



Policy Title: Right to Search Policy

Drafted by:	Caty Reid (Principal CHA)
Date of approval by Trust Board:	September 2022
Review Date:	Nov 2023
Responsible for Day to Day Management:	Principals
Responsible for Review:	Principals

UNITED ENDEAVOUR TRUST EQUALITY CHECKED

This policy/procedure seeks to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relationships between groups
- Meet requirements under the Equality Duty
- Set Equality objectives which are specific and measurable



Contents:

Right to search policy

1. Rationale	3
2. The National and Legal Context	3
3. Searching with consent	3
3b. Confiscation	4
4. Searching without consent	4
5. Roles and responsibilities	6

1. Rationale

This policy has been developed to support the academies and their behaviour policy, in particular the possession of knives or weapons, alcohol or tobacco, illegal drugs and stolen items. It has been introduced primarily to safeguard students but also to protect staff and others.

2. The National and Legal Context

School staff can search a student for any item provided the student agrees. The Principal and staff authorised by them have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting a student may have a prohibited item. Prohibited items are:

- a) Knives & Weapons
- b) Alcohol
- c) Illegal drugs
- d) Stolen items
- e) Tobacco, cigarette papers, vapes and e-liquid
- f) Fireworks
- g) Pornographic images
- h) 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 student).

Principals and authorised staff 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. These items and the ones above are also listed in relevant legislation and the Behaviour for Learning Policy. When exercising their power, the Academy will consider the age and needs of the pupils being searched. This includes the individual needs and learning difficulties of pupils with SEN and making reasonable adjustments that are required when a pupil has a disability.

3. Searching

Only the Principal, or a member of staff authorised by the Principal, can carry out a search. The Principal can authorise individual members of staff to search for specific items or all items set out in the school's behaviour policy. The member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

Also note:

The Academies are not required 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 pupil's bag or locker and for the student to agree.

The DSL (or DDSL) should be informed of any searching incidents where a member of staff has reasonable grounds to suspect that a pupil was in possession of a prohibited item as

listed above. The staff member should also involve the DSL (or DDSL) without delay if they believe that a search has revealed a safeguarding risk.

Before Searching

A search can be conducted if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item, or any item identified in the school rules for which a search be made, or if the pupil has agreed.

The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

Before any search takes place, the member of staff conducting the search will explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff will always seek the cooperation of the pupil before conducting the search. If the pupil is not willing to cooperate with the search, the member of staff will consider why this is. Reasons may include that they

- Are in possession of a prohibited item
- Do not understand the instruction
- Are unaware of what a search may involve
- Have had a previous distressing experience of being searched.

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 the student refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek advice from the headteacher, DSL, DDSL or Pastoral member who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.

If the pupil still refuses to cooperate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited item identified above, but not to search for items which are identified only in the school rules. 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 causing disorder.

During a search

Where

Where possible an appropriate location away from other pupils should be sought. 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.

Who

The member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present **only**;

- If a member of staff carrying out the search reasonably believes there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency **and** in the time, available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the pupil **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search without a witness, they should immediately report this to another member of staff and ensure a record of the search is kept. See section on recording searches.

The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions (any goods over which the pupil has control including bags, desks and lockers).

The person conducting the search must not require the pupil to remove any clothing other than 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.

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 member of staff may use a metal detector to assist with the search.

The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. While the decision to undertake the 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.

Before calling police into school, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should 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. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip

searches that have been conducted on school premises and monitor them for any trends that emerge. The process the police must follow during a strip search

Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult.

If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only if the pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record should be made of the pupil's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.

After-care following a strip search

Pupils should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).

Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. School staff should give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency and consider preventative approaches.

After a search

If a pupil is found to be in possession of a prohibited item listed above, then the staff member should alert the DSL (DDSL) and the pupil will be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

Recording searches

Any search conducted by school staff for a prohibited item listed above and all searched conducted by police officers will be recorded on CPOMS (including whether or not an item is found)

Each search record will include the following information

- The date, time and location of the search
- Which pupil was searched
- Who conducted the search, and any other adults or students present
- What was being searched for
- The reason for searching
- What items, if any, were found
- What follow up action was taken as a consequence of the search.

Analysis of searches will take place annually to identify if the searches fall disproportionately on any particular groups of pupils. In such cases where this is the case, the school will consider what actions should be taken to prevent this.

Informing parents

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

Any complaints about searching or confiscation should be dealt with through the normal school complaints procedure.

~~3b.~~ Confiscation

Academy 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.

Controlled drugs and other harmful substances, stolen goods, weapons or items which are evidence of a suspected offence will be delivered to the police as soon as possible, along with items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property.

Where the person conducting the search finds alcohol, tobacco, cigarette papers or fireworks they may retain or dispose of them as deemed appropriate but will not return them to the pupil.

If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specific offence (i.e., it is extreme of an indecent image of a child) in which case it will be delivered to the police as soon as is reasonably practicable. Staff must never copy, print, share, store or save such images.

Electronic Devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.

If the member of staff conducting the search suspects, they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the DSL (or DDSL) as the most appropriate person to advise on the school's response.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.

Confiscation as a disciplinary penalty

Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

EQUALITY IMPACT ASSESSMENT POLICY CHECKLIST

		Equality Impact Assessment of UET Policy				
Title of Policy	Right to search					
PART 1	Positive Impact – reducing inequalities					
Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied. <i>D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i>	How is the policy likely to have a <u>significant positive impact</u> on equality by reducing inequalities that already exist?					
	Could the policy have a <u>significant negative impact</u> on equality in relation to each of the following groups or characteristics?					
Characteristics Indicate areas of likely impact	Promote equal opportunities	Get rid of discrimination	Get rid of harassment	Promote good community relations	Promote positive attitudes	Promote/ protect human rights
☐						
D	✓	✓	✓	✓	✓	✓
GA	✓	✓	✓	✓	✓	✓
P	✓	✓	✓	✓	✓	✓
R	✓	✓	✓	✓	✓	✓
R/B	✓	✓	✓	✓	✓	✓
S	✓	✓	✓	✓	✓	✓
SO	✓	✓	✓	✓	✓	✓
A	✓	✓	✓	✓	✓	✓
M/CP	✓	✓	✓	✓	✓	✓
Equality Impact Assessment of UET Policy	Records					
Name of person responsible for policy	Principals					
Date of EIA of Policy	September 2022					

A = Age, M/CP = Marriage and Civil Partnerships –applies in respect of employment framework policies

Equality Impact Assessment of SNT Policy	Evidence
PART 2	
<p>Statutory duty/equality legislation: Equality Impact Assessment undertaken or is satisfied.</p> <p><i>D = Disability, GA = Gender reassignment, P = Pregnancy & Maternity, R = Race, R/B = Religion or Belief, S = Sex, SO = Sexual Orientation, A = Age, M/CP = Marriage and Civil Partnerships</i></p>	<p>What is the evidence for your answers above? (List any quantitative and qualitative)</p>

Equality Impact Assessment of SNT Policy	Conclusion
PART 3	
Summary of findings	

Equality Impact Assessment of SNT Policy	Next steps		
PART 4			
Category	Actions	Target Date	Person responsible
Next Steps – Action Plan	Ratification of policy and communications		
Practical changes required to reduce adverse impact	Communication of policy with senior staff and pastoral staff	September 2022	Principals
Monitoring and evaluation and Review (publish revised policy)			