

Forres Sandle Manor (Non-Academic) Policy

Policy Title	Searching Pupils (Staff Guide)
Policy Lead (Appointment (& Initials))	Head (JW)
Date of Last Review	January 2020
Date of Next Review	January 2021

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 (2016)* and *Screening, Searching and Confiscation (2019)*.

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 or Head of Boarding, 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 eventually.

FSM is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act 2010 (2017). 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:

- Behaviour and Disciplinary Policy
- PSHEE Schemes of Work.

- Boarding at FSM.
- Trips and Outings.
- Responses to Alcohol, Smoking and Substance Abuse.
- E-safety

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 and the Head of Boarding, or as events or legislation change requires.

KEY PERSONNEL

The Designated Safeguarding Lead (DSL) in the School is Mrs Judy Cochand. Mrs Tracy Spottiswood (Head of Lower School) is deputy DSL and takes responsibility of safeguarding and child protection matters in the Lower School and EYFS. Jody Wells (Headmaster) and Robina Upton also act as deputy DSLs.

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.
- Any item banned by the school rules which has been identified in the rules as an item that might be searched for.

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 e.g. in Running Order or on SchoolBase.

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 or the Head of Boarding 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) (Mrs Judy Cochand) or Head of Boarding (Mrs Clare Rowntree). 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:

Personal Searches

- If a pupil is suspected of carrying an unauthorised item (e.g. a knife) a member of staff, of the same sex as the pupil being searched, should ask the pupil, if the pupil is happy to empty the contents of his/her pockets or bag. Throughout, the pupil should, if possible, be kept under close supervision in case there is an attempt to divest themselves surreptitiously of any item.
- If the pupil refuses to cooperate, the member of staff should contact an appropriate member of the Senior Leadership Team who should consider if it is appropriate to contact the pupil's parents.
- As appropriate, and if the parents can be contacted, they should be encouraged to persuade the pupil to the search taking place.
- If the matter is of major concern and the pupil still refuses to approve the search, then the parents will be asked to remove the pupil from the premises.
- **N.B** FSM will not have excluded the pupil and the pupil's absence will be treated as *unauthorised*. The pupil must comply with the school rules and attend.

Forced Searches

- Forced personal searches, will if at all possible be avoided, though may, in certain circumstances be necessary. For example, all reasonable steps should be taken, where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk. This might include, in extreme circumstances all or any of the following: physical restraint, forced search (of person and/or of property) and confiscation.

- Reasonable force may only be used in exercising the statutory power to search pupils, without their consent, for weapons and for alcohol, illegal drugs, pornographic material, stolen property and items that have been or might be used to commit an offense or cause harm. At FSM, this search may be exercised by staff where they have reasonable grounds for suspecting that a pupil has such items. A forced search may only be undertaken if absolutely necessary, such as in extreme situations where leaving a pupil with such a suspected item could pose risks to others (or to that pupil).
- Other means of dealing with the pupil and the situation should be used if possible – such as keeping the pupil under close surveillance, isolating the pupil from others for the time it takes for the matter to be addressed, etc.
- Always refer the matter to a member of the Senior Leadership Team or the Head of Boarding before/rather than making any physical intervention.
- Consider whether or not a search might be better conducted following contact with the parents first or by the Police rather than a member of staff.
- Never conduct a search if you are alone with the pupil. The search should be conducted by a person of the same sex as that of the pupil, and witnessed by a person, also of the same sex.

Searches of Personal Property or School Property, For Example in a Room or a Locker

- Belongings are no longer ‘of the person’ when they are being stored at school or in school property such as lockers. However, if a search of this nature is to be undertaken, the suspected offence needs to be sufficiently serious, the need for search legitimate and the prospect of success reasonable.
- For ‘lost’ items of relatively low value, a pupil will be asked to search their own belongings to see if the item has been ‘misplaced.’ If more than one pupil is included, the scope of the search and the number of pupils involved should reflect the nature of the loss and be legitimately targeted. Kit inspections fall into this category.
- Where a boarder’s room is to be searched, the boarder should be given the opportunity to conduct the search personally under direction from the member of staff present. If a boarder refuses to cooperate, and the circumstances are deemed to warrant a search by staff, then the room should be searched with at least two members of staff present throughout. Any suspicious items found should be deposited in a plastic bag, labeled and sealed.

Dealing with Electronic Devices

- FSM may examine any data or files on an **electrical device** if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electrical device:

- In determination a “good reason” to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to harm, to disrupt teaching or break school rules.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should **delete** the 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.

See Acceptable Usage Policy for further advice.

GENERAL GUIDELINES

Generally, staff should not without very good cause (such as that provided by circumstances exemplified above):

- Touch the pupil, especially forcibly (any restraint should be in line with FSM's policy on the use of restraint).
- Search the pupil's person, which for these purposes extends to his or her outer clothing and pockets, or remove the pupil's clothing - even their coat - for the purpose of searching it.
- Search a pupil's pockets: these should be turned out by the pupil.
- Search a pupil's room or bag without them being present and without another adult witness being present.
- Act in isolation: if in any doubt staff should refer to an appropriately senior member of staff.

As a guide only and without any suggestion that these would be the only appropriate ways to proceed, here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform a member of the Leadership Team. Weapons should be passed to the police as soon as possible.
- If evidence of illegal substances, drugs or of suspected illegal substances is found, the senior member of staff involved determines what action to take in accordance with FSM's policy. Controlled drugs should be passed to the police as soon as possible.
- If tobacco or alcohol items are found in a pupil's possession, they should be confiscated by the member of staff, who will inform a senior member of staff. The senior member of staff involved determines what action to take in accordance with FSM's policy.

Further suitable courses of action might, depending on circumstances, include the following, but would not preclude other suitable ways of proceeding:

- In the case of initial refusal to co-operate, a member of the Senior Leadership Team to contact parents/guardians and ask them to persuade the pupil to submit to the request.
- In the case of continuing refusal to co-operate, a member of the Senior Leadership Team to suspend and isolate the pupil in school and call the parents to attend. If appropriate (items of considerable value, illegal drugs, weapons etc.), advise parents and pupil that the police might be contacted and asked into the school to make the search.
- In the case of continuing refusal to co-operate, a member of the Senior Leadership Team to call the police so that they might make the search at school. If for some reason the police cannot immediately attend and the search is deemed urgent, then the pupil should attend while a member of staff, with a member of the Senior Leadership Team as witness, makes the search.
- Forcible entry is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act 1971) or weapons, and then only on school property, not personal property.
- A pupil's room and belongings are to be searched only when there are clear grounds for suspecting something is untoward; unless impractical, the reasons are to be explained to the pupil, in most circumstances the pupil is to be present during the search.
- All searches to be undertaken by a minimum of two members of staff, who are of the same sex as the pupil.
- Wherever possible the pupil to be asked to make available the required area (such as a drawer) and to remove contents.
- Parents to be informed.

RECORDING THE RESULTS OF PERSONAL AND /OR PROPERTY SEARCHES

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 reason for the search taking place.
- The date and time of the search.
- The results of the search.
- All staff involved.
- Other agencies involved.
- The outcome (including any disciplinary action taken in respect of that pupil).

NB: There is a limited exception to the rule that searches should be carried out and witnessed by two members of staff of the same sex as the person who is being or whose possessions are being searched. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you 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.

Staff can refuse to search a child.