

# Martin High School

*Inspiring all to dream more, learn more,  
do more and become more*



## SCREEN, SEARCH AND CONFISCATION POLICY

Policy reviewed by: Head Teacher  
Policy agreed at: Full Governing Body Meeting  
Review date: January 2019

Signed: ..... (Head Teacher) Date: .....

Signed: ..... (Chair of Governors) Date: .....

Link Road, Anstey, Leicestershire. LE7 7EB  
Tel: (0116) 2363291  
Fax: (0116) 2352121  
Email: [office@martin.leics.sch.uk](mailto:office@martin.leics.sch.uk)  
Website: [www.martinhigh.org](http://www.martinhigh.org)

Head Teacher: Mrs Laura Sanchez  
Deputy Head Teacher: Mr Paul Wicken

January 2017

## Statement of Intent

Martin High School appreciates that pupils have a right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected.

However, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose pupils or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which authorised staff members can screen and search pupils, particularly without consent. It also outlines the legal powers to seize and then confiscate items during a search.

Staff members authorised by the Head Teacher with screen and search powers are:

- Laura Sanchez
- Paul Wicken
- Zoe Meadowcroft

## **1. Legal Framework**

- 1.1 this policy takes regard of the following legislation:
- Health and Safety at Work Act 1974
  - Education Act 1996
  - Education and Inspections Act 2006
  - The Schools (Specification and Disposal of Articles) regulations 2012
  - School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
  - European Convention on Human Rights.
- 1.2 It also has regard to the following pieces of statutory guidance and advice:
- DfE (2014) 'Searching, screening and confiscation'
  - DfE (2013) 'Use of reasonable force'
  - DfE (2-16) 'Behaviour and discipline in schools'

## **2. Authorisation**

- 2.1 The Head Teacher has the responsibility to decide who to authorise to use these powers, but there is no requirement to provide authorisation in writing
- 2.2 Staff members can be authorised to search for some items but not others
- 2.3 Staff members must be the same sex as the pupil being searched and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched
- 2.4 Staff members can search a pupil of the opposite sex only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately.

## **3. Training**

- 3.1 When designating a member of staff to undertake searches under these powers, the Head Teacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## **4. Establishing grounds for a search**

- 4.1 Martin High School has the right to search pupils with their consent for any item. Formal written consent is not required. It is enough for the teacher to ask the pupil to turn out his/her pockets or look in the pupil's bag or locker and for the pupil to agree.

- 4.2 Members of staff can instruct a pupil to turn out his/her pockets or bag if it is suspected that the pupil has a banned item in his/her possession. If a pupil refuses, the teacher will apply the appropriate punishment as outlined in the School Behaviour Policy.
- 4.3 A pupil's refusal to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff. The appropriate disciplinary penalty will be applied.

## **5. Location**

- 5.1 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 pupil.

## **6. Searching without consent**

- 6.1 Authorised staff members can undertake a search without consent if there are reasonable grounds to suspect that a pupil is in possession of a prohibited item, as outlined in Section 8 of this policy.
- 6.2 Staff members are empowered to search regardless of whether the pupil is found after the search to have a prohibited item.
- 6.3 Staff members can view CCTV footage to inform their decision as to whether to conduct a search for a prohibited item.

## **7. Prohibited items**

- 7.1 The following items are prohibited:
- Knives or weapons, alcohol, illegal drugs and stolen items
  - Tobacco and paraphernalia, fireworks and pornographic images
  - Any article that a 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 property
  - Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

## **8. Banned items**

- 8.1 Items banned by the school rules may only be searched under these powers if it has been identified in the school rules as an item that can be searched for.
- 8.2 Banned items include:
- Legal highs
  - Aerosol cans

- Paint thinners
- Non-prescribed hypodermic needles

8.3 The school rules must be determined and publicised by the Head Teacher.

## **9. During the search**

9.1 Members of staff can use such force as is reasonable given the circumstances when conducting a search for prohibited items, but cannot use force to search for items banned only under school rules

9.2 The power to search without consent enables a personal search, involving removal of outer clothing and the searching of pockets, but not an intimate search going further than that, which only a person with more extensive powers (eg a police officer) can do

9.3 Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, but includes hats, shoes, boots, gloves and scarves

9.4 Authorised staff members can search lockers and desks for any item, provided the pupil agrees and in the presence of the pupil 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

9.5 if a pupil 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 prohibited items.

## **10. After the search**

10.1 Staff members can confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so

10.2 Staff members can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent search' so long as it is reasonable in the circumstances. Where an article is thought to be a weapon, it must be passed on to the police

10.3 Staff members are legally protected from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully

10.4 A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

10.5 Where a staff member conducting a search finds alcohol, he/she may retain or dispose of it as they think appropriate, but must not return it to the pupil.

10.6 Where a staff member finds:

- Controlled drugs, these must 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
- Other substances which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to discipline, including legal highs. Where staff suspect that a substance may be controlled, they should treat them as controlled drugs as above
- Stolen items, these must be delivered to the police as soon as reasonably practicable, but may be returned to the owner or disposed of if the person thinks there is good reason to do so
- Tobacco or cigarette papers, they may retain or dispose of them, but must not return them to the pupil
- Pornographic images, they may dispose of the image unless its possession constitutes a specified offence (ie it is extreme or child pornography), in which case it must be delivered to the police as soon as is reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to police.
- An article that has been or could be used to commit an offence or to cause personal injury or damage to property, this may be retained, disposed of, delivered to the police or returned to the owner, as appropriate
- An item banned under the school rules, they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it
- Weapons or items which are evidence of an offence, these must be passed to the police as soon as possible.

## **11. Parental consent**

11.1 Martin High School is not required to inform parents/carers before a search takes place or to seek their consent to search their child

- 11.2 Martin High School will inform the individual pupil's parents/carers where alcohol, illegal drugs or potentially harmful substances are found, though this is not a legal obligation.

## **12. Monitoring/reporting**

- 12.1 although it is not a legal requirement to do so, for the purposes of accountability and transparency, the school will keep a record of all searches undertaken by authorised staff members.

## **13. Enforcement**

- 13.1 Martin High School expects authorised staff members to use their screen and search powers in accordance with the provisions of this policy
- 13.2 Staff members that abuse these powers or screen and search pupils without consent for items other than those which are prohibited, will be subject to the appropriate disciplinary action.

## **14. Complaints**

- 14.1 Complaints about screening or searching should be dealt with through the school's normal complaints procedure.

## **15. Policy circulation**

- 15.1 This policy will be circulated to every staff member who has the right to search, who shall annually sign a statement which affirms that he/she has:
- Received a copy of the policy
  - Has read and understood the policy
  - Has agreed to comply with the policy
- 15.2 This policy will be included in the publication scheme on the school's website and will be made available to the public.

## **16. Policy review**

- 16.1 This policy is reviewed every two years by the Assistant Head for Pupil Wellbeing and Inclusion and the Head Teacher
- 16.2 The scheduled review date for this policy is **January 2019**.

**Appendix 1 - Annual acknowledgement statement**

**Annual Acknowledgement Statement**

In accordance with section 13.1 of the Screen, Search and Confiscation Policy (“the Policy”), I, the undersigned staff member, with powers delegated by the Head Teacher of Martin High School, hereby attests and affirms that I have:

1. Received a copy of the Policy
2. Read and understood the Policy
3. Agreed to comply with the Policy.

Signed: .....

Date: .....

Print Name: .....