



TALBOT HEATH SCHOOL “Honour Before Honours”

PROCEDURE FOR SEARCHING PUPILS AND THEIR POSSESSIONS

Date of last adoption: 6th June 2024

Date of next adoption: Summer Term 2025

Reviewed by: FGB

As a school, we will make reasonable adjustments to this policy, in line with the SEND Code of Practice (2014) and the Equality Act (2010), for students with SEND.

Talbot Heath School is committed to safeguarding the welfare of all pupils and we seek to cultivate an environment of mutual respect and treat pupils and staff fairly and sensitively.

These procedures have been written in conjunction with “Searching, screening and confiscation” advice for Head teachers, school staff and governing bodies. February 2014 (updated July 2023).

Key points from the DFE Guidance

- School staff can search a pupil for any item if the pupil agrees.
- The Headteacher and staff authorised by her 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.
- Prohibited items include knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images, any item 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 the property of any person including the pupil.
- At Talbot Heath School, (the school rules make it clear that) the following items are also prohibited and may be searched for: vapes, e-cigarettes and mobile devices (including smartwatches) that are not locked in a Yondr pouch.
- School staff can seize any prohibited item found as a result of a search and any item, however found, which they consider harmful or detrimental to school discipline.
- In the context of the above powers, pupils have the right to expect a reasonable level of personal privacy.

Talbot Heath School procedures

- The Headteacher and / or DSL must be made aware of the need for a search.
- Parents do not need to be informed about a search and the school does not need to get their consent to search the pupil.
- The Headteacher will authorise two members of staff (one of which will usually be the DSL) to undertake the search.
- The pupil will be asked to turn out their pockets or will be asked if the member of staff can look in the pupil’s bag or locker.
- A boarder’s room / dormitory space can also be searched using the same procedures identified in this document.
- There should ideally always be two female staff present.
- The question asking for pupil consent should be asked in a private area and the search should be carried out in a discrete manner.
- In addition to the prohibited items outlined in the DFE guidance, the school also has the right to search for items that are prohibited by the school rules, for example e-cigarettes, vapes and mobile devices (including smartwatches) that are not locked in a Yondr pouch.

Searching without consent

The member of staff must have reasonable grounds for suspecting that a pupil may have a prohibited item, see previous list of items.

- The teacher must decide in each case what constitutes reasonable grounds for suspicion and share this with the Headteacher or DSL if possible who will make the final decision as to whether the search should happen.

For example, the member of staff may have heard other pupils talking or they might notice a pupil behaving in a way that causes them to be suspicious.

- The search must be carried out by two female staff.
- Parents should be contacted and they should encourage the pupil to consent.
- The search 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 pupil, for example on school trips in England or in training sessions. The power only applies to England.

During the search

- The pupil should not be asked to remove any clothing other than outerwear. Outerwear is 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.
- No intimate search is allowed. Only a person with more extensive powers can do this e.g. a police officer with a responsible adult present.
- Possessions means any goods over which the pupil has or appears to have control. This includes desks, lockers and bags.
- 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.
- Force should never be used to search for items banned under school rules but could be used when conducting a search for a prohibited item.

After the search

- Any item found in a search can be confiscated, retained or disposed of if there are reasonable grounds for suspecting it is a prohibited item or is evidence in relation to an offence.
- Where any item is thought to be a weapon, it must be handed over to the police.
- Where they find controlled drugs, these must be delivered to the police as soon as possible.
- Substances found which are not believed to be controlled drugs can be confiscated if they are thought to be harmful or detrimental to good order or discipline. If staff are unsure whether a substance is illegal or not, it should be treated as a controlled drug.
- Alcohol, tobacco, vapes and fireworks should be disposed of and not returned to the pupil.
- Pornographic images may be disposed of unless its possession constitutes a specified offence in which case it must be handed to the police as soon as reasonably practicable.
- Items banned under school rules may be returned to the owner, retained or disposed of. Parents could be asked to collect the item which should then be locked in the safe.
- Valuable stolen items must be given to the police as soon as possible or returned to the owner if there is good reason to do so.
- Any electronic device found can have their data or files examined if there is good reason to do so. If the device is returned to the owner, is retained or disposed of, data and files may be erased if there is a good reason to do it. Good reason is something which could cause harm, disrupt teaching or break the school rules.
- Staff have a defence to any complaint or other action brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.
- A record should be kept of the search. This should include: reason for the search, date and time of search, results of the search, all staff involved, other agencies involved, the outcome for all involved.
- Parents / guardians should be told if alcohol, illegal drugs or potentially harmful substances are found although there is no legal requirement to do so.

Appendix 1:

SEARCH FORM



Name of student		
Date and time		
Staff members present		
Authorised by Headteacher/DSL		
Reason for search...		

Confiscations and removals

Item	Reason	Signed by student	Signed by staff

Custody Chain

Stored	Member of staff/student	Signed

What happens next...

- Staff explained where the confiscated items would be stored and/or sent.
- Staff explained if and when the student could have their items returned.
- Staff explained that communication would be sent to parents/guardians about the search.

Above acknowledged by student	Above acknowledged by staff