



HARRODIAN

Searching and Confiscation Policy

The Ethos of the School

'The Harrodian School ...produces a warm and friendly environment where hard work and very good behaviour are the norm. The pupils enjoy the well-designed buildings, excellent accommodation and good facilities and they show great respect and care for the school environment.' Ofsted Report, 2005.

The underlying emphasis of the School is upon the importance of each individual, irrespective of any other consideration, including age. Every pupil is encouraged to have an opinion and to be able and willing to express it. Interaction between pupils, parents and teachers is encouraged and the School has an 'open door' policy with good parking, an informal meeting hall (although this has been greatly reduced and restricted due to the changes necessary to safeguard our community from the Covid-19 pandemic (September 2020)).

The School takes particular pride in preserving and promoting its individuality and informality within a framework of high academic and personal achievement. Good citizenship, responsibility and consideration for others and respect for the School environment are cornerstones of the School's philosophy and are encouraged at every age.

Aims of Policy

The aims of this policy are to ensure Harrodian does as much as it can to ensure the health and safety of all pupils, staff and visitors on the School site. Likewise, the policy is to protect the School property and that of anyone on the School grounds.

Harrodian fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of pupils.

This policy is a whole School policy covering the Pre-Prep, Prep, Senior and Sixth Form.

Care and consideration will be given to the age of the child when following the guidance in this policy.

The policy applies to all pupils, staff, volunteers and contractors, paid and unpaid, working in the school.

Searches

When searches need to take place, privacy and dignity for the pupil will always be considered. Where possible, the search will take place away from the view of others and a witness (a staff member) of the same sex will be present with privacy afforded. Staff must gain permission from the Headmaster before conducting a search.

In exceptional circumstances, however, it will be necessary to carry out an immediate search without having the time to gain permission from the Headmaster or find a witness or appropriate setting to do so. Exceptional circumstances refers to a teacher believing a pupil is carrying something dangerous that poses serious risk to themselves or others. Health and safety of everyone in the School is paramount and will override usual principles if necessary (see DfE advice below).

"...reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff." (DfE, Searching, Screening & Confiscation January 2018).

No pupil will be requested 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 such as underwear" (DfE, Searching, Screening & Confiscation January 2018).

Pupils' bags and lockers can also be searched. A pupil's possessions can only be searched in the presence of the pupil and another member of staff (apart from in exceptional circumstances, as detailed above).

The School does not need the permission of parents to search their child. Likewise, it is not necessary for the School to inform parents when a search has taken place; however, parents will be notified should their child be found to be in possession of any prohibited item and the sanction that will follow.

All searches will be recorded and logged with the appropriate member of Harrodian's SLT and stored centrally.

Searching with Consent

School staff can search pupils with their consent for any item. Formal written consent is not required from the pupil. It is enough for the member of staff to ask the pupil to turn out their pockets, or to look in their bag or locker and for the pupil to agree. If the pupil will not give consent, the School can sanction as they feel appropriate and in accordance with the *School Behaviour Policy*.

Searching without Consent

Headteachers and staff authorised by them, have a statutory power to search pupils or their possessions without the pupil's consent, when it is believed the pupil is carrying one of the prohibited items listed below (see DfE advice above).

Prohibited items under the 1996 Education Act are:

- Knives or weapons
- Alcohol
- Illegal drugs and substances
- Stolen items
- Tobacco, cigarettes cigarette products, e-cigarettes, e-cigarette products
- Fireworks
- Pornographic images
- Any item that a member of staff reasonably suspects has been, or is likely to be used to commit an offence, injury to a person/s or damage to the property of the School or any person including other pupils.

“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 search for items banned under the school rules.”

(DfE, Searching, Screening & Confiscation January 2018).

The power to search without consent enables a personal search, involving removal of outer clothing and searching 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.

It might be deemed necessary to call the police should the pupil resist the search. They have more powers when it comes to searching and will make an arrest where required.

Any prohibited item found in a search will be confiscated immediately. Sanctions will be given.

Searches 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 settings.

Confiscation

School staff can seize any prohibited item found. The period of confiscation will depend on the nature of the item confiscated and that of any related offence.

The following items when confiscated will be dealt with in the following ways:

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| - Alcohol | Disposed of |
| - Controlled Drugs | Delivered to the police |
| - Other substances | Returned to parents if appropriate alternatively, disposed of |
| - Stolen Items | Returned to owner or delivered to the police |
| - Tobacco/cigarette papers
e-cigarettes or their products | Disposed of |
| - Fireworks | Disposed of |
| - Pornographic Images | Disposed of or given to police if it is suspected its possession constitutes an offence |
| - Any item deemed likely to
commit an offence, injure
someone or damage property | Delivered to police |

- Weapons or items which are evidence of an offence	Delivered to police
- An item banned under School rules	Circumstances to be taken into account before a professional judgment decides whether the item should be returned, retained or disposed of

Following confiscation

Should the School make a confiscation, the designated member of staff will:

- * ensure the confiscated item is locked away safely
- * inform the pupil's Form Teacher and Head of Year
- * inform the pupil's parents
- * deal with any queries in regards to any searching and confiscation that took place
- * return or dispose of (as above), confiscated items if appropriate at an agreed time
- * inform parents what, if any, sanction is to be given

All confiscations will be recorded.

What the law says:

The law, as stated in Section 91 of the Education and Inspections Act 2006, *"enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so."*

It is the discretion of the member of staff to confiscate, retain and/or destroy an item found during a 'with consent' search so long as it is reasonable in respect of the circumstances.

It is the School's duty to pass on to the police any item found which is suspected to be an offensive weapon.

As long as the member/s of staff acted lawfully, they are protected from any liability should proceedings be brought against them for the loss of or damage to any article they confiscated.

Training

There is no legal requirement for a member of staff carrying out a search to receive training beforehand. However, staff are requested to familiarise themselves with this policy so they are aware of the School's guidelines.

Dealing with Electronic Devices

If an electronic device is found and is reasonably suspected of having been used to, or likely be used to: commit an offence, cause personal injury or damage to property, disrupt teaching or break the School rules, the member of staff may examine its contents and data or files unless they are already intending to give it to the police. If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. *"This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an*

offence or cause personal injury or damage to property.” (DfE, Searching, Screening & Confiscation January 2018).

Linked Policies

Behaviour, Exclusion, Theft Policy, Drug, Health & Safety, Medical, Safeguarding, Allegations against Staff and Teaching Staff, Educational Visits

Person responsible: Mr James Hooke

Written: August 2020

Next update: August 2021