



Searching Policy

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| Start Date: | Spring 2021 |
| Date of Next Review: | Spring 2022 |
| Author: | Mr R Newman |
| Responsible Committee: | Education Committee |

1. Purpose of the Policy

The purpose of this policy is to explain the use of the school's power to search pupils and to seize and confiscate items. Under Article 8 of the European Convention on Human Rights, students have the right to a reasonable level of personal privacy. However, this right is subject to the school being able to carry out searches of persons or electronic devices when justified and proportionate.

2. Searching

- 2.1. Haileybury Turnford staff can search a student for any item if the student agrees.
- 2.2. The Principal and staff authorised by the Principal have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that a student may have a prohibited item. Prohibited items are listed in the DfE Searching, screening and confiscation advice, January 2018:
 - knives or weapons
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks
 - 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 the property of, any person (including the student)
 - any item banned by the school rules which has been identified in the rules as an item which may be searched for
- 2.3. The school can and will seize any prohibited item found as a result of a search. The school can also seize any item we consider harmful or detrimental to school discipline.
- 2.4. If a member of staff has reasonable grounds for suspecting that a student is in possession of a prohibited item the Principal will authorise a staff member of the same sex and an additional member of staff as a witness (preferably of the same sex also) to carry out a search of the student.
- 2.5. In a circumstance where a member of staff reasonably believes there is a risk that serious harm will be caused to a person if a search is not carried out

immediately, and where it is not reasonably practicable to summon another member of staff, then the search may be carried out by a member of the opposite sex with or without a witness present.

- 2.6. Staff members can refuse to undertake a search.
- 2.7. Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item.
- 2.8. Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on school trips in England or in training settings.
- 2.9. The person conducting the search may not require the student to remove any clothing other than outer clothing, such as hats, shoes, boots, gloves and scarves.
- 2.10. A student's possessions, such as their locker or bag, can only be searched in the presence of the student and another member of staff, unless 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.
- 2.11. Members of staff can use such force as is reasonable given the circumstances when conducting a search for certain prohibited items i.e. 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. (The school will also refer to the DfE's Use of Reasonable Force: Advice for headteachers, staff and governing bodies, July 2013.)
- 2.12. Haileybury Turnford will confiscate, retain, or dispose of items found during a search in accordance with the requirements of the DfE's Advice on Searching, screening and confiscation. The school will also pass items to the police when required to do so by the DfE's guidance.
- 2.13. Haileybury Turnford is not required to inform parents before a search takes place or to seek their consent to search their child. There is no legal requirement to make or keep a record of a search.
- 2.14. Haileybury Turnford will inform parents or carers where alcohol, illegal drugs or potentially harmful substances are found on a student.

3. Searching Electronic Devices

- 3.1. Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspect has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is

good reason to do so, unless they are going to give the device to the police. This power applies to all schools and there is no need to have parental consent to search through a student's mobile phone if it has been seized in a lawful search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

3.2. 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 electronic device:

- The staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.
- If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.
- If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.
- Any evidence found of pornography, "sexting" or any other materials or behaviours which may put a child at risk will be dealt with under the school's Child Protection Policy.

4. Monitoring and review

- 4.1. Complaints about screening or searching should be dealt with through the school's Complaints Policy.
- 4.2. This policy will be reviewed on an annual basis.
- 4.3. The school will ensure that this policy meets all of the relevant requirements for equality and non-discrimination as set out in the Equality Act 2010.