



Powers of Search Policy

We Care ● We Challenge ● We Commit

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Introduction

- Educational excellence, kindness, respect and community are the foundations for our approach to establishing and maintaining a safe, secure and calm environment at the school, this is underpinned by our values; We Care, We Challenge, We Commit.
- We Care - We care about our pupils education and understand the consequences decisions can have on learning. We will work with parents, pupils and our partner agencies to educate pupils about making the right choices.
- We Challenge - As a school we have responsibility to challenge our students to be their best. We will challenge all pupils who we suspect may be in possession of a banned item.
- We Commit - Fulwood Academy is committed to creating a culture where all pupils feel safe want to attend school to thrive and learn.
- Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learnings. Using searching, screening and confiscation searches appropriately is an important way to ensure pupil and staff welfare is protected and helps establish an environment where everyone is safe.
- At times, for the safety of all pupils, staff and visitors to the school, there may be a need to conduct a search of pupils. This decision is taken to ensure that the school environment remains free from prohibited items and that the ethos and integrity of the school is not compromised.
- This policy is written in line with the DfE guidance document 'Searching, screening and confiscation: advice for schools' (DfE, July 2020).

Aims

1. To make clear the school's powers of searching pupils so that school staff have the confidence to use them.
2. To make clear the school's powers to search pupils without consent.
3. To make clear the school's powers to seize and then confiscate items found during a search.
4. To support the mission, vision and values of the school. We Care, We Challenge, We Commit.

Who is responsible for this policy?

5. The school has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
6. The local governing body and senior leadership team at Fulwood has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Key points

7. Searching can play a crucial role in ensuring that the Academy is a safe environment. Searching is a vital measure to safeguard staff and pupils and to maintain high standards of behavior where pupils can learn and thrive,

8. School staff can search a pupil for any item if the pupil agrees. However, the ability to give consent may be influenced by the child's age or other factors such as special educational needs and/or disabilities or if English is not their first language. The member of staff conducting the search should ensure the pupil understands the reason for the search and how it will be conducted.
9. Principals and staff authorised to do so have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.
10. Prohibited items include but are not limited to:
 - ✓ knives or weapons
 - ✓ alcohol
 - ✓ illegal drugs
 - ✓ stolen items
 - ✓ tobacco and cigarette papers
 - ✓ fireworks
 - ✓ pornographic images

A full list can be found on the DfE Guidance [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/2015/09/01/searching-screening-and-confiscation)

Principals and authorised staff can also search for any item banned by the school rules which has been identified in the rules which may be searched for. A list of these can be found in the behaviour policy. Inappropriate use of a mobile phone, for example, could be searched for.

11. In addition, the member of staff may search for any article that they reasonably suspect has been, or is likely to be used:
 - to commit an offence, or
 - to cause personal injury to, damage to the property of, any person (including the pupil)
12. School staff can seize any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to school discipline.
13. Pupils have a right to respect for their private life. This means that they can expect a reasonable level of personal privacy. Schools completing a lawful search should ensure that reasonable steps to ensure respect for privacy. Staff should bear in mind that a pupil's expectation of privacy becomes greater as they get older.
14. Schools can require pupils to undergo screening, such as by using a handheld metal detector even if they do not suspect that a pupil is carrying a prohibited item. Any member of staff can screen pupils and consent is not required.
15. If a pupil refuses to be screened, the school may refuse to allow the pupil access into the building. In situations such as this, the pupil has not been excluded and should be marked as an unauthorised absence using the O code. Safeguarding protocols should be followed.

Before Searching

16. A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil 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.
17. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.
18. Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.
19. 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.
20. 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.
21. 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 should be supervised and kept away from other pupils.
22. If the pupil still refuses to co-operate, the member of staff should 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 identified in point 12, but not to search for items which are identified only in the school rules.
23. The decision to use reasonable force should be made on a case-by-case basis.
24. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder
25. The use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves
26. If a member of staff suspects a pupil has a banned item in their possession, they can instruct the pupil to turn out their pockets or bag. If the pupil refuses, the member of staff can summon a member of the senior leadership team to assist who may apply an appropriate sanction as set out in the school's behaviour policy or conduct a search without consent, if required.

During a Search

Where

27. An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Who

28. The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

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29. 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.^{10 27.}
30. When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record is kept.

Extent of the search

31. A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.
32. 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.
33. 'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.
34. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed in point 12 and any items identified in the school rules for which a search can be made.
35. 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.
36. The member of staff may use a metal detector to assist with the search.
37. The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip Searching

38. 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.
39. 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.
40. Before calling police into school, staff will assess and balance the risk of a potential strip search on the pupil'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 absolutely necessary, and should 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 the school is to advocate for the safety and wellbeing of the pupil(s) involved.

41. Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

The process the police must follow during a strip search

42. Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult. 13 If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil 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 must not be carried out in a location where the pupil could be seen by anyone else.
43. Except in urgent cases as above, a search of a pupil 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 should 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.
44. 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 pupil might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.

After care follow during a strip search

45. Pupils 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 it will always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).
46. 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, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. 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.

After a search

47. ~~Whether or not any items have been found as a result of any search, The Academy will 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) as set out in Part 1 of Keeping children safe in education. Staff 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 should follow the guidance on confiscation.

48. If a pupil is found to be in possession of a prohibited item listed in point 12, then the staff member should alert the designated safeguarding lead (or deputy) and the pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.
49. Any search by a member of staff for a prohibited item listed in point 12 and all searches conducted by police officers should be recorded on CPOMS, including whether an item is found or not.
50. Staff will complete a record of search form for any search carried out and hand this to the Vice Principal straight away.
51. The record will include the reasons for the search, the outcome of the search and any follow up actions taken. The record may also include any independent statements from witnesses which led to the search or who observed the search.
52. If force is used to complete a search without consent, records should be kept in line with the School's Positive Handling policy.

Informing parents/carers

53. Parents should always be informed of any search for a prohibited item listed in point 12 that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

Complaints

54. If a parent/carer is unhappy with a search on their child at school, they will be directed to discuss this with the Principal who will detail the rationale for the search, the process that was followed and the findings of the search. If the parent/carer remains unsatisfied, they should follow the standard complaints procedure.

Screening

55. Screening can help provide reassurance to pupils, staff and parents that the school is taking measures to create a calm, safe and supportive environment.
56. Fulwood can require students to undergo screening by a hand-held metal detector (wand) even if they do not suspect them of having a weapon and without the consent of the students.
57. Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.
58. Where a pupil has a disability, schools should make any reasonable adjustments to the screening process that may be required.
59. If a pupil refuses to be screened, the member of staff should consider why the pupil is not co-

operating, and make an assessment of whether it is necessary to carry out a search.

60. If a student refuses to be screened, the school may refuse to have the student on the premises. Health and safety legislation requires the school to be managed in a way which does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
61. If a student fails to comply, and the school does not let the student in, the school has not excluded the student and the student's absence would be treated as unauthorised. The student should comply with the rules and attend.

Confiscation

62. Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
63. The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it will be passed to the police.
64. Staff have a defence to any complaint or other action brought against them. 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.

Confiscation of Prohibited or illegal items

65. Controlled drugs must 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 must safely dispose of the drugs). In determining whether there is a good reason to dispose of controlled drugs, the member of staff must 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 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 should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

66. Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.
67. Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil.
68. If a member of staff finds a pornographic image, they may dispose of the image unless they have

reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should 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. See points for further advice on searching electronic devices.

69. Where a member of staff finds stolen items, these must 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 must 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;***
- ***whether the item can be disposed of safely.***

70. Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible.
71. Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the 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 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 should be delivered to the police.

72. Members of staff should 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 must have regard to the guidance issued by the Secretary of State in 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 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.***

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73. 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.
 74. As with all prohibited items, staff should 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.
 75. Staff may 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.
 76. If the 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 should never intentionally view the image, and must 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 should 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.
 77. If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.
 78. 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.

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Confiscation as a disciplinary penalty

79. 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.
80. 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.