



Holy Trinity Catholic Primary School

Aspire not to have more but to be more

Searching, Screening and Confiscation Policy

Holy Trinity is a Catholic Primary School where Core Values, underpin every aspect of school life. Our Mission Statement is:

*Inspired by Christ and His teaching,
Holy Trinity Catholic Primary School educates, nurtures and celebrates
the unique nature and worth of every member of its diverse family.*

The Mission Statement is summed up in our school motto: '**Aspire not to have more, but to be more**'

The aims for all of our school family are:

- *to promote excellence in all aspects of school life, developing each person's ability to recognize and strive for this;*
- *place Christ at the centre of our daily lives, so that our school family may be the leaven of the Gospel values promoted in our mission*
- *to recognize that all members of the community are life-long learners, prepared to accept challenges with confidence and determination*
- *to promote self-discipline and respect, never accepting bullying of any kind and to communicate this belief in a positive and proactive manner.*

These aims are revisited regularly to ensure their relevance and we work to ensure our statement on equality of opportunity and values are understood by all.

What legislation does this guidance refer to?

- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The Schools (Specification and Disposal of Articles) Regulations 2012

1 Introduction

- 1.1 Ensuring our school staff and children feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure child and staff welfare is protected and helps our school establish an environment where everyone is safe.
- 1.2 Holy Trinity and our staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance ***Working together to safeguard children. Keeping children safe in education*** makes clear that all school staff have a responsibility to provide a safe environment in which pupils can learn.

- 1.3 Before screening or conducting a search of a child, our school will consider our obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by our school (or, indeed, any public body) must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8. As our school will exercise those powers lawfully there should have no difficulty in demonstrating that Holy Trinity has also acted in accordance with Article 8.

2 Searching

- 2.1 Searching can play a critical role in ensuring that our school is a safe environment for all children and staff. It is a vital measure to safeguard and promote staff and children's welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

- 2.2 The Head of our school and staff they authorise have a statutory power to search a child or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in this document or any other item that the school rules identify as an item that may be searched for.

- 2.3 The list of prohibited (A 'prohibited item' is defined in subsection (3) of Section 550ZA of the Education Act 1996) items is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- any article that the member of staff reasonably suspects has been, or is likely to be used:
 - to commit an offence, or
 - to cause personal injury to, or damage to property of; any person (including the pupil).

an article specified in regulations (The Schools (Specification and Disposal of Articles) Regulations 2012):

- tobacco and cigarette papers (This does not include e-cigarettes or vapes);
- fireworks; and
- pornographic images.

- 2.4 Under common law, Holy Trinity 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.
- 2.5 Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the child 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 children who may benefit from early help or a referral to the local authority children's social care services.
- 2.6 Our school's behaviour policy is communicated to all members of the school community to ensure expectations are transparent to all children, parents and staff, and provide reassurance that any searching of a child will be implemented consistently, proportionately and fairly, in line with the school's policy.
- 2.7 When exercising our powers, Holy Trinity will consider the age and needs of the child/ren 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 child has a disability.

2.8 Staff at Holy Trinity may consider using CCTV footage to decide whether to conduct a search for an item, where this available.

3 The role of the headteacher, the designated safeguarding lead and authorised members of staff

- 3.1 At Holy Trinity, only the headteacher, or a member of staff authorised by the headteacher, will carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs.
- 3.2 Two members of staff will conduct any search, one member of staff who will verbally conduct the search and another member of staff as a witness.
- 3.3 The headteacher will not require any other member of staff to undertake a search if they refuse.
- 3.4 The headteacher will oversee our school's practice of searching, where necessary, 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).
- 3.5 The headteacher will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a child who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the child who is being searched.
- 3.6 The designated safeguarding lead (or deputy) will be informed of any searching incidents where the member of staff had reasonable grounds to suspect a child was in possession of a prohibited item. The staff member will also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.
- 3.7 If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

4 Before searching

- 4.1 A search can be considered if a member of our staff has reasonable grounds for suspecting that a child is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed.
- 4.2 The authorised member of staff will make an assessment of how urgent the need for a search is and will consider the risk to other children and staff.
- 4.3 Before any search takes place, the member of staff conducting the search will explain to the child why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.
- 4.4 The authorised member of staff will always seek the co-operation of the child before conducting a search. If the child is not willing to co-operate with the search, the member of staff will 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.

- 4.5 If a child continues to refuse to co-operate, the member of staff may sanction the child in line with our school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.
- 4.6 If the member of staff still considers a search to be necessary, but is not required urgently, they will 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 child will be supervised and kept away from other pupils.
- 4.7 If the child still refuses to co-operate, our 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 prohibited items, but not to search for items that are identified only in our school rules. The decision to use reasonable force will be made on a case-by-case basis. The member of staff consider whether conducting the search will prevent the child harming themselves or others, damaging property or from causing disorder.
- 4.8 The use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

5 During a search

5.1 Where

An appropriate location for the search will be found. This will most usually be in one of the rooms used normally by the Headteacher or LMT. These rooms are away from other children. The search will only take place on the school premises or where the member of staff has lawful control or charge of the child, for example on an educational visit.

5.2 Who

The member of staff conducting the search will be of the same sex as the child being searched. There will be another member of staff present as a witness to the search. There is a limited exception to this rule. This is that a member of staff can search a child 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 child or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search without a witness they will immediately report this to another member of staff, and ensure a record of the search is kept.

5.3 The extent of the search

A member of staff will only search a child's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search will not require the child 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 child has or appears to have control - this includes desks, lockers and bags.

A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the child agree. If the pupil withdraws their agreement to search, a search will be conducted for both the prohibited items listed in this document and for any items identified in the school rules for which a search can be made.

A child's possessions will only be searched in the presence of the child 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.

- 5.4 Our member of staff's power to search outlined above does not enable them to conduct a strip search.

6 Strip searching

- 6.1 A strip search is a search involving the removal of more than outer clothing. 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. Searches may entail different levels of invasiveness and exposure. A search under PACE Code A that involves removing more than outer clothing but does not expose intimate parts of the body would not require the presence of an appropriate adult. However, from a child wellbeing perspective, our school will involve an appropriate adult as a matter of course during all searches conducted by police. The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult must not be a police officer or otherwise associated with the police. Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation.
- 6.2 While the decision to undertake the strip search itself and its conduct are police matters, our school staff will retain a duty of care to the child/ren involved and will advocate for pupil wellbeing at all times. Staff members will be sensitive to whether outer clothing is worn for religious reasons when conducting a search.
- 6.3 Before calling police into school, our staff will assess and balance the risk of a potential strip search on the child's mental and physical wellbeing and the risk of not recovering the suspected item. Staff will consider whether introducing the potential for a strip search through police involvement is necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of our school will be to advocate for the safety and wellbeing of the pupil(s) involved.
- 6.4 Unless there is an immediate risk of harm and where reasonably possible, our staff will inform a parent of the child suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. A staff member will always inform parents once a strip search has taken place. Holy Trinity will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.
- ## **7 The process the police must follow during a strip search**
- 7.1 Except in cases of urgency where there is risk of serious harm to the child or others, whenever a strip search involves exposure of intimate body parts there will be at least two people present other than the child, one of which must be the appropriate adult.
- 7.2 If the child's parent would like to be the appropriate adult, our school will facilitate this where possible. Police officers carrying out the search must be of the same sex as the child being searched. An appropriate adult not of the same sex as the child being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search will not be carried out in a location where the child could be seen by anyone else.
- 7.3 Except in urgent cases as above, a search of a child may take place without an appropriate adult only if the pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record will be made of the pupil's decision and signed by the appropriate adult. The presence of more than two

people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

- 7.4 Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the child might have concealed such an item. Strip searches will not be routinely carried out if there is no reason to consider that such items are concealed.

8 After-care following a strip search

- 8.1 A child will be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but will always be accompanied by a safeguarding process handled by our school which gives attention to the child's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).
- 8.2 Safeguarding will be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, children will feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. Our school staff will give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency, and consider preventative approaches.

9 After a search

- 9.1 Whether or not any items have been found as a result of any search, Holy Trinity will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the child 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 our school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in Part 1 of Keeping children safe in education. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff will follow the guidance set out in this document on confiscation.
- 9.2 If a child is found to be in possession of a prohibited item, then the staff member will alert the designated safeguarding lead (or deputy) and the pupil will be sanctioned in line with our school's behaviour policy to ensure consistency of approach.

10 Recording searches

- 10.1 Any search by a member of staff for a prohibited item and all searches conducted by police officers will be recorded in CPOMS, our school's safeguarding reporting system, 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. All searches for items banned by our school rules will also be recorded.
- 10.2 Staff will include in the record of each search:
- 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.
- 10.3 Our school will consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, we will consider whether any actions will be taken to prevent this.

11 Informing parents

- 11.1 Our school will continue to build and maintain positive relationships with parents. Parents will always be informed of any search for a prohibited item that has taken place and the outcome of the search as soon as is practicable. A senior 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.
- 11.2 Any complaints about searching, screening or confiscation will be dealt with through the normal school complaints procedure.

12 Screening

- 12.1 Screening can help provide reassurance to children, staff and parents that our school is taking measures to create a calm, safe and supportive environment.
- 12.2 Our school's statutory power to make rules on pupil behaviour and our duties as employers in relation to the safety of staff, children and visitors enables the Governing Body to impose a requirement that pupils undergo screening.
- 12.3 Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all children for weapons before they enter the school premises.
- 12.4 This is not considered necessary at this time, however, should it become so the headteacher will consult with the local police who may be able to provide advice about whether installation of these devices is appropriate.
- 12.5 If a screening arrangement is introduced, the headteacher will inform pupils and parents in advance to explain what the screening will involve and why it will be introduced.
- 12.6 Where a pupil has a disability, Holy Trinity will make any reasonable adjustments to the screening process that may be required.
- 12.7 If a child refuses to be screened, the member of staff will consider why the pupil is not co-operating, and make an assessment of whether it is necessary to carry out a search.

13 Confiscation

- 13.1 Items found as a result of a search
An authorised staff member carrying out a search will confiscate any item that they have reasonable grounds for suspecting:
- poses a risk to staff or pupils;
 - is prohibited, or identified in the school rules for which a search can be made; or
 - is evidence in relation to an offence.
- 13.2 Prohibited or illegal items
Controlled drugs will be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff will safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff will have regard to the following guidance issued by the Secretary of State.
- 13.3 The member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they will treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they will deliver them to the police.
- 13.4 Other substances, which are not believed to be controlled, will also be delivered to the police, or disposed of as above, if a member of staff believes they could be harmful.

- 13.5 Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they will retain or dispose of them as they think appropriate but will not return them to the pupil.
- 13.6 If a member of our staff finds a pornographic image, they will not look at or dispose of the image. This will constitute a safeguarding issue and the relevant procedure will be followed, including, delivering it to the police as soon as reasonably practicable. Members of staff will never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.
- 13.7 Where a member of staff finds stolen items, these will be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff will have regard to the following guidance issued by the Secretary of State below.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by the school;
- whether retaining or returning the item to the owner may place any person at risk of harm; and
- whether the item can be disposed of safely.

- 13.8 Any weapons or items which are evidence of a suspected offence will be passed to the police as soon as possible. Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property will be delivered to the police as soon as reasonably practicable, returned to parents, retained or disposed of. In deciding what to do with such an item, the member of staff will have regard to the guidance issued by the Secretary of State:

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item.

If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item will be delivered to the police.

- 13.9 Members of our staff will use their judgement to decide to return, retain or dispose of any other items banned under the school rules. In deciding what to do with such an item, the member of staff will have regard to the guidance issued by the Secretary of State:

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In taking into account all relevant circumstances, the member of staff should consider:

- the value of the item;
- whether it is appropriate to return the item to the pupil or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.

- 13.10 Members of our staff will follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

14 Electronic devices

- 14.1 Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- 14.2 As with all prohibited items, staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- 14.3 Staff will examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.
- 14.4 If a member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff will never intentionally view the image, and will never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff will confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and our school will follow the principles as set out in Keeping children safe in education.
- 14.5 If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they will be delivered to the police as soon as is reasonably practicable.
- 14.6 In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State below:

In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

15 Confiscation as a disciplinary penalty

- 15.1 Our school's general power to discipline enables a member of staff to confiscate, retain or dispose of a child's property as a disciplinary penalty, where reasonable to do so.
- 15.2 The law protects members of our 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.

Further information

Other relevant departmental advice and statutory guidance

- Behaviour in Schools guidance
- Schools and College security guidance
- Equality Act 2010 and schools guidance
- Keeping children safe in education guidance
- Use of reasonable force in schools guidance
- Working together to safeguard children guidance

- DfE and ACPO drug advice for schools

Other advice

- Sharing nudes and semi-nudes: advice for education settings working with children and young people
- Police and Criminal Evidence Act 1984 (PACE) codes of practice