. Prohibited Items

The following are prohibited items:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article reasonably suspected as being used for or likely to be used to commit an offence
- Any item to cause personal injury or damage to property including to the pupil him/herself

4. Searches with student's consent

- 4.1 Staff can search the for any item if the student gives consent
- 4.2 It is not necessary to have formal written consent.
- 4.3 Staff can request that the pupils empty their pockets or permit staff to look in their bags, lockers, wardrobes, bedrooms etc.

- 4.4 If the staff member suspects a student has a banned item in their possession, and if they refuse to give consent for a search, an appropriate sanction in line with the schools behaviour policy may be applied.

5. Searches without student's consent

- 5.1 Staff can search for prohibited items as listed in paragraph 3 without students' consent.
- 5.2 Staff can search for items banned under school rules where this has been made clear to parents and pupils.
- 5.3 Banned items in Heath House will include:
- Toys or materials which are considered to be inappropriate to the age of the student.
 - Aerosol sprays because they trigger the fire alarms
 - Mobile phones and other photographic/filming devices if on bedroom corridors

6. Carrying out the Search without consent

- 6.1 A member of the leadership team may initiate a search and will then inform the Head Teacher. There must be reasonable grounds for initiating a search.
- 6.2 Residential child care staff, teachers and education support staff are authorised by the Head Teacher to undertake searches under the direction of a member of the leadership team.
- 6.3 A search will only be initiated where there are reasonable grounds for suspecting that a banned or forbidden item is in a student's possession
- 6.4 Students may receive no advanced warning of a search but will be informed of the reason for it.
- 6.5 A students personal possessions will usually only be searched in their presence (see exceptional circumstances below)
- 6.6 Students will be prohibited from entering bedrooms whilst the search is in progress other than to accompany staff during the search of their individual bedroom/possessions.
- 6.7 Staff conducting the search should be the same gender as the student. They should be accompanied by a second staff member, preferably also of the same gender as the student.
- 6.8 Staff can search communal areas without pupils being present, but will not search any clothing or personal belongings which may be left in these areas.
- 6.9 Where possible, searches are not to be directed towards individual pupils, but towards groups. This enables the searches to be seen as not targeting or blaming individuals.
- 6.10 Searches without consent can only be carried out on the school premises or where staff have lawful control of pupils e.g. on a recognised school trip.
- 6.11 The powers to search described in this policy only apply in England so would not apply to staff supervising students on school journeys elsewhere.

7. Exceptional circumstances

In exceptional circumstances staff may undertake a search of a student of the opposite gender with no other staff member present or a search of the student's property without them being present. This can only happen if there is reasonable belief that serious harm will be caused if the search is

not undertaken immediately and where it is not reasonably practical to summon a second staff member.

8. Searches of Students

- 8.1 Staff are strictly forbidden to carry out any body searches on students or intimate searches, as even with the child's consent this could be considered assault.
- 8.2 Staff are only able to ask students to remove "outer clothing" defined as clothing not worn next to the skin or immediately over underwear.

9. Dealing with items found when searching

- 9.1 If during the course of a search any suspected illegal substances are found e.g. drugs, the police will be informed and relevant procedures followed. Any suspected illegal items will be confiscated and handled with care. The items will be placed in a clear plastic bag, the bag will be sealed and the seal dated and signed by both staff members involved in the search. A written record will be made of the circumstances surrounding the discovered items. The items will be kept under lock and key and the police informed.
- 9.2 If other forbidden items are found during a search these may be disposed of or passed to the police as appropriate. Forbidden items will not be returned to pupils.
- 9.3 If stolen items are found these may be passed to the police or, if there is good reason to do so returned to the owner.
- 9.4 If items are found which are banned under school rules professional judgement will be applied to the individual circumstances. Items may be retained for a period of time and then returned to the student or the students' parents as appropriate or items may be disposed of.
- 9.5 Items found which have been or could be used to commit an offence or cause personal injury or damage to property may be given to the police, returned to the owner or disposed of depending on individual circumstances.
- 9.6 If when searching staff find electronic devices they may examine and erase files if there is good reason to believe the data has been or could be used to cause harm, disrupt teaching or break school rules. The content of the files may be so serious as to necessitate referral to the police.
- 9.7 If inappropriate material is found on an electronic device staff will refer it to a designated safeguarding lead who will judge 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.
- 9.8 All school staff should be aware that behaviours linked to sexting put a child in danger. If such material is found on an electronic device referral through safeguarding procedures should be considered.

10. Informing Parents

- 10.1 It will not normally be practical to inform parents prior to a search taking place.
- 10.2 If forbidden items are found the parents of the student responsible will be informed.
- 10.3 Any complaints about searching will be dealt with through the school's usual complaints procedure.