



LLOYD WILLIAMSON
FOUNDATION

The Lloyd Williamson Schools Foundation

Search, Screen and Confiscation Policy

Introduction

The power to search pupils is embedded in the Education Act 1996; however, LWSF will not use this power without it being necessary.

LWSF follows statutory guidance which says that schools can search pupils in order to 'provide a safe environment where all can learn... and to maintain high standards of behaviour through which pupils can learn and thrive'.

LWSF will search pupils to keep others in the school safe, including the pupil themselves, other pupils and staff too. For example, searching a pupil who has brought in a razorblade to harm themselves.

Searching will always be a last resort. We aim to ensure that all other options have been exhausted before a search takes place, e.g. asking the pupil to hand over the item, or checking CCTV.

The member of staff must have reasonable grounds to suspect the pupil is in possession of the item.

Objectives of this policy

To outline the policy and legal powers LWSF has for screening and searching pupils. It also outlines the powers to seize and then confiscate items found during a search.

Searching

The Co-Principals and Deborah Thackeray, as members of the senior management team (SMT), or staff they authorise as designated members of staff, have the power to search pupils or their possessions, with or without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

What items can be searched for?

Prohibited Items

Items that are listed in legislation by the DfE and are fixed, such as:

1. Weapons – including knives, firearms, knuckle dusters. etc.
2. Any item a staff member suspects is likely to be used to cause personal injury, e.g., a drinks bottle filled with acid that the staff member suspects will be used to attack another pupil.
3. Alcohol, tobacco and illegal drugs
4. Stolen items

Banned Items

Items identified by the school as banned are mobile telephones, chewing gum, e-cigarettes / vapes and prohibited food items which may cause harm to others.

The LWSF Senior Membership team can search for both prohibited and banned items.

LWSF can use reasonable force to search for prohibited items – but not banned items.

The Co-Principals and designated staff can search for any item listed above, which has been identified as an item which may be searched for.

Searching with consent:

- Designated staff can search pupils with their consent for any item
- Formal written consent is not required from the pupils, such as asking the pupils to turn out their pockets or if the teacher can look in a pupils' bag or locker and for the pupil to agree.
- The behaviour policy, shared with children and parents, will clearly state any items which are banned.
- If a member of staff suspects a pupil has a banned item in his/her bag, on their person or in a locker and if the pupil refuses a search or to give the item up (to the school office till the end of the day), the member of staff can apply an appropriate sanction as set out in the school's behaviour policy.

Searching without consent:

- The SMT or a member of staff authorised by the SMT can search without consent of the child or their parent/ carer if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.
- The member of staff must be the same sex as the pupil being searched, and there must be a witness (also a member of staff) and, where possible, they should be the same sex as the pupil being searched.
- If we believe the child is at risk of serious harm unless they are searched immediately then the search can be conducted on a child of the opposite sex with a witness.
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupils, for example on school trips e.g. day trips or extended trips like PGL.

During the search

The law states:

- The person conducting the search may not request the pupils to remove clothing other than outer clothing
- 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 to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.
- Where there is need for a search to go further, police will be called.
- 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, and will not, be used to search for items banned as listed above.

Searches will take place outside of the view of other pupils, unless there is an imminent risk of harm to anyone, or the pupil makes this impossible.

The designated member of staff may wish to contact the police to conduct a 'strip search' when they have been unable to find a *prohibited item* following a search. We will not do this for a banned item. When the police become involved in a search, LWSF gives up the autonomy and control over that search as police officers can conduct a search even if you tell them not to. Ultimately, police officers will decide if they will use their powers. However, the designated staff member will challenge any decisions they are not comfortable with. This is clarified further in the section on safeguarding below.

Electronic Devices

- If it is suspected that the device has been or is likely to be used to commit an offence or cause personal injury or damage to property, then data or files on the device can be examined. This can be done under the powers of 'without consent' search if it is reasonably suspected to be used to commit an offence or cause personal injury or damage to a person or property.
- If inappropriate material is found on a pupil's device, the Designated Safeguarding Lead will decide 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.
- Any material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child, or an extreme pornographic image must not be deleted and must be given to the police as soon as reasonably possible.
- The school may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

After the search

- The senior management team can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.
- Any offensive weapon, controlled drugs, stolen items (unless low value eg. Pencil cases), pornographic images that are a specified offence (ie. Extreme or child pornography) must be passed to the police.
- The school will inform the individual pupil's parents or guardians where a search has taken place, though there is no legal requirement to do so.

Screening

LWSF may require pupils to undergo screening by a hand-held metal detector e.g. checking for mobile devices in external exams.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, which they consider harmful or detrimental to school discipline including mobile telephones and e-cigarettes / vapes.

Safeguarding children being searched

1. Initially, we will aim to dialogue with the pupil prior to any search taking place, even if they have been searched previously. This conversation may include:
 - Why the search is taking place
 - Clarifying why a specific member of staff will be conducting the search
 - Giving an opportunity for the pupil to ask any questions.
2. The pupil will be given an opportunity to co-operate with the search. If they choose not to co-operate, the designated member of staff will explore why. When appropriate, the SMT may consider involving a member of staff who knows the pupil well as the pupil may be more willing to speak, and they may have a better understanding of why the pupil may be hesitant.
3. Force will only be used as a last resort on prohibited items only.
4. If a child does not comply with a search for *banned items*, the school will use their behaviour policy to address this. E.g. a child who does not willingly give their mobile phone to the office, will be sanctioned in line with the behaviour policy. This includes banned electronic devices on the annual PGL trip.
5. The Designated Safeguarding Lead (DSL) will be made aware of any search finding a prohibited or banned item, as it could indicate that the child is at risk of harm.
6. The DSL will consider whether to make a referral to children's social care if they believe that the child is at risk of harm. This does not only have to be prohibited items. Banned items may also indicate that the child is at risk, e.g. several mobile phones could also suggest that they are being exploited.
7. Parents will be informed following a search. Guidance states that parents only need to be informed following a search for prohibited items.
8. Prior to contacting the police, the School Principal / DSL will carefully consider whether such action is appropriate, bearing in mind that a 'strip search' may take place (such searches are very likely to be distressing for pupils – especially when taking place in school). *The role of the school during such searches will be to advocate for the welfare of the child.*
9. If it becomes necessary for a 'strip search' takes place, the child will be accompanied by 'Appropriate Adult' (AA).
 - The role of the 'Appropriate Adult' is to safeguard the rights, entitlements and welfare of young people being subjected to police powers – usually, this will be a parent/carer
 - The AA should be the same sex as the pupil unless the pupil requests otherwise e.g. a parent.
 - A 'strip search' will only take place without an AA in exceptional circumstances e.g. when there is a risk of serious harm OR the pupil states, in the presence of the AA, that they wish for the search to take place without them present AND they agree to it.

NB – Challenge

10. If police attend and the designated member of staff is not happy with a proposed course of action, they will challenge the police.
11. If appropriate, the designated member of staff will question decisions when they disagree, especially when the officers attending may not have expertise in working with children.

12. Challenges will be recorded, and the designated member of staff may ask to speak to the offices' Sergeant if necessary.
13. Following a strip search, pupils will be offered an opportunity to debrief with a trusted adult at the school.
14. The designated member of staff will tell the child how to make a complaint if they feel that they have not been treated fairly.

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Lucy Meyer
Co-Principal