



# ABINGDON

## SEARCH POLICY

Abingdon School is committed to safeguarding and promoting the welfare of the members of its community. Accordingly there may be occasions when it becomes necessary to search the person, the belongings or the room of a pupil. These instructions set out the circumstances in which such searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and [DfE Guidance for Schools on Screening, Searching and Confiscation](#) (January 2018).

The people in the school who can carry out any such search are members of SLT or the Housemaster of the pupil(s) concerned. In exceptional circumstances the Head or Second Master may authorise others to carry out such a search. Staff can choose whether they want to be authorized, or not. This policy would apply on authorised school trips where school rules are in force. In all circumstances the consent of the pupil to any search should be requested. A second adult witness should always be present. If possible, both adults should be of the same sex as the pupil concerned. Incident reports must be submitted about any such search, listing all the main details. According to DfE guidance, the school is not required to inform parents before a search takes place or to seek their consent to search their child, nor is there any legal requirement to make or keep a record of a search. However, at Abingdon, affected pupils' parents should always be contacted after any search, regardless of the outcome, and regardless of the nature of the search.

In the general course of school life, given pupils' good conduct overall and taking into account the very good relationships between pupils and staff, it is unlikely that searching pupils will be necessary. There are however some occasions when it might be; at those times, this policy should be followed.

Essentially there are two types of search: those with consent and those without consent. These searches are outlined below:

### Searching with Consent

- School staff can search pupils with their consent for any item which is banned by the school rules.
- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil for him to turn out his pockets or if the teacher can look in his locker or bag.
- If the pupil refuses to comply, this is not necessarily an admission of guilt; however a pupil refusing 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. In such circumstances, the school will apply an appropriate disciplinary penalty, and the matter should be referred to a senior member of staff if appropriate.

### Searching without consent

Items that can be searched for under these powers are referred to as “prohibited items”  
Prohibited items are:

- knives or weapons; alcohol;
- illegal drugs; stolen items;
- tobacco and cigarette papers;
- fireworks;
- pornographic images (of any kind, eg tabloid topless pictures and ‘lads’ mags’ as well as extreme adult material)
- 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 pupil).
- anything banned in the school rules

The search should always be carried out by a member of staff who is the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched. There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

The search may be carried out if a member of staff has reasonable grounds of suspecting that a pupil is in possession of a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil’s expectation of privacy increases as they get older.

School staff are allowed to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for prohibited items. Such force cannot be used to search for items banned under the school rules.

### **Searching a Pupil's Person**

If a pupil is suspected of carrying a prohibited item he should be asked, in the presence of a second adult witness, to turn out his pockets.

Staff should not touch the pupil but are allowed to ask him to remove any outer clothing in order to conduct the search. (Outer clothing refers to any item which is not immediately touching the skin.).

If this fails and possession of such items is still strongly suspected, he should then be told that the police will be called, who are allowed to conduct a personal search if they believe that a crime has been committed.

### **Searches of a Pupil's Personal Property**

There may be circumstances in which staff wish to search a pupil's personal property, such as a bag, mobile phone or locked box.

Under common law powers, if a pupil consents any item may be searched for. If a pupil does not consent to a search, it is only possible to search for the prohibited items listed earlier.

A pupil's possessions can only be searched 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. Proper records should be kept.

### **Searches of School Property**

Those authorised to carry out searches may search school property, such as a pupil's locker or desk, if they believe prohibited items to be stored there. Prior consent can be sought, but individuals should be made aware that the school may still proceed with a search even if consent is refused. The decision to go ahead in such circumstances would have to take into account the likelihood of an offence having been committed. A second adult witness should always be present and, if possible, the pupil concerned.

For less serious items, the same rules apply as above, but the extent and nature of the search should be proportionate to the value of the item sought and the likelihood of the item being found. Great care must be taken to avoid persistent targeting of individuals where allegations of victimisation or discrimination might arise.

Forcible entry into locked school property is only justified in extreme circumstances and would also need the authorisation of the Head or Second Master.

### **Items found as a result of a search**

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.

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

Also note:

The member of staff 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 any article is thought to be a weapon it must be passed to the police.

Staff have a defence to any complaint or other action brought against them. 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.

Where a person conducting a search finds **alcohol**, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.

Where they find 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. Where they find other substances that are not believed to be controlled drugs, these can be confiscated where a teacher 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.

Where they 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.

It is up to teachers to 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 judgment 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, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

Where a member of staff finds **tobacco or cigarette papers** they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

**Fireworks** found as a result of a search may be retained or disposed of but should not be returned to the pupil.

If a member of staff finds a **pornographic image of a child or an extreme pornographic image**, or has reasonable grounds to suspect a device contains evidence in relation to an offence, such material should not be deleted and the device should be given to the police as soon as reasonably practicable.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where a member of staff finds an item that is banned under the school rules they should take into account all relevant circumstances and use their professional judgment to decide whether to return it to its owner, retain it or dispose of it.

Any weapons or items that are evidence of an offence must be passed to the police as soon as possible.

Where the person conducting the search finds an **electronic device** they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

In determining a 'good reason' to examine or erase the data or files the staff member must 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 inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material,

retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

### **School Trips**

Searches without consent can only be carried out on the school premises or, where the member of staff has lawful control or charge of the pupil, for example on school trips or in training settings.

Therefore this policy on searches of pupils and their belongings applies irrespective of whether the pupil is at the school or on a nonresidential, or residential, trip, outside Abingdon.

There may therefore be occasion to carry out a search on a school trip. If this occasion arises, the adult in charge of the trip should make an effort to contact either the Head or the Second Master to obtain authorisation. If this proves impossible and the circumstances are such as to make a search necessary, the adult in charge is empowered to carry out such a search, following all the above procedures. A second adult should act as a witness. Full notes must be kept and an incident report submitted in due course.

### **Deputy Head Pastoral**

Last internal review: May 2018

Last governor review: May 2018

Next governor review: May 2019