

Policy Name	Search, Screening and Confiscation Policy
Policy Type	Statutory / Non-Statutory
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Agreed on	
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June 27		

DESC values the mental health and wellbeing of every member of its community.

Our policies reflect the core values of respect and support for each other in every aspect of life. Our aim is that all in our community, through working together, to feel safe and secure in an environment, which enables and equips every individual to thrive and be respectful of each other's strengths and differences.

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1. Introduction

The Search, Screening and Confiscation policy forms part of a suite of documents and policies which relate to safeguarding responsibilities of the Centre.

The Centre has a responsibility to ensure the safety of its staff, learners and volunteers and as such will invoke the right to search and confiscation of prohibited items in order to ensure safety and security within the Centre for all.

This policy is informed by the most recent DfE guidance 'Searching, Screening and Confiscation'

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>.

The overarching principles are:

- Any member of the Centre's staff can search a learner for any item if the learner **agrees** (ability to give consent will depend on child's age or other factors).
- The Headteacher and staff authorised by them have a statutory power to search learners or their possessions, **without consent**, where they have reasonable grounds for suspecting that the learner may have a prohibited item (e.g. knives, drugs, stolen items etc).
- The Headteacher and authorised staff can also search for any item banned by the Centre rules which has been identified in the rules as an item which may be searched for.
- The Centre can require learners to undergo screening by a hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the learners.
- The Centres' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a learner's property as a disciplinary penalty, where reasonable to do so.
- The DSL must be informed immediately where safeguarding risks are identified.
- Staff take into consideration the child's age and stage of development, SEND, mental health and/or vulnerabilities when conducting search and screening

2. Searching with consent

- Centre staff can search learners with their consent for any item.
- The Centre is not required to have formal written consent from the learner for this sort of search – this can be done verbally.
- Parents and learners should refer to the Centre's Behaviour Policy to understand which items are prohibited.
- If a member of staff suspects a learner has a prohibited item in his/her possession, they can instruct the learner to turn out his or her pockets or bag. A refusal can result in an appropriate consequence as set out in the Centre's behaviour policy.

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3. Searching without consent

The Headteacher and any person authorised by him/her (the authorised person) will exercise their statutory power to search learners, without their consent, where they reasonably believe that a learner has in their possession the following prohibited items:

- Knives or weapons, alcohol, illegal drugs and stolen items;
- Tobacco and cigarette papers, fireworks and pornographic images;
- 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;
- Any item banned by the Centre's rules which has been identified in the rules as an item which may be searched for.
- The authorised person must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other learners talking about the item or they might notice a learner behaving in a way that causes them to be suspicious.
- The authorised person must be the same sex as the learner being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the learner being searched, **except where:**
 - The authorised person reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff. **This will only be done in exceptional circumstances.**
- The authorised person must have regard to the fact that a learner's expectation of privacy increases with age.
- These powers to search apply regardless of whether the learner is found to have the prohibited item they were reasonably expected to have had prior to the search, after the search has been completed. This includes circumstances where staff suspect a learner of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
- Authorised Centre staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- Searches without consent can only be carried out on the Centre premises or, if elsewhere, where the member of staff has lawful control or charge of the learner, for example on Centre trips in England or in training settings.

4. Extent of search

Clothes

- Any person conducting a search **with** the learner's **consent** may **not** require the learner to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- Where learners are searched **without** their **consent**, because the authorised person has reasonable grounds to believe they possess a prohibited item, the authorised person may conduct a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Possessions

- A learner's possessions can only be searched in the presence of the learner 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.
- 'Possessions' means any goods over which the learner has or appears to have control – this includes desks, lockers and bags.

Lockers and desks

- Any member of staff may search a learner's locker and desk if the learner agrees.
- If a learner does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

Use of force

- 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 be used to search for items banned under the Centre rules.

5. Items found following a search

- Any member of staff may confiscate, retain or dispose of a learner's property as a disciplinary penalty, where reasonable to do so. This may include any item found as a result of a "with consent" search so long as it is reasonable in the circumstances. Where prohibited items are found following a "with consent" search the member of staff will refer to the table in section 6 when deciding how to deal with the item(s) confiscated.

6. Prohibited items found following a search

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- The following actions will be taken in relation to the following prohibited items:

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Prohibited item	Action following seizure
Alcohol	Retain or dispose as deemed appropriate. Not returned to learner.
Controlled drugs	Delivered to Police as soon as possible. May be disposed of if there is good reason to do so.
Drug related paraphernalia	Retain or dispose as deemed appropriate. Not returned to learner.
Other substances not believed to be controlled drugs (such a “legal highs”)	Confiscated where believed to be harmful or detrimental to good order and discipline. Delivered to Police where it is suspected the substance may be a controlled drug.
Stolen items	Delivered to the Police as soon as reasonably practicable; (depending on the value of the item). May be returned to owner (or retained or disposed of if this is not reasonably practicable) if there is good reason to do so.
Tobacco or cigarette papers, including vapes	Retain or dispose as deemed appropriate. Not returned to learner.
Fireworks	Retain or dispose as deemed appropriate. Not returned to learner.
Pornographic image	Dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
Article that has been (or could be) used to commit an offence or to cause personal injury or damage to property	Delivered to the police or returned to the owner. It may also be retained or disposed of.
Item which is banned under the Centre rules (e.g. mobile phones)	All relevant circumstances will be taken in to account. Centre staff will use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
Weapons or items which are evidence of an offence	Passed to the police as soon as possible.

7. Liability

Staff will not be liable in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

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8. Electronic devices

- Where the person conducting any search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- In determining a 'good reason' to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the Centre rules.
- If inappropriate material is found on the device the decision to delete the material, retain it as evidence (of a criminal offence or a breach of Centre discipline) or whether the material is of such seriousness that it requires the involvement of the police should be taken in consultation with a member of SLT.
- All Centre staff should be aware that behaviours linked to sexting put a child in danger. The Management Committee should ensure sexting and the Centre's approach to it is reflected in the child protection policy. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people.

9. Screening

- Under its statutory power to make rules on learner behaviour and their duty as an employer to manage the safety of staff, learners and visitors, the Centre can require learners to undergo screening by a walk-through 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 learners. This takes place at certain points of the school year without pre-warning to the learners.
- Any member of Centre staff can screen learners.
- If a learner refuses to be screened, the Centre may refuse to have the learner on the premises. This is so it can comply with its duty to minimise potential health and safety risks to other learners, staff and visitors.
- If a learner fails to comply, and the Centre does not let the learner in, the Centre has not excluded the learner and the learner's absence will be treated as unauthorised. Alternatively, the learner should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.
- The screening search will take place in the Centre's main reception area on both sites. At the KS4 site it can also take place in learner reception due to cameras being in operation.

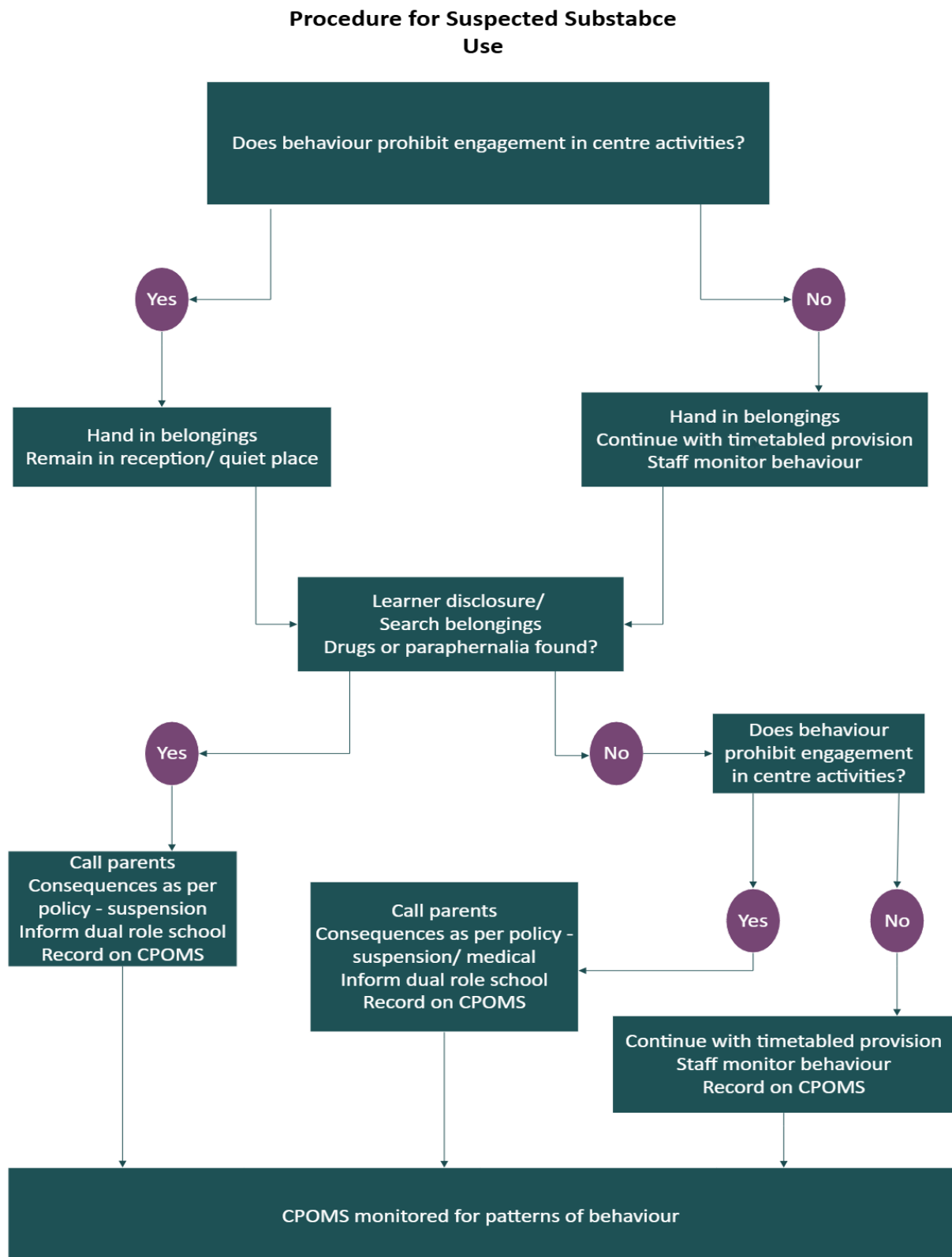
10. Notifying parents

- The Centre is not required to inform parents before a search takes place or to seek their consent to search their child.
- Parents will normally be informed where a search without consent has taken place.
- There is no legal requirement to make or keep a record of a search, however the Centre will keep a written record of all searches conducted without consent.
- The Centre should inform the individual learner's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

11. Complaints

- Complaints about screening or searching should be dealt with through the normal Centre complaints procedure.

APPENDIX 1: Responding to suspected substance use



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Appendix 2: Record of Incident Involving unauthorised Drugs

Tick to indicate the category:

Drug or paraphernalia found ON Centre premises

☐

Learner Disclosure of drug use

☐

Emergency/Intoxication

☐

Disclosure of parent/carer drug misuse

☐

Learner in possession of unauthorised drug

☐

Parent/carer expressed concern

☐

Learner supplying unauthorised drug on Centre premises

☐

Incident occurring OFF Centre site

☐

Name of Learner:		Name of Provision:	
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Area of DESC:		Date of Incident:	
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Age of Learner:		Time of Incident:	
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Tick box (if second or subsequent incident involving same learner)		Report completed by:	
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First Aid Given:

YES

NO

Ambulance/Doctor called:

YES

NO

Given by:

Called by:

Drug involved (if known) e.g. Alcohol, Ecstasy, Paracetamol	Time:		
	Drugs Found/Removed?	YES	NO
	Where found/seized:		

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Senior Member of Staff Involved:

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Name of Witness:

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Signature:

--

Name of Witness:

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Signature:

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Police called:

YES

NO

Police Ref No:

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Name of Parent/Carer Informed:	
Brief description of Incident: (including physical symptoms)	
Other Action Taken: e.g School Nurse/ADASH/LA/Ed Psych/ Life Coach/Counsellor/Other	

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