

# ***SEARCHING AND CONFISCATION POLICY***

## **RATIONALE**

St John Fisher Catholic High School is committed to providing a safe learning environment for all students and staff. Safety at school is a basic expectation of students as well as being a prerequisite for student success and achievement. To this end, occasionally the Head teacher and other authorised staff may need to act in response to a student having, or suspected of having in their possession a prohibited or banned item.

This policy relates to other school policies, including the 'Behaviour for Learning Policy' and 'Managing drug related incidents Policy'.

St John Fisher Catholic High School follows Government advice when carrying out a search and when confiscating items from students which is outlined in their document "Screening, searching and confiscation – Advice for Head teachers, Staff and Governing Bodies".

## **AIMS**

- To inform all members of our school community of the school's statutory powers to search students and their possessions.
- To inform all members of our school community of the powers schools have to seize and then confiscate items found during a search.
- To enable all staff to feel confident in using their statutory powers of search and confiscation.
- To fulfil the school's statutory obligation to manage the health and safety of staff, students and visitors and to ensure that school discipline is maintained.

## Searching with consent

- All teaching staff can search students **with their consent** for any item.
- The school does not need to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student’s bag or locker and for the student to agree.
- If a member of staff suspects a student has a banned item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if he/she refuses, the teacher can apply an appropriate punishment as set out in our Behaviour for Learning policy.

## Searching without consent

- All teaching staff has statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. The search would, under normal circumstances, be carried out by a member of the SLG together with the School Based Police Officer (SBPO), when appropriate.
- Prohibited items are:
  - knives or weapons,
  - alcohol,
  - illegal drugs,
  - stolen items,
  - tobacco and cigarette papers,
  - fireworks,
  - pornographic images,
  - any article that a 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.
- All teaching staff can search students, without consent, for any item banned by the school rules. Banned items include:
  - mobile phones being used without permission,
  - electronic devices capable of connecting to the internet and taking/recording images,

- lighters/matches,
  - food/drink not in line with the healthy eating policy,
  - jewellery or other types of accessories,
  - non-uniform items of clothing being worn in school,
  - food, drink or other items being sold for profiteering.
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- Wherever possible, the member of teaching staff carrying out the search must be the same sex as the student being searched and there must be a witness. Ideally, the witness will be a member of teaching staff of the same sex as the student.
  
  - A search may be carried out with a student of the opposite sex and without a witness being present, but only when the member of teaching staff reasonably believes that 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.
  
  - A student's possessions (any goods over which the student has or appears to have control) can only be searched in the presence of the student or 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.
  
  - All teachers can search a student's locker without consent, but only for prohibited items. This would be carried out by a member of the SLG and/or HOY with the SBPO.
  
  - Students wearing any accessories or jewellery which do not follow the school uniform policy can expect to have these items confiscated to be returned at the end of the school day. However, for persistent breaches of the school uniform regulations, these items will be retained for longer periods.
  
  - Teaching staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.
  
  - Members of teaching staff are allowed to search regardless of whether the pupil is found after the search to have that item.

## USE OF FORCE

Members of teaching 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 commit an offence or cause harm. Such force **cannot** be used to search for items banned under the school rules.

## AFTER THE SEARCH

As with other sanctions, the sanction of confiscation must be applied in a reasonable and proportionate way. The aim pursued in confiscating property is maintaining an environment conducive to learning - one which safeguards the rights of other students to be educated with regard to health and safety, threats to good order, uniform violation and the ethos of the school.

- Members of teaching staff can confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so in the circumstances. This applies to any item found as a result of a 'with consent' search.
- Where any member of teaching staff finds controlled drugs, stolen items or any article thought to be a weapon, it must be passed to the SBPO.
- Where a member of teaching staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- The school will inform the individual student's parents where alcohol, illegal drugs or potentially harmful substances are found.
- There is no legal requirement to make or keep a record of a search, however the school considers it good practice to document the reasons for, and the outcome of a search. This information will remain on a student's conduct log.

***It is advisable that a member of the SLG and/or HOY is consulted if a member of teaching staff suspects that a student may be in possession of a banned item.***

***Whenever it is suspected that a student may be in possession of a prohibited item, a member of the SLG must be contacted immediately. They will then conduct the search with at least one other member of staff, plus the SBPO.***

For further guidance, please see the DfE document "Screening, searching and confiscation. Advice for head teachers, staff and governing bodies".