

## SEARCH OF STUDENTS AND CONFISCATION POLICY

*Last update: December 2018*

### Policy statement

Katharine Lady Berkeley's School is committed to safeguarding and promoting the welfare of the members of its community. Accordingly there may be occasions when it becomes necessary to confiscate items from or search the person or the belongings of a student.

### Aims of the policy

These instructions set out the circumstances in which such confiscations and searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DFE Guidance for Schools on Screening, Searching and Confiscation (31 August 2011).

### Confiscation of items not permitted in school

The school have established certain guidance with regard to items not permitted in school. Where such items are brought in, our policy is to confiscate them.

The following gives some guidance as to which items which are not permitted in school:

- Mobile 'phones if used during the school day by Years 7 to 11 or outside the sixth form area by Years 12 and 13.
- Laser pens
- Excessive jewellery
- \*Cigarettes, tobacco, cigarette papers, cigarette lighters, matches etc
- \*Vape pens (e-cigarettes), e-pipes, vape cartridges, atomisers and associated items
- \*Alcohol, **illegal drugs and substances and associated paraphernalia**
- \***BB guns**, knives, **fireworks**, catapults etc
- \***Stolen items**
- \*Pornographic images (paper copies or electronic held on phones/other devices)
- \*Any article that the member of staff reasonably suspects has been, or is likely to be, used to: commit an offence; cause personal injury; damage property.

*\* Denotes items which will not be returned to students. Of these listed items, the ones in bold would not be returned to parents but disposed of by the school or handed to the police. Professional judgement will be used as to whether other items are returned.*

### Confiscation procedures:

- The item is confiscated by staff and taken to Reception at next opportunity.
- The staff member ensures that the student is named when the item is handed over.
- The item is then placed in an envelope with the student's name and put in the school safe.
- Length of confiscation: This will normally be 'end of day' or 'until collected by parent'. The item should be marked 'collect by parent' or 'can be collected'.

### Grounds for a search

Specified teaching staff (see below) are permitted to undertake a search where they have reasonable grounds for suspecting that a student may have a prohibited item in his or her possession. This may be the result of observing behaviour, monitoring by CCTV, or comments made by other staff, students or parents.

The staff in the school who can carry out any such search are members of SMT and Heads of Year. Wherever possible, at least one member of the SMT will be involved in the search and there will be a male and female member of staff present. See below about the policy during school trips and visits.

In all circumstances the consent of the student to any search should be requested. A second adult witness should always be present. The school is not required to seek parental consent before carrying out a search. Members of school staff have the right to decline to carry out a search.

### **The nature of a search**

The procedure for a search involves:

- asking the student to empty the contents of their bag onto a desk. The contents and the empty bag are then inspected
- asking the student to remove the contents of their jackets pockets and place them on a desk and then to remove their jacket. The contents and the jacket are then inspected.
- asking the student to turn out their trouser pockets
- asking the student to remove their shoes. The insides of the shoes are then inspected. Exceptionally, a student may be asked to remove their socks.

There should be no physical contact with the student. A search does not involve 'frisking' the student. If there is reasonable suspicion that the student has prohibited items elsewhere within their clothing, then the student's parents/carers and/or police will be contacted.

For all cases where a search is carried out, this will be logged on SIMS. Where prohibited items are found during a search, they will be confiscated and parents/carers will be informed.

### **Consent**

Essentially there are two types of search: those with consent and those without consent. These searches are outlined below:

#### Searching with consent

Designated staff (see above) can search students with their consent for any item. Schools are not required to have formal written consent from the student or parents/carers for this sort of search.

#### Searching without consent

While this is permitted, at Katharine Lady Berkeley's School, we will not search students without their consent. If a student refuses to cooperate, the school will contact the police and parents/carers.

### **Searches of a student's personal property**

There may be circumstances in which staff wish to search a student's personal property, such as a bag or mobile phone. Any such search must be witnessed by a second adult and, ideally, the student. Proper records should be kept. Parents or carers will only be informed of the search if prohibited items have been discovered.

### **Searches of school property**

Those authorised to carry out searches may search school property, such as a student's locker if they believe prohibited items may be stored there. Prior consent is not required from the student. Parents or carers will only be informed of the search if prohibited items have been discovered.

### **School trips**

This policy on searches of students and their belongings applies at all times, irrespective of whether the student is at the school or on a non-residential, or residential, trip. In such cases the trip leader and other supervising staff are permitted to carry out a search. During a residential visit, staff may also search a student's room. Prior consent from the student is not required and, as above, this must be carried out by two members of staff.

*Considered by Governors Wellbeing committee: July 2017*

*Approved by full Governing body: 12 July 2017, interim update 5 December 2018*