



HARRODIAN

Searching and Confiscation Policy

The Ethos of the School

'The school's values of good manners, consideration and respect flow through Harrodian ... Leaders have high expectations for their pupils, including for their behaviour and academic achievement. Pupils respond to these expectations. They behave extremely well and achieve highly.' Ofsted Report, 2022.

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 and informal meeting spaces.

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, consideration for others and respect for the School environment are cornerstones of the School's philosophy and are encouraged at every age.

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- DfE (2022) 'Searching, Screening and Confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2022) 'Behaviour in Schools'
- DfE (2023) 'Keeping children safe in education 2023'

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.

This policy also aims to ensure that the pupils and parents understand what will happen to items confiscated by staff and to discourage pupils from bringing such items into School or on school trips.

Prohibited Items

The Headteacher and staff authorised by him, 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 and Regulation 3 of the Schools (Specification and Disposal of articles) Regulations (SI 2012/951) 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, cause personal injury to a person/s or damage to the property of the School or any person including other pupils

Conducting Searches

Under common law, School staff have the power to search for any item if a pupil agrees. The member of staff undertaking the search should ensure the pupil understands the reason for the search and how it will be conducted so their agreement is informed.

Staff may search a pupil and their possessions, lockers and accommodation (e.g. on a school trip, whilst in the care of the School) for any item if the pupil agrees. If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:

- a search of 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.' (DfE, Searching, Screening & Confiscation January 2022).

- a search of School property (e.g. pupils' lockers or desks); and/or
- a search of accommodation during an educational visit; and/or
- a search of personal property

Searches may be carried out on School premises or elsewhere where the member of staff has lawful control or charge of the pupil, for example during an educational visit or in training settings. When pupils travel outside England on a School trip, they may only be searched without consent if allowed by the law of that country.

When exercising these powers the School must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

For all pupils in our 12s (Year 8) or below, parental consent will usually be sought, however, this is not a requirement and will not be sought in circumstances where the pupil is deemed to be able to provide consent or in relation to 'prohibited items'. Formal written consent is not required in order for a search to occur.

If a pupil refuses to cooperate with a search the Headteacher, or staff authorised by the Headteacher, may use reasonable force to search a pupil or a pupils' possessions where they have reasonable grounds for suspecting that a pupil has a 'prohibited item', as listed above, in their possession. The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder. Where a pupil is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation then a parent's co-operation will be sought.

If a pupil refuses to co-operate with a search for items that are not 'prohibited items' as listed above, disciplinary action may be taken in accordance with the School's *Behaviour Policy*

Searches will be conducted in such a manner as to minimise embarrassment or distress. Staff will be the same sex as the pupil being searched and there will be a witness (also a staff member) who, if possible, will be the same sex as the pupil being searched. As a limited exception to this rule, staff can carry out a search of a pupil of the opposite sex and/or without a witness present, but only where staff reasonably believe that there is a risk that serious harm will be caused to a person if a search is not carried out as a matter of urgency and where in the time available it is not reasonably practicable to summon another member of staff.

The Headteacher has authorised the following staff to carry out searches without pupil consent (where consent is not required) and to retain or dispose of items in accordance with this policy:

Senior Leadership Team
Deputy Head of Sixth Form
Heads of Year

Trip Leaders

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). Where the Headteacher, or staff authorised by the Headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may therefore seize, retain and deal with that item in line with this directive. The staff member should also alert the Designated Safeguarding Lead (DSL) and the pupil will be sanctioned in line with the School's *Behaviour Policy* to ensure a consistency of approach. The staff member should involve the DSL without delay if they believe that a search has revealed a safeguarding risk.

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.

The School's policy on searching and confiscation has regard to the DfE guidance *Searching, screening and confiscation: advice for schools* (DfE, September 2022).

Strip Searching

A strip search is a search involving the removal of more than outer clothing and can only be carried out on School premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. More information is contained within the DfE advice to schools on Searching, Screening and Confiscation (July 2022).

While the decision to undertake a 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.

School staff will always 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.

In order to ensure the pupil's wellbeing, the School may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.

After a Search

Whether or not any items have been found as a result of any search the School will consider whether the reasons for the search or outcome give cause to suspect whether a pupil is suffering or likely to suffer harm and whether any specific support is needed.

Where appropriate School staff will follow the School's *Safeguarding and Child Protection Policy* and procedures and speak to the DSL about possible pastoral support, early help intervention or a referral to children's social care.

Recording Searches

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

Records of the search will include: the date, time and location of the search; which pupil was searched; 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.

When searches need to take place, privacy and dignity for the pupil will always be considered.

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

Searching 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.

Staff should consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect will put a person at risk.

Subject to the above, and the requirements set out in KCSIE 2023, if inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of School discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.

Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the School's policy on sharing nudes and semi-nudes images or videos (Online Safety Policy).

The School will comply with data protection law in relation to any search of an electronic device.

Disposal of Confiscated items

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:

- **Alcohol:** will be disposed of.
- **Controlled Drugs:** will be delivered to the police; in exceptional circumstances and at the discretion of a senior member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- **Other substances:** substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline will be returned to parents if appropriate, alternatively, they will be disposed of.
- **Stolen Items:** will be returned to the owner or delivered to the police.
- **Tobacco/cigarette papers/e-cigarettes or their products:** will be disposed of.

- **Fireworks:** will be disposed of.
- **Pornographic Images:** pornographic images involving children or images that constitute extreme pornography will be handed to the police as soon as practicable as possession of such images may indicate that the pupil is at risk of harm and the DSL will also be notified. Other pornographic images will also be discussed with the DSL with the images being erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- **Any item deemed likely to commit an offence, injure someone or damage property:** at the discretion of a senior member of staff taking all the circumstances into account, will be delivered to the police, returned to the owner, retained or disposed of.
- **Weapons or items which are evidence of an offence:** will be passed to the police as soon as possible.

Where staff confiscate a mobile electronic device that has been used in breach of School rules to disrupt teaching, the device will be kept safely until the end of the school day when it can be claimed by its owner, unless the senior member of staff considers it necessary to retain the device for evidence in disciplinary proceedings. If a pupil persists in using a mobile electronic device in breach of School rules, the device will be confiscated and must be collected by a parent or carer.

Electronic devices: if it is found that an electronic device has been used to cause harm, disrupt teaching or break School rules, including carrying out online bullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto School premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

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.

Communication with Parents/Carers

The School aims to work with parents: there is no legal requirement for the School to inform Parents before a search for prohibited items takes place or to seek their consent to search their child and it will not generally be practical to do so.

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

In some circumstances, it might also be necessary to inform parents of a search for an item prohibited by the School policy.

We will keep a record of all searches carried out.

Complaints about searching or confiscation will be dealt with through the School's *Complaints Policy*.

The School will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the School does not accept responsibility for loss or damage to property.

What the law says:

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.

Linked Policies

Behaviour, Exclusion, Theft Policy, Drug, Health & Safety, Medical, Safeguarding, Whistleblowing and Low-Level Concerns, Educational Visits

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