

# ROYAL ALEXANDRA & ALBERT SCHOOL



## SEARCHING A STUDENT'S BELONGINGS AND CONFISCATION POLICY

The Governors and staff at The Royal Alexandra and Albert School are committed to providing a safe and happy learning environment, promoting equality and diversity and ensuring the well-being of all members of the community. It is their clear intention to promote good behaviour and to exercise their responsibilities in ensuring the safeguarding and welfare of all students and staff within the community.

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<b>Applies to</b>	School staff
<b>Governing Body approval required</b>	No
<b>Accountable Executive</b>	Deputy Head: Achievement, Standards & Inclusion
<b>Status &amp; Review cycle</b>	Non-statutory, 3 yearly
<b>Last approval</b>	September 2023

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## **1 Introduction**

- 1.1 The Royal Alexandra and Albert School is committed to safeguarding the welfare show of all children and we seek to cultivate an environment of mutual respect and treat students and staff fairly and sensitively.
- 1.2 In the event of a student, or a student's room, locker, bag etc being searched, staff will take all reasonable steps to ensure the rights of the student are respected and that the usual high standard of safeguarding is not compromised.
- 1.3 This policy has been written using the updated DfE guidance [Searching, screening and confiscation; advice for Headteachers, school staff and governing bodies](#)
- 1.4 This policy links with the following policies:
  - Safeguarding
  - Staff Behaviour
  - Alcohol, Tobacco, Drug and Substance Abuse
  - Physical Intervention and Restraint
  - Health and Safety
  - Rewards and Behaviour Management
  - E-safety

## **2 Key Points**

- 2.1 School staff can search a student for any item if the student agrees.
- 2.2 The Headteacher and staff authorised by them have a 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. Prohibited items are:
  - knives or weapons
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
  - any illegal 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 student).
- 2.3 The Headteacher and authorised staff (there is no requirement to provide authorisation in writing) 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.

- 2.4 School 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.
- 2.5 Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- 2.6 Searches of electronic devices can also be undertaken if there is “good reason” to suspect that the data/images has been or could be used to cause harm, disrupt teaching or break school rules.

### **3 Conducting a search with consent**

- 3.1 Staff can search students, with their consent, for any item. The school is 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 student’s bag or locker and for the student to agree. Staff searching will:
- 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’;
  - Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care can, in certain circumstances, override all other protocols.
- 3.2 However, if a more thorough or formal search is required to take place, then this should only be carried out by the staff authorised by the Headteacher or with their permission and guidance.
- 3.3 Searches will be conducted with the student in question present and two members of staff present. One of the staff members must be the same sex as the student being searched; and the other must be a witness and, if at all possible, they should be the same sex as the student being searched. There is a limited exception to this rule. Staff can carry out a search of a student of the opposite sex and without a witness present, but only where there is reasonable belief that serious harm will be caused to a person if the search is not carried out immediately and where it is not reasonably practical to summon another member of staff.
- 3.4 In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student’s expectation of privacy increases as they get older.
- 3.5 Whilst a search may be required for suspected dangerous/illegal items, a search may also be justified for other reasons – for items that are not allowed in school, for instance, but which are not necessarily of themselves dangerous (or illegal), or items which are allowed in school but which are not being properly used.

## **4 Conducting a search without consent**

- 4.1 If a student does not consent to a search then it is possible to conduct a search without consent but only for the “prohibited items” (banned and illegal items) see paragraph 2.2.
- 4.2 Staff 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. Staff must decide in each particular case what constitute reasonable grounds for suspicion. Where at all possible, if a search is required to take place, particularly in the boarding house, then this should only be carried out by staff authorised by the Headteacher or with their permission and guidance.

## **5 During the search**

### 5.1 Extent of the search – clothes, possessions, desks and lockers

What the law says:

- 5.1.1 The person conducting the search may not request the student to remove any clothing other than outer clothing.
- 5.1.2 ‘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.
- 5.1.3 ‘Possessions’ means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- 5.1.4 A student’s possessions can only be searched in the presence of the student 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.
- 5.1.5 The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

### 5.2 Lockers and desks

- 5.2.1 Under common law powers, schools are able to search lockers and desks for any item provided the student agrees.
- 5.2.2 If a student does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed in paragraph 2.2.

### 5.3 Use of force

- 5.3.1 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, and pornographic images. Illegal items 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. See also the School Physical Intervention and Restraint Policy.
- 5.3.2 In such cases the matter should be referred to the SLT who will consider whether or not such a search might be better conducted by the Police. Staff will not be alone with a student if it really is necessary to conduct a search.
- 5.3.3 Staff must avoid, if at all possible, any physical contact altogether with a student, most especially any kind of forced physical contact that might prompt resistance on the student's part. Equally, however, preserving safety is paramount, and, where a 'forced search' presents itself as the only or best way of preserving safety, not to conduct such a search might be construed as a failure in the duty of care on the part of the member of staff involved
- 5.3.4 Any prohibited items found should be placed in an evidence bag (available from the Deputy Head: Achievement, Standards & Inclusion and Deputy Head: Boarding, Co-Curriculum & Community) and sealed, dated and signed.

## **6 After the search**

### 6.1 Informing parents

- 6.1.1 Royal Alexandra & Albert School will endeavour to build and maintain positive relationships with parents by communicating effectively if there has been the need to perform a search.
- 6.1.2 Parents should always be informed of any search for a prohibited item listed above
- 6.1.3 Any complaints about searching, screening or confiscation should be dealt with by our school complaints procedure.

### 6.2 Confiscation

- 6.2.1 If a search reveals any offensive weapons or knives, or evidence in relation to an offence, the item or items should be removed to a place of safe-keeping. The member of staff must inform the Deputy Head – Pastoral . The Deputy Head – Pastoral consults with the Headteacher to determine what action to take in accordance with the School policy. They would determine whether this should be reported to the Police.

- 6.2.2 If controlled drugs are found these should be delivered to the Police as soon as possible but may be disposed of if the person thinks there is a good reason to do so<sup>1</sup>.
- 6.2.3 Where stolen items are found these must be delivered to the Police as soon as practicable.
- 6.2.4 If evidence of inappropriate images/data or pornographic images is found on electronic devices, the Deputy Head – Pastoral (DSL) would consult with the Headteacher to determine what action to take in accordance with the School policy and has the power to dispose of/delete such images/data. They would determine whether this should be reported to the Police.
- 6.2.5 If tobacco, alcohol or other substances are found in students' possession, they must be confiscated by the member of staff and taken to the Deputy Head – Pastoral where the confiscation and treatment of the items is recorded. Parents will then be contacted to discuss collection or disposal of the items. The items must not be returned to the student. The Deputy Head – Pastoral then determines what action to take in accordance with the School's Alcohol, Tobacco, Drugs and Substance Abuse policy.
- 6.2.6 Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.
- 6.2.7 Some items found in school or on a student's person may need to 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 or in an inappropriate manner during school hours. Heads of House may confiscate items in Houses. All other items should be referred to the Deputy Head – Pastoral or Deputy Head – Boarding & Co-curriculum.
- 6.2.8 Any item confiscated should be kept safe and the details of the confiscation (item, date, time, location, owner, reason, etc) logged. An indication should be given at the time of confiscation to the student by the member of staff who has confiscated an item of when the item is likely to be returned. The duration of a confiscation should be reasonable and proportionate and, as in all matters, not unduly (or necessarily at all) punitive. Consideration should be given to the possible consequences of keeping the item and the student apart (for instance travel safety in the case of a confiscated mobile phone).
- 6.2.9 In most cases, items confiscated from day/flexi boarders should be returned at the end of the day. Boarding House staff may liaise with parents to confiscate an item for longer e.g. an I-pod used inappropriately, but for no longer than 7 days maximum.

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<sup>1</sup> In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.

## **7 Statutory guidance for dealing with electronic devices**

- 7.1 Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects 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 a 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 young person's mobile phone if it has been seized in a lawful 'without consent' 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.
- 7.2 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:
- 7.2.2 In determining a 'good reason' to examine or erase the data or files 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.
- 7.2.3 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.
- 7.2.4 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.
- 7.2.5 All school staff should be aware that behaviours linked to sharing of nudes or semi-nudes that put a child in danger. Governing bodies should ensure the school's approach to the sharing of nudes or semi-nudes is reflected in the child protection policy. The UK Council for Child Internet Safety 4 Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.
- 7.2.6 (UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people



## **8 Disciplinary action**

Any disciplinary action taken will be in accordance with the related policies stated in paragraph 1.5

## **9 Recording the results of searches**

When a search has taken place a record must be made on the child's safeguarding file using CPOMS with key details including the reason for the search and outcome outlined.