

## Forres Sandle Manor (Non-Academic) Policy

<b>Policy Title</b>	<b>Searching Pupils (Staff Guide)</b>
<b>Policy Lead (Appointment (&amp; Initials))</b>	<b>Head (MH)</b>
<b>Date of Last Review</b>	<b>September 2024</b>
<b>Date of Next Review</b>	<b>September 2025</b>

### SEARCHING PUPILS

#### **STATEMENT OF INTENT**

The core purpose of this policy is the safeguarding of all of our pupils, both day and boarding, and the guarding and promotion of their welfare. This policy has been developed in accordance with the DfE publications: *Behaviour and Discipline in Schools (2024)* and *Screening, Searching and Confiscation (2022)*.

#### **INTRODUCTION**

Forres Sandle Manor School is committed to safeguarding the welfare of all children in its care, and we seek to cultivate an environment of mutual respect and to treat pupils and staff fairly and sensitively. In the unusual event of a pupil, or a pupil's room, locker, bag or other repository for possessions being searched, FSM takes all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases: if in any doubt, advice should be sought from a member of the Senior Leadership Team unless the urgency or another overriding aspect of a situation makes such a referral impractical.

FSM staff will always act with due care, consideration and sensitivity and remain mindful of the need to respect privacy; particular thought should be given to boarders for whom, during term time, the school is their 'home'. In addition, staff will remember the need to protect persons/property from injury/damage and loss is paramount and that this duty of care can in certain circumstances override all other protocols. At all times a balance will be maintained between common-sense actions rightly taken in respect of an assessed risk and the desirability to following step-by step written guidelines (as seen below) which, however helpful, cannot anticipate every eventuality.

FSM is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the Equal Opportunities Policy.

The policy applies to all pupils including those in the EYFS setting and boarding. It is available on the school website, and to all interested parties on request from the School Office. It should be read in conjunction with the following policies and documents:

- Pupil Behaviour Management Policy.
- Lifeskills & RSE Policy.
- Boarding Staff Handbook.

- Trips Policy and Procedures.
- Staff Code of Conduct.
- Responses to Alcohol, Smoking and Substance Abuse Policy.
- E-Safety Policy

FSM seeks to implement this policy through adherence to the procedures set out in the rest of this document.

This document is reviewed annually by the Head in consultation with the Senior Leadership Team, or as events or legislative change requires.

## **KEY PERSONNEL**

The Designated Safeguarding Lead (DSL) in the School is the Deputy Head Pastoral, Mrs Lauren Marks. She is supported by a team of DDSLs, including Mr Mark Howe (Headmaster), Will Peak (Deputy Head Academic), George Scott (Assistant Head Boarding & Co-Curricular) as well as several other colleagues. Mrs Tracy Spottiswood (Head of Pre Prep) is deputy DSL and takes responsibility of safeguarding and child protection matters in the Pre Prep and EYFS and Bev Kendall (Nurse Manager) also act as deputy DSL.

## **PROCEDURES**

Whilst a search may be required for suspected dangerous/illegal items, it may also be justified for other reasons – for items that are not allowed in school, for instance, but are not necessarily of themselves dangerous (or illegal), or items which are allowed in school but which are not being properly used.

### **What can be searched for?**

- 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 of any person (including the pupil).
- Any article specified in *The Schools (Specification and Disposal of Articles) Regulations 2012*, including such items as tobacco and cigarette papers, fireworks and pornographic images.
- Any item banned by the school rules which has been identified in the rules as an item that might be searched for.

When exercising their powers, school staff must consider the age and needs of pupils being searched. This includes the individual learning needs or learning difficulties of pupils with Special Educational Needs and making reasonable adjustments that may be required where a pupil has a disability.

## **CONFISCATION**

When a search has been conducted and such items found in school or on a pupil's person, it may be confiscated for a time. An example may be a laptop which a boarder persists in using after 'lights out' or a mobile phone used when it should not be during school hours.

A confiscated item should be kept safe and the details of the confiscation (item, date, time, location, owner, reason) logged on as part of the daybook function on SchoolBase and added to the termly records.

Staff should indicate to the pupil when the item is likely to be returned.

The duration of the confiscation should be reasonable and proportionate. Consideration should be given to the possible consequences of keeping the item e.g. travel safety in the case of a confiscated mobile phone.

Valuable items should be passed on to a member of the Senior Leadership Team for safe keeping.

## **EXTERNAL AGENCIES AND DISCIPLINARY ACTION**

If a pupil is suspected of carrying on their person or having in their possession/room an item or items considered by the school to be dangerous and/or illegal, such as drugs, then the matter must be referred to the Designated Safeguarding Lead (DSL). Weapons and knives and extreme or child pornography must always be handed over to the police.

Irrespective of any action taken or not taken by external agencies e.g. the Police, FSM may take its own action, such as suspending the pupil in the first instance, if they refuse permission for a search to take place.

## **SEARCHES**

Whilst it is not possible to have detailed procedures that cover every eventuality, in general, the following guideline should be observed:

**Only the Headteacher, or a member of staff authorised by the Headteacher, can 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.

The DSL (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item (as defined above).

### **Before Searching**

- 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.
- 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. This could be for reasons such as the pupil(s):

- Is in possession of a prohibited item
  - Does not understand the instruction
  - Is unaware of what a search may involve
  - Have had a previous distressing experience of being searched.
- 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, DSL or another member of SLT. During this time the pupil should be supervised and kept away from other pupils.
  - 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 (see above) but not to search for items which are identified only in the school rules.
  - The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

## **During a Search**

### **Where?**

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 of the pupil, for example on a school trip.

### **Who?**

The law states that the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another staff member 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 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 the 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.

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 of this search is provided to the Head, who will keep this record in the 'Searching pupils and possessions log'.

### **The extent of the search**

A member of staff may search a pupil's outer clothing, pockets, possessions, desks, lockers and furniture in their dorm(s).

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.

'Possessions' means any goods ever which the pupil 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 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 above and any items identified in the school rules for which a search can be made.

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.

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

### **Strip searching**

A strip search is a search involving the removal of more than outer clothing (see above). Strip searches on school premises can only be carried out by police officers.

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.

Before calling police into school, staff should 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 should 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.

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. The Headmaster will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

Further information on the responsibilities of school staff during such a search being conducted by a police officer is contained in the DfE publication 'Searching, Screening and Confiscation Guidance' (2022).

### **After-care following a strip search**

Pupils should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should 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 DSL (or DDSL).

Safeguarding should also 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. FSM staff should 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**

Whether or not any items have been found as a result of any search, schools should 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, FSM staff should follow the school's child protection policy and speak to the DSL (or DDSL) as set out in Part 1 of KCSiE. 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 should follow the guidance set out below on confiscation.

If a pupil is found to be in possession of a prohibited item (see above), then the staff member should alert the DSL (or DDSL) and the pupil should be sanctioned in line with the FSM's behaviour policy to ensure consistency of approach.

### **Recording searches**

Any search by a member of staff for a prohibited item (see above) and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the DSL (or DDSL) to identify possible risks and initiate a safeguarding response if required.

When a search has taken place the following information items should be noted and kept on the relevant pupil's file in School Base:

- the date, time and location of the search;
- 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.

This information must also be passed immediately to the Headmaster, who is responsible for keeping and maintaining and up-to-date log of all searches in the '*FSM Searching Pupils and Possessions Log*'.

### **Informing parents**

Parents should always be informed of any search for a prohibited item (see above) 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.

The member of staff leading the search must also consider whether, in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.

Any complaints about searching, screening or confiscation should be dealt with through the *FSM Complaints Procedure*.

### **Confiscation**

#### **Items found as a result of a search**

An authorised staff member carrying out a search can 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.

### **Prohibited or illegal items**

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 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.

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.

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.

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.

Any weapons or items which are evidence of a suspected offence must 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 should be delivered to the Headmaster or DSL as soon as soon as reasonably practicable. It will then be for the Headmaster or DSL to determine whether these should be handed to the police, retained, returned to the owner or disposed of. This should be done within 12 hours of the item(s) being taken and they should be stored securely until this point. If for any reason this is not possible (for example the group are on a school trip) the Headmaster or DSL will instruct on next steps verbally and keep a written record of agreed actions.

### **Electronic devices**

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.



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.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined above, if there is good reason to do so.

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 DSL (or DDSL) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in KCSiE (2024).

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.

### **Confiscation as a disciplinary penalty**

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.

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.