

SEARCHING A PUPIL POLICY

Caterham School is committed to safeguarding the wellbeing of pupils and staff and, in line with current relevant legislation (including the government-issued [Searching, screening and confiscation: advice for schools 2022](#)), the School can search pupils for any item if the pupil agrees. The School has a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds to suspect that the pupil may be in possession of a prohibited item. The Headmaster, and members of staff only as authorised by the Headmaster, may search pupils, without their consent, under the terms as laid out in this policy. Members of staff can search pupils, with their consent, for any item. The School is not required to inform parents before a search takes place or to seek their consent to search their child.

Prohibited items:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- 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 the property of, any person (including the pupil).
- tobacco and cigarette papers, and vaping devices¹
- fireworks
- pornographic images

The Headmaster and members of the Senior Management Team can also search for any item banned by the School Rules which has been identified in the Rules as an item which may be searched for.

The School staff can seize and confiscate 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.

The Headmaster will oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy). In particular:

1. Staff must consider carefully their interactions with pupils who may be welfare or safeguarding concerns or who are SEND pupils, and ensure they follow procedures effectively and sensitively
2. Aftercare for pupils who have been subject to a search is advised, and should take place in conjunction with pastoral and safeguarding teams.

¹ Vaping devices are prohibited by school rules but are not a prohibited item which can be searched for without consent

3. Additional consideration is given to the procedures in place in the boarding context to ensure that arrangements are fair and consistent with the legal requirements. We should balance the right of boarders to privacy with the need for the school to search a boarder or his/her possessions with consent, when there is a strong reason to do so.

School staff can search pupils with their consent for any item. The School Rules outline specific items which are banned from the School site. Staff can instruct pupils to turn out their pockets or bag if they suspect they are holding a banned item. If the pupil refuses, the teacher can apply an appropriate punishment.

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. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the School's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Headmaster, Designated Safeguarding Lead (or deputy) or SLT who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.

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. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

With the Headmaster's authorisation, staff can search when they have reasonable grounds to suspect that a pupil is in possession of a prohibited item.

Staff must be the same gender as the pupil being searched and there must be a witness (also a staff member) - and, if at all possible, the witness should be the same gender as the pupil being searched. There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex, and without a witness present, but this applies only where it is reasonable to believe that there is a risk that serious harm will be caused to a person if a search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

During the search

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 or charge of the pupil, for example on a school trip.

The person conducting the search may not require the pupil 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 as underwear but 'outer clothing' includes hats, shoes, boots, gloves and scarves.

'Possessions' means any goods over which the pupil has or appears to have control – this includes lockers and bags.

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 power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets, but **staff must never carry out an intimate search** going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Under common law powers, schools are able to search lockers for any item provided the pupil agrees. If a pupil does not consent to a search or withdraws consent then it is possible to conduct a search without consent but only for the 'prohibited items' listed above.

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 commit an offence or cause harm. **Such force cannot be used to search for items banned under the School Rules, such as vaping devices.**

After the 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, school staff should speak to the designated safeguarding lead (or deputy) as set out in Part 1 of KCSIE 2022. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

After a search has taken place, it must be fully reported to either the Headmaster or the Principal Deputy Head. The School's general power to sanction, as set out 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. A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Please discuss all these situations with the Principal Deputy Head who will decide on the best course of action. The Principal Deputy Head will inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found.

Any search without consent must be fully reported to the Headmaster and the Principal Deputy Head, who will then record the incident. In all cases of searching without consent, any confiscation must be discussed with the Headmaster or Principal Deputy Head as to what is the best course of action regarding the items confiscated. Where the search is without consent then any alcohol, drugs, fireworks, tobacco, smoking paraphernalia including vaping devices, stolen items or pornographic images will be confiscated and not returned to the pupil. Where any article is thought to be a weapon, illegal drugs or items which are evidence of an offence, which may include theft, that article will be passed to the police as soon as possible.

Where the person conducting the search finds an electronic device that warrants examination, please confiscate it and pass it to the Deputy Head (Pastoral and Wellbeing) or another member of the Safeguarding Team, who will take the matter up. They may examine any data or files on the device if they think there is a good reason to do so (if there has been, or could be, harm caused, or to disrupt teaching or to break the School Rules.) Where pornographic images are involved, staff should never intentionally view such images (and may be committing an offence if they do). These will be investigated by the DSL or another member of the Safeguarding Team and a decision will be made as to whether to delete the images or refer them. If they are extreme or child pornography, they will invariably be referred to the Surrey Multi-Agency Partnership and the police. Images found on a mobile phone or another electronic device may be deleted unless it is necessary to refer them.

Where a member of staff finds an item which is banned under the School Rules, they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it. Most likely they should give the item to the Head of Year or Deputy Head (Pastoral and Wellbeing) who will decide on the best course of action.

Staff have a defence to any complaint or other action brought against them. 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.

Details of any search must be recorded on CHIP with a distribution of Safeguarding Team (which includes the Principal Deputy Head, Deputy Head (Pastoral and Wellbeing) as well as the DSL and DDSLs), HoY and BHM if the pupil is a boarder.

DMG

Next review: Sept 2024