

SCREENING, SEARCHING AND CONFISCATING POLICY

THIS POLICY IS REVIEWED ON AN ANNUAL BASIS

Policy reviewed by: Christopher Sanderson – Director of School Compliance and Policy

Policy approved by: Robert Berry – Director of Operations

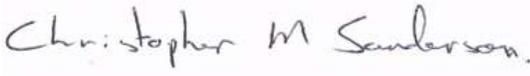
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Please note: 'School' refers to Chatsworth Schools; 'parents' refers to parents, guardians and carers. This is a whole school policy, which also applies to the Early Years Foundation Stage.



Hall School Wimbledon 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.

In addition to situations relating to theft, this policy will also be applied when, for example, pupils are in possession of, or suspected to be in possession of, items which are not permitted in school, items which are inappropriate for the age and stage of development of the pupil, or items which may put other members of the school community at risk.

This policy should be read in conjunction with the school's Positive Behaviour and Exclusion Policy

Prevention of Theft

In order to minimise the risk of theft of property in the school community, 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 or hand them over to a member of staff for secure safekeeping.
- Discourage pupils from leaving valuable items unattended at any time.
- Provide secure spaces 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 or 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 or 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 classmates 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.
- The Head, in discussion with the member of staff reporting the theft and/or the Deputy, will agree how the theft will be investigated and carry out or delegate the investigation. Those involved in the investigation will log all details of the investigation and report the findings to the Head.
- Investigations may be conducted by a form tutor at the direction and agreement of the Head.

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, with due regard to the school's/nursery's Positive Behaviour and Exclusions Policy. The sanction of exclusion for any term is at the sole discretion of the Head or, in his or her absence, that of the Deputy 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.

If a member of staff suspects a pupil has a banned item in his/her possession and the pupils refuses to co-operate with a search, or if a pupils refuses to comply with a school's screening procedures, the member of staff can apply an appropriate sanction, consistent with the school's/nursery's Positive Behaviour and Exclusions Policy.

Screening

The school's statutory power to make rules on pupil behaviour and its duty as an employer to manage the safety of staff, pupils and visitors permit the school to require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand), even if the pupils is not suspected of having a weapon or other banned item. Any member of staff can undertake screening and the pupils' consent is not required. Screening without physical contact is not subject to the same conditions as apply to the powers to search pupils without consent.

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 his or her 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.
4. A search of a pupil's possessions must take place in the presence of the pupil.

In this context, a "pupil's possessions" means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.

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

Any member of school/nursery staff is able to conduct a search of a pupil and his or her possessions with the pupil's consent, for any item which is banned in school documentation or has been noted as unauthorised in communication with parents.

If a pupil is suspected of carrying an unauthorised item, the best approach is to ask him or her, in the presence of a second adult witness, to turn out his or her pockets or bag. If the pupil refuses to cooperate, the school has the option of imposing a sanction, as is the case where any pupil refuses to obey an instruction. If the pupil refuses, the form teacher should be informed immediately.

Searching without Consent

The head is able to authorise any member of staff to conduct a search. A member of staff, other than security staff, is entitled to decline a request to conduct a search. If a search is undertaken by a security guard who is not an employee of the school, the search should, ideally, be witnessed by a member of the school staff.

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 further information, please refer to the Physical Restraint and Use of Reasonable Force Policy. A search without consent may be conducted for the following items

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that the member of staff reasonably suspects has been used or is likely to be used to commit an offence, cause personal injury or damage to property.
- Any other item banned in school documentation and identified in such documentation as an item which may be searched for.



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

There is a limited exception to the expectations noted at points 2 and 3, above. A search can be carried out of a pupil of the opposite sex, and/or without a witness present, but only where the member of staff reasonably believes that 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.

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. Outer clothing includes hats, shoes, boots, gloves and scarves.

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 form teacher 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 may be considered an invasion of privacy to search an entire school cohort without good cause. An example of a good cause would be a search 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.

Please refer to the 'confiscation of pupil's property' section, below, for details of action to be taken after an item has been confiscated. Confiscated items should not be destroyed without good reason or kept by staff for their own use.

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

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, for example, of;

- health and safety
- where there is a risk to the safeguarding and/or welfare of members of the school community
- where there has been a clear breach of school rules
- where it is considered that items are harmful or detrimental to school discipline.

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. A confiscation of a pupil's property should normally be temporary, to avoid the action falling under the Theft Act 1968, which makes it a crime to confiscate property with the intention of permanently depriving the owner of it. However, this should be noted in conjunction with three levels of possible response, noted below, which are provided with due regard to the DfE guidance on 'Searching, Screening and Confiscation' (January 2018). This guidance should be consulted for more detailed information.

Procedure

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 Deputy.
- The member of staff should ask the pupil to hand over the item concerned and explain why it is being confiscated. The member of staff should also explain that the item will be handed to Reception to be locked in the school safe or another appropriate secure location.
- 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 tutor 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, to a parent or guardian, to the police, or until it is destroyed.
- 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. repeated inappropriate use of a mobile phone.); in these circumstances, contact should be made by the form tutor with the parents as soon as possible after the confiscation. If in doubt about the period of confiscation, staff should consult the Head.
- Where a pupil repeatedly uses a mobile phone inappropriately, he or she may be requested to hand in the phone to Reception on arrival at the start of the day and collect it at the end of school. Parents will be made aware of this requirement by the form tutor or member of the senior team.

What the school/nursery does with confiscated items

The following 3-level guidance provides an indication of the school's action following the confiscation of an item.

Level	Action taken	Examples
Level 1	The item is returned to the pupil or parent after a given period of time	<ul style="list-style-type: none"> • Toys and games not permitted in school • Mobile phones • Jewellery and clothing which is not permitted according to the school dress code
Level 2	The item is destroyed	<ul style="list-style-type: none"> • Tobacco and tobacco-related products • Pornography* • Alcohol • Substances which are not illegal, but are considered to be harmful or detrimental to good order and discipline, such a 'legal highs'. If a member of staff believes they may be illegal or controlled, they should be treated as at level 3. • Fireworks
Level 3	Items are handed over to the police	<ul style="list-style-type: none"> • Stolen items (where the item cannot be returned to the owner at school) • Illegal and controlled drugs • An article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property • Knives and other weapons

		<ul style="list-style-type: none"> • Items which are evidence of an offence
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* If a member of staff believes that pornographic images may constitute a specific offence (such as extreme or child pornography), the item and, if electronic, the device on which it is held, must be delivered to the police as soon as is reasonably practicable and the Designated Safeguarding Lead (DSL) must be informed immediately.

Dealing with Electronic Devices

Where the person conducting a search finds an electronic device that is prohibited by the school rules, or reasonably suspects that it has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, he or she may examine any data or files on the device, where there is a good reason to do so.
, after having consulted with the Head.

Statutory guidance notes that there is no need to have parental consent to search through a young person's mobile device 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.

In determining whether there is 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.

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, the head should be informed and the device must be given 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, must not be deleted prior to giving the device to the police. The member of staff should be prudent in not sharing any discovered images further and should report the situation immediately to the DSL.

A staff member who does not find any material that he or she suspects is evidence in relation to an offence, and decides not to give the device to the police, can decide, in discussion with the Head, 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.

All staff are made aware that behaviours linked to sexting put a child in danger. Such incidents must always be treated as a safeguarding matter and the DSL must be informed immediately. For further information, reference should be made to the Safeguarding and Child Protection Policy and The UK Council for Internet Safety (UKCIS) advice - [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).

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 already noted, it is not necessary to search the belongings of every pupil in the class or year group each time that an item goes missing or there is a suspicion of drugs use. 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 to all employees in all Schools (save for Schools with their own procedure which shall prevail) and other work environments within Chatsworth Schools

This policy applies within all companies, which are wholly owned subsidiaries of Chatsworth Schools Ltd, a company registered in England, registered number 11552579.

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.

This policy does not form part of any employee's contract of employment and may be amended at any time.

