

# SCREENING, SEARCHING AND CONFISCATING POLICY

THIS POLICY IS REVIEWED ON AN ANNUAL BASIS

Policy reviewed by: Robert Bannon - Headmaster

Policy approved by: Robert Berry – Director of Operations

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Reviewer's Signature: 

Approver's Signature



Please note: 'School' refers to Chatsworth Schools; 'parents' refers to parents, guardians and carers.

This is a whole school policy, which also applies to the Early Years Foundation Stage.

## Policy on Screening, Searching and Confiscation

Hall School Wimbledon (HSW) takes its responsibility for safeguarding the pupils' possessions seriously and views the theft of property as a serious disciplinary offence, which contravenes the values and rules of the community.

It is School policy to discourage pupils from bringing expensive personal items or large sums of money into School, but it is recognised that this may not always be possible.

The emphasis in School policy is on prevention, but where theft does occur, the School will investigate and, where a pupil is deemed to have stolen an item belonging to another member of the School community, he/she can expect a serious sanction. In some circumstances, this may mean a fixed-term or permanent exclusion.

Theft is understood, under the *Theft Act 1988*, to mean taking the property of another person with the intention of permanently depriving the owner of it.

### Prevention

In order to minimise the risk of theft of pupil property school Staff should:

- Discourage pupils from bringing valuable items or large sums of money into school.
- Encourage pupils to keep necessary valuable items in their possession at all times.
- Discourage pupils from leaving valuable items unattended at any time unless locked in a secure location, such as their personal locker. We recommend that lockers are secured, where appropriate, with a combination padlock.
- Provide secure spaces (lockers) for individuals where personal possessions can be stored safely.
- Regularly remind pupils of the need to be security-conscious and of the potential penalties for theft.
- Remind parents that payments to school should, where possible, be made electronically or by cheque to prevent the need for a pupil to carry cash to school.

### Reported Theft

If a pupil reports a theft, the following procedures should be followed. As a rule, the Head of School or their deputy should be responsible for following up allegations of theft. If a theft is reported to another member of staff, he/she should pass the details to the appropriate Head of School or their deputy at the earliest possible opportunity:

- Ascertain the basic details and encourage the pupil concerned to consider whether the item may have been mislaid rather than stolen.
- Consider asking class mates if they have seen the item and inform staff of the missing item by email and/ or at briefings.
- In the circumstances where the item is not returned, report the theft to the Head, if not already informed. Log the details in the lost items book.
- The Head of School will agree how the theft will be investigated and carry out the investigation. Log all details of the investigation and report the findings to the Head of School.
- Investigations may be conducted by a Form Teacher or Head of Year at the direction and agreement of the Head of School.

## Sanctions

If a member of the School is found to have committed theft, the Head will consult the Senior Leadership Team about the most appropriate action. The sanction of exclusion for any term is at the sole discretion of the Head.

In some circumstances, and depending on the nature of the theft, the Head will report the details to the local police who may wish to carry out their own investigation.

Where a theft is likely to be reported to the police, no member of staff should interview or continue any investigation until such times as the police have agreed that the school may do so.

Note that the school should not impose sanctions on a student where police and criminal actions and sanctions may apply, without legal consultation, to prevent the risk of double punishment of a crime.

## Confiscation of Pupils' Property

### Introduction

It is accepted that there may be occasions when it will be necessary for staff to confiscate pupils' property in the interests of the smooth running of the School. In particular, members of staff may judge that an item of property needs to be confiscated on grounds of health and safety or where there has been a clear breach of School rules.

Under the *Education and Inspections Act (2006)* a member of staff may confiscate, retain or dispose of a pupil's property, as a disciplinary penalty, when reasonable to do so.

Any confiscation of pupil property should be temporary or it might fall under the *Theft Act 1968* which makes it a crime to confiscate property with the intention of permanently depriving the owner of it.

### Procedure

With this in mind, the following procedures should be followed when confiscating property:

- The member of staff should make a judgment as to whether confiscation of the item is the appropriate action. If in doubt, the member of staff should consult the Head or their deputy.
- The member of staff should ask the pupil to hand over the item concerned and explain to him/her why it is being confiscated. The member of staff should also explain that the item will be handed to Reception to be kept secure.
- The member of staff should personally hand the item to the appropriate person at the earliest possible opportunity and explain the background to the confiscation. Where this is not possible, the item should be handed to the Head.
- The pupil's Form Teacher and Head of Year should be informed of the confiscation in person or by email.
- The staff should log the confiscation in the Sanctions Log and ensure the item is held securely until it is returned to the owner or to a parent or guardian.
- The period of confiscation will depend on the nature of the item and the related offence. Generally, items should not be held for more than 24 hours; with mobile phones, for instance, it will usually be appropriate to return these at the end of the School day. It may be deemed appropriate to return the items to the parents rather than the pupil (e.g. if cigarettes have been confiscated or repeated use of a mobile phone, etc.); in these circumstances, contact should be made by the Head of Year with the parents as soon as possible after the confiscation. If in doubt about the period of confiscation, staff should consult the Head.

## Searches

### Establishing grounds for a search

1. A search without consent may only occur if the teacher believes there are reasonable grounds for suspecting that the pupil may have a prohibited item in their possession.
2. 'Reasonable Grounds' may be decided in each case by the teacher on the scene. This might be suspicious behaviour, a report from another pupil, or overhearing pupils talking.
3. With the Head's permission, staff may view CCTV footage in order to make a decision as to whether to conduct a search for an item.

### Location of a search

Searches without consent may be carried out on School premises or elsewhere where the member of staff has lawful control or charge of the pupil, e.g. a sports match, school trip or visit.

### Searching with consent

School staff can search pupils, with their consent, for any item which is banned by the School Rules.

If a pupil is suspected of carrying an unauthorised item (for example, cigarettes) the best approach is to ask him/her, in the presence of a second adult witness, to turn out his/her pockets or bag. If he/she refuses to cooperate, the School will have the option of sanctioning him/her as they would in any case where the pupil refused to obey.

If the pupil refuses, his/her Head of Year should be informed immediately.

### Searching without consent

In addition to the general power to use reasonable force described above, the Head or Deputy (or any member of staff explicitly authorised by them at the time of the incident) can use such force as is reasonable given the circumstances to conduct a search for the following items prohibited under the *1996 Education Act*:

See also:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674416/Searching\\_screening\\_and\\_confiscation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf)

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been used or is likely to be used to commit an offence, cause personal injury or damage to property. Force may not be used to search for other items banned under the school rules

Staff should make every effort, in the presence of a second adult witness, to persuade the pupil to hand over the prohibited item to staff voluntarily. However, prohibited items may be searched for without consent of the pupil as long as:

1. The member of staff conducting the search has the permission of the Head
2. The member of staff conducting the search is the same sex as the pupil being searched
3. There is a member of staff (preferably of the same sex) present as a witness
4. There are reasonable grounds for suspecting that the pupil is in possession of a prohibited item

Whatever the pupil's response, staff should not in any search:

- Use excessive force (reasonable force may be used)

- Require the pupil to remove any clothing – other than outer clothing (i.e. clothing not worn immediately against the skin or against underwear) - for the purpose of searching it.

### Extent of the search

Schools are able to search bags, rooms, lockers or desks for any item provided the pupil agrees. If the pupil does not consent, then it is possible to conduct a search but only for the prohibited items listed above and only under the same conditions as 1-4 above.

If the pupil objects (which he/she has the right to do) staff should inform the pupil's Head of Year immediately.

In such cases the pupil may then be told that the police will be called. The police may then conduct a search if they believe that a crime has been committed, or to prevent harm to themselves or others following an arrest.

Senior staff must observe the following guidelines:

1. Whether or not the item under search is high risk - such as a knife or drugs – School property should only be searched if the search is legitimate and has a reasonable prospect of success.
2. The extent and nature of the search should be proportionate to the value of or "risk factor" of the item sought (even in the case of stolen property). On this basis, it might well be reasonable to search the lockers of a handful of children, particularly if they consent to the procedure.
3. The extent of the search should also be proportionate to the likelihood of the item being found. It is an invasion of privacy to search an entire house without good cause (e.g. for a very valuable or dangerous item).

### After the search

Senior staff should always contact the affected pupil's parents after any search, regardless of the outcome. A proper record should also be kept. However, neither of these are legal requirements.

If an illegal item is found as a result of the search (for example, drugs, a knife or a firearm) it should be handed to the police. In other cases, confiscated items should be returned to the pupil's parents, and should not be destroyed or kept by staff for their own use.

Complaints about searching should be dealt with through the normal school complaints procedure.

## Training

There is no legal requirement for a member of staff carrying out a search to receive training beforehand. However senior staff have the responsibility of ensuring that all their form teachers are aware of, and understand, the guidelines set out in this document.

## Victimisation

As said, it is not necessary to search the belongings of every pupil in the class/ year group each time that an item goes missing or there is a suspicion of drugs use. Indeed, the extent of the search must be proportionate to the value of the lost item or the danger involved.

All staff must ensure that there are very good reasons for limiting their search to certain individuals. Targeting the 'usual suspects' could give rise to an allegation of bullying or victimisation.

## Interpretation

In this policy, the term "senior manager" means a School Head and their designated deputies. This policy applies in all Schools and other work environments within Chatsworth Schools.

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The registered office of all companies is Crimea Office, The Great Tew Estate, Great Tew, Chipping Norton, Oxfordshire, OX7 4AH. Any enquiries regarding the application of this policy should be addressed to the Director of Operations at the above address.