

**Searching, Screening and Confiscation**

*In accordance with the Department for Education’s Advice, dated 14th February 2014 updated 18th January 2018*

St Edward’s School takes seriously its duty to manage the safety of staff, pupils and visitors.

All pupils are screened using a hand-held metal detector on arrival from home and on departure from School. The procedure is shared with prospective pupils and their parents during the referral process.

**Screening**

The law allows St Edward’s to screen pupils using a hand-held metal detector. Screening may take place even if staff do not suspect a pupil may be carrying a weapon and without the consent of the pupil. Any member of staff may screen pupils.

If a pupil refuses to be screened, the school may refuse to allow the pupil to remain on the premises. This absence would be treated as unauthorised.

This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

Screening will be carried out with full and due regard for the dignity of the person.

**Searching**

With agreement from the pupil, school staff can search a pupil and his bag or locker for any item. St Edward’s is not required to have formal written consent for this type of search.

The school makes clear during the admission process what items are prohibited and/or banned from its premises.

Staff authorised by the Headmaster have a statutory power to search pupils and/or their possessions, ***without consent***, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

* knives or weapons
* alcohol
* illegal drugs, home remedies and over the counter medicines (controlled or prescription drugs should be in the possession of an adult)
* stolen items
* tobacco and cigarette papers
* fire-setting equipment, e.g. matches, lighter
* 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 pupil).

Authorised staff can also search for any item banned by the school rules. An item banned by the school, may only be searched for under these powers.

Members of staff carrying out the search must be the same sex as the pupil being searched. 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; a staff member can carry out a search of a pupil of the opposite sex to them and without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Pupils have the right to expect a reasonable level of personal privacy. If a pupil needs to be searched, it is carried out with due regard for the individual’s personal dignity and may incorporate the use of a screen.

The person conducting the search may not require the pupil to remove any clothing other than outer clothing, i.e. hats; shoes; boots; gloves and scarves.

The power to search ***without consent*** enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a Police Officer) can do.

Members of staff can use reasonable force given the circumstances when conducting a search for prohibited items. Such force cannot be used to search for other items banned under the school rules that aren’t listed as prohibited items.

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.

**Location of a search**

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, for example on school trips in England or in training settings.

The powers only apply in England.

**Confiscation (Section 91 of the Education and Inspections Act 2006)**

Staff may seize any prohibited item found as a result of a search. They can also seize any item, however found, which are banned within school rules.

Members 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 are advised to follow guidance in relation to the confiscation, retention and/or destruction of any prohibited item found as a result of a ‘without consent’ search.

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.

For further information, please consult:

**‘Searching, screening and confiscation’** – advice for headteachers, school staff and governing bodies January 2018, The Department for Education

This review: SLT March 2021

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