

SEARCHING STUDENTS AND THEIR POSSESSIONS POLICY

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Job title: Vice Principal (Pastoral)

Last review date: June 2021

Next review date: June 2022

Circulation: This policy has been adopted by the governors and is available to parents on request. It is addressed to all members of staff and volunteers and applies wherever they are working with children.

'Parents' refers to parents, guardians and carers.

Policy Statement

DLD College is committed to safeguarding the welfare of all students in its care and we seek to cultivate an environment of mutual respect and to treat students and staff fairly and sensitively. In the unusual event of a student, or a student's room, locker, bag or other type of storage for possessions being searched, the college takes all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases: if in any doubt, advice should be sought from the Principal, a member of the ELT / SLT, unless the urgency or another overriding aspect of a situation makes such a referral impractical.

DLD's staff will always 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 college is their 'home'. In addition, staff will remember that the need to protect persons/property from injury/damage and loss is paramount and that this duty of care can in certain circumstances override all other protocols.

At all times a balance will be maintained between common-sense actions rightly taken in respect of an assessed risk and the desirability to following step-by step written guidelines (as seen below) which, however helpful, cannot anticipate every eventually.

DLD College is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). The policy applies to all students including boarders. It is available on request and in the Staff Handbook and should be read in conjunction with the following policies and documents:

- Boarding Staff and Student Handbooks
- Trips and Educational Visits

DLD College seeks to implement this policy through adherence to the procedures set out in the rest of this document.

This document is reviewed annually by the ELT / SLT or as events or legislation change requires.

Procedures

Whilst a search may be required for suspected dangerous/illegal items, it may also be justified for other reasons – for items that are not allowed in college, for instance, but are not necessarily of themselves dangerous (or illegal), or items which are allowed in college but which are not being properly used.

Confiscation

When a search has been conducted and such items found in college or on a student's person, it may be confiscated for a time.

A confiscated item should be kept safe and the details of the confiscation (item, date, time, location, owner, reason) logged by the following:

- Housemasters/Housemistresses (HMs), Vice Principal (Pastoral), Houseparents or the Assistant Principal (Head of Lower School)
- Valuable items should be passed to the Vice Principal (Pastoral), Assistant Principal (Head of Lower School) or the Principal for safe keeping.

Staff should indicate to the student when the item is likely to be returned. The duration of the confiscation should be reasonable and proportionate. Consideration should be given to the possible consequences of keeping the item e.g. travel safety in the case of a confiscated mobile phone.

Confiscation of inappropriate items

What the law allows:

There are two sets of legal provisions which enable school staff to confiscate items from student:

1. **The general power to discipline “Discipline in Schools – Teachers’ Powers”** enables a member of staff to confiscate, retain or dispose of a student's property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully (Section 94 of the Education and Inspections Act 2006). The legislation does not describe what must be done with the confiscated item but this policy sets this out.
2. **Power to search without consent** for “prohibited items” (Section 550ZA (3) of the Education Act 1996) including:
 - knives and weapons

- alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks
 - pornographic images
 - any article that has been or is likely to be used to commit an offence , cause personal injury or damage to property;
- and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search.

Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.

Adapted from: Behaviour and discipline in schools, Advice for headteachers and school staff, February 2014, DfE.

Source: <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

External Agencies and Disciplinary Action

If a student is suspected of carrying on their person or having in their possession/room an item or items considered by the college to be dangerous and/or illegal, such as drugs, then the matter must be referred to the Principal and/or the Vice Principal (Pastoral).

Irrespective of any action taken or not taken by external agencies e.g. the Police, the college may take its own action, such as temporarily excluding the student in the first instance, if they refuse permission for a search to take place.

Searches

Whilst it is not possible to have detailed procedures that cover every eventuality, in general, the following guideline should be observed:

Personal Searches

- If a student is suspected of carrying an unauthorised item (e.g. alcohol) a member of staff should ask the student, in the presence of a second member of staff, if the student is happy to empty the contents of their pockets or bag. Throughout, the student should, if possible, be kept under close supervision in case there is an attempt to divest themselves surreptitiously of any item.
- If the student refuses to cooperate, staff should contact an appropriate member of the ELT / SLT who should consider if it is appropriate to contact the student's parents.
- As appropriate, and if the parents can be contacted, they should be encouraged to persuade the student to the search taking place.
- If the matter is of major concern and the student still refuses to approve the search, then the Police may be called in to conduct the personal search.

Forced Searches

- Forced personal searches, will if at all possible be avoided, though may, in certain circumstances be necessary. For example, all reasonable steps should be taken, where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk. This might include, in extreme circumstances all or any of the following: physical restraint, forced search (of person and/or of property) and confiscation.
- Reasonable force may be used in exercising the statutory power to search students, without their consent, for weapons and for alcohol, illegal drugs and stolen property. At DLD this search may be exercised by staff where they have reasonable grounds for suspecting that a student has such items.
- A forced search may only be undertaken if absolutely necessary, such as in extreme situations where leaving a student with such a suspected item could pose risks to others or to that student.

- Other means of dealing with the student and the situation should be used if possible – such as keeping the student under close surveillance, isolating the student from others for the time it takes for the matter to be addressed, etc.

Always refer the matter to a member of the ELT / SLT, before making any physical intervention.

Please consider whether or not a search might be better conducted by the Police rather than a member of staff.

Never conduct a search if you are alone with the student. It is preferable for any search to be conducted by a person of the same sex as that of the student, and, where practicable, witnessed by a person of the same sex. Where possible a member of the ELT / SLT team will be present.

Searches of personal property or college property, for example in a room or a locker

- Belongings are no longer 'of the person' when they are being stored at college or in college property such as lockers. However, if a search of this nature is to be undertaken, the suspected offence needs to be sufficiently serious, the need for search legitimate and the prospect of success reasonable.
- For 'lost' items of relatively low value, a student will be asked to search their own belongings to see if the item has been 'misplaced'. If more than one student is included, the scope of the search and the number of students involved should reflect the nature of the loss and be legitimately targeted. Kit inspections fall into this category.
- Where a boarder's room is to be searched, the boarder should be given the opportunity to conduct the search personally under the supervision of the member of staff. If a boarder refuses to cooperate, and the circumstances are deemed to warrant a search by staff, then the room should be searched with at least two members of staff present throughout. Any suspicious items found should be deposited in a plastic bag, labelled and sealed.

General Guidelines

Generally, staff should not without very good cause (such as that provided by circumstances exemplified above):

- Touch the student, especially forcibly. (Any restraint should be in line with the college's policy on the use of physical restraint)
- Search the student's person, which for these purposes extends to his or her outer clothing and pockets, or remove the student's clothing - even their coat - for the purpose of searching it.
- Search a student's pockets: these should be turned out by the student.
- Search a student's room or bag without them being present and without another adult witness being present.
- Act in isolation: if in any doubt staff should refer to an appropriately senior member of staff.

As a guide only and without any suggestion that these would be the only appropriate ways to proceed, here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform a member of the ELT /SLT.
- If evidence of illegal substances, drugs or of suspected illegal substances is found, the ELT / SLT determines what action to take in accordance with the College Policy.
- If alcohol items are found in a student's possession, they should be confiscated by the member of staff, who will inform ELT / SLT. The senior member of staff involved determines what action to take in accordance with the college's policy.

Further suitable courses of action might, depending on circumstances, include the following, but would not preclude other suitable ways of proceeding:

- In the case of initial refusal to co-operate, a member of the ELT / SLT to contact parents/guardians and ask them to persuade the student to submit to the request.
- In the case of continuing refusal to co-operate, a member of the ELT / SLT to suspend and isolate the student in college and call the parents to attend. If appropriate (items of considerable value, illegal drugs, weapons etc.), advise parents and student that the police might be contacted and asked into the college to make the search.
- In the case of continuing refusal to co-operate, a member of the ELT / SLT to call the police so that they might make the search at college. If for some reason the police cannot immediately attend and the search is deemed urgent, then the student should attend while a member of staff, with a member of the ELT / SLT as witness, makes the search.
- Forcible entry is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act 1971) or weapons, and then only on college property, not personal property.
- A student's room and belongings are to be searched only when there are clear grounds for suspecting something is untoward; unless impractical, the reasons are to be explained to the student, in most circumstances the student is to be present during the search.
- All searches to be undertaken by a minimum of 2 members of staff
- Wherever possible the student is to be asked to make available the required area (such as a drawer) and to remove contents
- Parents to be informed

Recording the results of personal and / or property searches

When a search has taken place the following items should be noted and kept on the relevant student's file:

- The reason for the search taking place
- The date and time of the search
- The results of the search
- All staff involved
- Other agencies involved
- The outcome (including any disciplinary action taken in respect of that student)