

Searching and Confiscation Policy

*A copy of this policy is published in the following area:
The school's website*

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A. Related Truro School Policies

This Searching and Confiscation Policy should be read in conjunction with:

- Positive Handling Policy;
- Behaviour Policy: Rewards and Sanctions;
- Safeguarding and Child Protection Policy.

B. Rationale and purpose of policy

The policy has been developed in line with guidance from the DfE document: "Searching, screening and confiscation" (February 2014).

The aim of this Policy is to state the circumstances under which:

- pupils or pupils' rooms, lockers or belongings may be searched;
- and the procedures to be followed when this occurs.

The Headmaster and teaching staff have a specific statutory power to search pupils without consent for specific items – knives/weapons, alcohol, illegal drugs and stolen items.

C. Prohibited items that may warrant a search

Prohibited items that may warrant a search include:

- knives or weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco and tobacco products, including e-cigarettes and vaping products;
- fireworks;
- lasers and laser pens;
- pornographic images (including those stored digitally);

- any article that the member of staff reasonably suspects is likely to be used to cause personal injury to, or damage to property.

D. Searching in General

D1. Searching with consent

School staff can search a pupil for any item if the pupil agrees.

No formal written consent is needed from the pupil. A teacher may ask the pupil to agree to:

- turning out their pockets;
- opening their bag, locker or, in the case of boarders, their room.

D2. Searching without consent

Teaching staff may also search pupils or their possessions even without their consent, provided they have reasonable grounds for suspecting that the pupil may have a **prohibited item** (illegal item or an item banned by Truro School as set out in the School Rules).

To search a pupil without agreement from them, teachers must be the same sex as the pupil being searched; and there must be a teacher witness who must be the same sex as the pupil being searched. If possible that teacher witness would be a tutor or another member of staff trusted by the pupil.

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.

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 or in training settings.

E. Searching Boarders' Rooms and Lockers

- A pupil's permission is not necessary for a search of their room.
- Every effort should be made to have the pupil present when a search of their room takes place.
- There should always be two adults present including the Housemaster/mistress, if at all possible; one of the two adults carrying out the search should be of the same sex as the pupil.
- If a pupil is female, a female member of staff should carry out the physical search.
- In the absence of the Housemaster/mistress, or their Assistant, a member of the Senior Leadership Team (SLT) will lead the search.
- If a whole house search is taking place, pupils should not be fore-warned of this; they should be assembled in the Social Area and invited to accompany members of staff while their room is being searched; they should then return to the Social Area until the search has been completed.

- If any stolen or prohibited items are discovered, they should be handed to the Housemaster/mistress. The pupil should be questioned and asked to make a statement, ideally in the presence of another member of staff or senior pupil, this should be given to the Deputy Head (Pastoral).

A written record that the search has taken place should be completed by the Housemaster/mistress:

- a copy should be given to the Deputy Head (Pastoral) and a copy stored in the pupil's file.
- Parents / guardians should also be informed when any disciplinary necessary measures have been decided.
- A record of a room or house search and whether anything is found or not, should be written in the Daily Log.
- If, during a routine room inspection or during cleaning or maintenance, prohibited items are found, the Housemaster/mistress, should be informed and a note should be made of what has been seen and its whereabouts. The Housemaster/mistress, will then inform the Deputy Head (Pastoral) or Headmaster before any action is decided.

F. Confiscation

- Teachers can confiscate any item, however found, which they consider harmful or detrimental to school discipline.
- Where a member of staff finds **an item which is banned under the school rules** they should confiscate it and pass it to the Deputy Head (Pastoral).
- Where a person conducting a search finds **alcohol**, they must not return it but dispose of it. The Deputy Head (Pastoral) who is the Designated Safeguarding Lead (DSL) must be informed.
- Where they find **illegal (or suspected illegal) drugs**, these must be delivered to the Deputy Head (Pastoral) who will then call the police as soon as possible.
- Where they find **other substances** which are not believed to be controlled/illegal drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. Again, they must be handed over to the Deputy Head (Pastoral).
- Where they find **stolen items**, these must be returned to the owner (if in school and if ownership can be corroborated) or to a member of SLT who will then call the police if necessary.
- Where a member of staff finds **tobacco products** they may confiscate them. They must then be given to the Deputy Head (Pastoral).
- **Fireworks** found as a result of a search may be confiscated or disposed of but should not be returned to the pupil.
- If a member of staff finds a **pornographic image**, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the Deputy Head (Pastoral) who is the Designated Safeguarding Lead (DSL). The Deputy Head (Pastoral) will then arrange to contact the police as soon as reasonably practicable. If a member of staff suspects that there are images on a mobile device, they should not search for the images, but should question the pupil and confiscate the device. The member of staff should report the incident to the Deputy Head (Pastoral).

- Any **weapons or items which are evidence of an offence** must be passed to the Deputy Head who will then arrange to contact the police as soon as possible. The DSL will also be informed.
- Where the person searches an **electronic device** they may examine any data or files on the device if they think there is a good reason to do so. **Anyone searching an electronic device needs to have another adult present (a member of SLT or the Senior Pastoral Lead), to protect themselves. The pupil may have a trusted member of staff with them. The device should be searched in front of the pupil, with the pupil asked to show the staff members any inappropriate content.** If inappropriate material is found on the device, the device should be confiscated and it should be reported passed to the Deputy Head (Pastoral). If necessary, the Deputy Head (Pastoral) will contact the police or Social Services.

G. Records and Informing Parents

- We are not required to inform parents before a search takes place.
- A written record that the search has taken place must be completed by one of the teachers conducting the search, signed by the teacher and the teacher witness, and given to the Deputy Head (Pastoral).
- We will always inform the individual pupil's parents or guardians if we find alcohol, illegal drugs, potentially harmful substances or inappropriate digital material.

Appendix: Legislative Documents

- The Education Act 1996;
- Education and Inspections Act 2006;
- Education (Independent School Standards) (England) Regulations 2015.