



Joseph Leckie Academy

Searching, Screening and Confiscation Policy

This policy is reviewed annually

History of Document

Approved by Governors: December 2020
Review date for Document: December 2021

1. Summary

This policy explains the powers of screening and searching students, in order that Academy staff have the confidence to use them. In particular, it explains the use of the power to search students without consent. It also explains the powers that all schools and academies have to seize and then confiscate items found during a search.

The Principal will decide who to authorise to use screening and searching powers. There is no requirement to provide authorisation in writing.

This policy should be read alongside the Drugs, Alcohol and Tobacco Policy and the Weapons Policy.

2. Prohibited Items

Prohibited items that may be screened/searched for include, but are not limited to:

- knives or weapons of any kind
- alcohol
- drugs
- stolen items
- tobacco and related items (lighters, cigarette papers, etc.)
- fireworks
- pornographic images
- 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).

This list is not exhaustive and students and staff must be aware of all other banned items in line with other policies. The Principal and those staff authorised by the Principal at Joseph Leckie Academy may also search for any item banned by the Academy, as identified in the behaviour policy.

3. Screening

3.1 The Academy carries out regular student screening procedures, through the involvement of Police and Academy staff. Students can legally be screened by a walk-through (arch) or hand-held metal detector (wand). Even if staff do not suspect them of having a weapon, with or without the consent of the students.

Any authorised member of Academy staff can screen students. As a proactive measure, the Police will support the Academy by means of screening of students by year group at various times through the academic year.

3.2 Should a student refuse to be screened, it raises questions around their reasons. The Academy may refuse to have a student on the Academy site should this occur. If a student fails to comply, the Principal or a member of the Leadership Team (LT) may send the student home. The student's absence will be treated as unauthorised, rather than as an exclusion.

Refusal to be searched will be taken seriously and may result in parental or Police involvement and sanctions, as deemed appropriate by the Principal or authorised staff.

Screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

4. Searching With Consent

4.1 Authorised Academy staff can search students with their consent, which need not be written. The teacher will ask for the student to agree to turn out their pockets or for the member of staff to look in the student's bag (where appropriate).

4.2 Authorised staff should be competent in searching and have received training/instruction and it is advisory that they are accompanied by a colleague (where possible of the same gender as the student). If the student refuses, the member of staff should use 'on-call', the student(s) Head of Year (HoY), or a member of the LT to support. In such instances the colleague should inform the student's HoY/LT, that a search has been refused.

4.3 A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to cease in unacceptable behaviour when instructed by a member of staff. In such circumstances, the Principal or the LT will apply an appropriate disciplinary penalty. Parents may be called to assist with the discussion around such issues with a student and may be asked to support a search of a student.

5. Searching Without Consent

5.1 The Academy will comply with the law, that says what can be searched for:

- Knives or weapons, alcohol, illegal drugs and stolen items.
- Tobacco and cigarette papers, fireworks and pornographic images.
- 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, or damage to property.
- Any item banned by the Academy rules which has been identified in the rules as an item which may be searched for (please see A-Z document).
- Searches without consent will be conducted by the Principal or staff authorised by the Principal, usually members of the Academy LT.

5.2 Authorised staff will be the same sex as the student being searched; and there will be a witness (also a staff member), if possible, they should be the same sex as the student being searched.

There is a limited exception to this rule. Staff may carry out a search of a student of the opposite sex and/or without a witness present, but only where it is reasonably believed that there is a risk that serious harm will be caused to a person if the search is not performed immediately and where it is not reasonably practicable to summon another member of staff.

The requirement that the searcher is the same sex as the student and that a witness is present will continue to apply in nearly all searches. Where it is possible to summon a staff member of the same sex as the student to act as a witness, the teacher wishing to conduct a search must do so.

5.3 All members of the LT will have the power to search without consent. Other middle leaders will be authorised only after being given specific instruction and training and are willing to do so.

6. Establishing Grounds for a Search Without Consent

6.1 Authorised senior and middle leaders at Joseph Leckie Academy will 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. They must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to suspect that the student is concealing a prohibited item.

6.2 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.

6.3 Academy staff may additionally use CCTV footage in order to make a decision as to whether to conduct a search for an item or to observe if students are behaving safely and appropriately. Searches for items banned by the Academy rules:

- Items banned by the Academy which can be searched for will be identified in the appropriate section of the Academy rules/behaviour policy.
- The Principal will publicise the Academy behaviour policy, in writing, to staff, parents and students at least once a year.
- Searches without consent will only be carried out on the Academy premises or, where the member of staff has lawful control or charge of the student, for example on Academy trips or in training settings.

6.4 During a search without consent, the search should be limited to clothes and possessions:

- The colleague conducting the search will ask the student to remove outer clothing and empty pockets or bag i.e. 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.
- 'Possessions' means any goods over which the student has or appears to have control, this includes bags, pouches etc.
- A student's possessions will 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.
- The power to search, without consent, enables a personal search, as outlined above, but not an intimate search, which only a person with more extensive powers (e.g. a Police Officer) can do.

7. Use of Force

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, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force should not be used to search for additional items banned under the Academy rules.

8. The Power to Seize and Confiscate Items

8.1 Authorised staff are can confiscate or retain student's property as a disciplinary penalty, where reasonable to do so. Academy staff can seize any prohibited item found as a result of a search.

8.2 Items confiscated should be bagged and labelled with the date, time and students name and passed to a member of the Leadership Team. Certain items may be disposed of by the Academy rather than handed back to the student. Any illegal items must be passed to the Police.

8.3 Where any article is reasonably suspected to be an offensive weapon or illegal drugs, it must be passed to the police. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

9. Items Found as a Result of a 'Without Consent' Search

Authorised staff, 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.

9.1 When conducting a search and finding alcohol, tobacco or cigarette papers, staff may dispose of it. Banned items should not be returned to the student. This also applies to any banned items such as fireworks, pyrotechnics, flares etc.

9.2 Where finding controlled drugs, these must be delivered to the police, or police contacted to collect, as soon as possible but may be disposed of if there is a good reason to do so.

Where staff find other substances which are not believed to be controlled drugs these can be confiscated where the member of staff believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

9.3 Where staff find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

9.4 Should a member of staff find a pornographic image; they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the Police as soon as reasonably practicable. The Designated Safeguarding Lead (DSL) or Deputy Designated Safeguarding Lead (DDSL) should also be informed as soon as possible.

9.5 Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it will be delivered to the police or collected by the police. It may also be retained / disposed of. If belonging to a person other than in possession of the item, it may be returned to the owner. (Please bear in mind that transporting illegal items may not be in the best interests of staff).

9.6 Where a member of staff finds other items, banned under the Academy rules they will take into account all relevant circumstances and use professional judgement to decide whether to return it to its owner, retain it or dispose of it. Any weapons or banned, stolen items, illegal drugs

which are evidence of an offence will be passed to the Police, or collected by the Police as soon as possible.

10. Statutory Guidance on the Disposal of Controlled Drugs and Stolen Items

The Principal and staff authorised by them will decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police, the member of staff must have regard to the following guidance issued by the Secretary of State:

- 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.
- Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
- With regard to stolen items, staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

11. Statutory Guidance for Dealing with Electronic Devices

Where the person conducting the search finds an electronic device that is prohibited by the Academy 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.

11.1 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 Academy 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.

11.2 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:

- 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 Academy rules.
- If an electronic device that is prohibited by the Academy 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.
- 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 Academy discipline.

12. Telling Parents/Carers and Dealing with Complaints

The Principal/authorised staff are not required to inform parents before a search takes place or to seek their consent to search their child. There is no requirement to make or keep a record of a search, however where items are found this will be recorded in the investigation write up. The Principal/authorised staff will endeavour to inform the individual student's parents/carers where alcohol, illegal drugs or potentially harmful substances are found.

Complaints about screening or searching will be dealt with through the normal Academy complaints procedure.