

# Heathcote School and Science College



## Supporting Documentation

Confiscation

Searches

Use of Reasonable Force

**Approved by the Governing Board:** Autumn 2024

**To be reviewed:** Annually

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## Confiscation

- School staff can seize any banned / prohibited or unlawful item found as a result of a search.
- The school can seize any item, however found, which they consider harmful or detrimental to school discipline; this includes deleting electronic images or passing illegal material onto the police.
- depending on the nature of the confiscated item, it may be retained by the school or disposed of as a disciplinary measure where reasonable.
- confiscated weapons, knives or blade items, items believed to be stolen and illegal drugs (or suspected of being illegal drugs) will be passed onto the police

## Confiscation as a disciplinary procedure

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

## Searching

To maintain good order and safety of the community, certain items are banned from the school premises, and when representing the School. Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item or a banned item listed above in this policy.

Under common law, all school staff have the power to search a pupil for any item **if the pupil agrees**. The member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed. This is normally undertaken by Senior or Pastoral member of staff and by at least two staff members; at least one of the staff members where possible, will be the same sex as the pupil.

The teacher carrying out the search, will decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item, or they might notice a pupil behaving in a way that causes them to be suspicious.

- The powers allow school staff to search regardless of whether the pupil is found after the search to have had 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
- A statement from a pupil or adult could initiate a search
- School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

The 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 pupils and staff with support from the designated safeguarding lead (or deputy).

The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed above. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is.

Reasons might include that they:

- Are in possession of a prohibited item;

- Do not understand the instruction;
- Are unaware of what a search may involve; or
- Have had a previous distressing experience of being searched.

**There is a limited exception to this rule. This is that a member of staff can search a pupil 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 pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- Where possible pupils may be asked to empty their own bag or pockets so staff do not have to.

Being in possession of a dangerous 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 pupils who may benefit from early help or a referral to the local authority children’s social care services

However, the Head Teacher and staff authorised by them have a statutory power to search pupils or their possessions, **without consent**, where they have reasonable grounds for suspecting that the pupil may be in possession of any dangerous/ unlawful item on their person or in their locker as outlined in the Department of Education dangerous items. (statement under banned items above).

The following staff have been authorised to search pupils following the guidance set out in this policy:

- Pastoral Support Assistants
- Safeguarding team members
- All Year Leads
- All Middle Leaders
- All Senior Leaders
- All Higher Level Teaching Assistants

### **How to search:**

A search can be considered if the member of staff has reasonable grounds for suspecting that a pupil is in possession of a prohibited item or banned item for which a search can be made, or if the pupil has agreed to a search being carried out.

The authorised member of staff should make an assessment of how appropriate the need for a search is and should consider the risk to other pupils and staff.

Before any search takes place, the member of staff conducting the search will find an appropriate space and explain to the pupil why they are being searched, how and where the search is going to take place and give the pupil the opportunity to ask any questions.

When exercising their powers, schools will consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

### **Refused search**

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school’s behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more

information about the pupil.

During this time the pupil will be supervised and kept away from other pupils. If the pupil still refuses to co-operate, 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 dangerous items identified in the statements above, but not to search for items which are only identified as banned in the school rules (reasonable force can be used to search for banned items that have been used in such a way that they then fall under the statement of dangerous item). The decision to use reasonable force should be made on a case-by-case basis. The member of staff will consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder

Active refusal to be searched, especially where suspicions of a prohibited item may be concerned could result in a referral to the reflection room, fixed term or permanent exclusion depending on the item of concern. If pupil refuses to be searched on 3 occasions this will warrant escalated sanction each time (up to and including permanent exclusion) and risk assessment being put in place for the pupil.

### **The extent of a search**

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search must not require the pupil to remove any clothing other than outer clothing.

- *'Outer clothing'* means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.
- *'Possessions'* means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

A pupil's possessions can only be searched in the presence of the pupil 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.

- The member of staff may use a metal detector to assist with the search.
- The member of staff's power to search outlined above does not enable them to conduct a strip search.

### **After a search**

Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff will follow the school's child protection policy and speak to the designated safeguarding lead (or deputy).

They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If a pupil is found to be in possession of a prohibited item listed above, then the staff member should alert the designated safeguarding lead (or deputy) and the pupil will be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

### **Recording searches**

Any search by a member of staff for a prohibited item listed or banned item list as outlined in this policy, along with all searches conducted by police officers will be recorded on CPOMS, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required.

The school will keep a record of each search using Arbor to store and create a log of searches carried out. The recording of searches will include:

- The date, time and location of the search;

- Which pupil was searched;
- Who conducted the search and any other adults or pupils 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

Parents will always be informed of any search for prohibited items or banned items outlined in this policy, that has taken place, and the outcome of the search as soon as is practical. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

The headteacher remains the authority on searching pupils on school site. When working with the Metropolitan Police the headteacher still holds this authority. If the police are required to carry out a search of any kind they will be required to do so off school site, at a police station and with an appropriate adult present.

The exception to this is when it is believed that a pupil may be in possession of a harmful object/weapon.

### **Strip searching**

- 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 pupil(s) involved and should advocate for pupil wellbeing at all times. With this in mind Heathcote school have taken the decision to ensure strip searches will not take place on school site and that they will always ensure the pupil has chosen their responsible adult (preferably a parent or carer) and that they have been requested to attend the police station where the search will be conducted.
- Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

### **Screening**

The School's statutory powers to make rules on pupil behaviour, and their duty to manage the safety of pupils, staff and visitors enables them to impose the following requirement:

- The school can require pupils to undergo screening by a walk-through search arch or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils. Search arches will normally be planned in advance but pupils/parents do not need to be informed of specific dates
- Search arches will be conducted in line with guidance from the Metropolitan Police as we work in partnership with them
- School statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.
- Any member of school staff can screen pupils.
- All pupils are expected to comply with a request for screening which involves no physical contact.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

If a pupil refuses to be screened or searched, they may not be allowed to remain on the school site. Parents will be contacted and pupils will be placed in the regulation room whilst parents support us with the search or screen. A pupil refusing to cooperate, falls under the rule of not following instructions, and the school will apply an appropriate sanction.

For items that warrant a referral to the regulation room or reflection room, this will be decided after an investigation has occurred. The sanction will be decided in relation to how the item was being used or how it was identified. If any prohibited items were being used as a weapon or to cause harm to another person then these items will be considered

as dangerous items and the sanction system for these deployed.

### **Use of reasonable force / physical intervention**

There are some circumstances when it is appropriate for staff in schools to use reasonable force or physical intervention to safeguard pupils. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain pupils. 'Reasonable' in these circumstances means 'using no more force than is needed'.

Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property and to maintain good order and discipline at the school or among pupils

Headteachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco, fireworks, pornographic images or articles that they reasonably suspect have been or are likely to be used to commit an offence or cause harm.

Force may not be used to search for other items banned under the school rules.

When considering using reasonable force staff should, in considering the risks, carefully recognise any specific vulnerabilities of the pupil, including SEND, mental health needs or medical conditions.

Following the use of reasonable force/physical intervention, staff members will complete a physical intervention report form and log the use of physical intervention on the schools monitoring system.