



Loughborough Grammar School

Policy Title: Search and Confiscation Policy

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Search and Confiscation Policy

Loughborough Grammar 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 or the belongings of a pupil. This policy also applies to searching the rooms of pupils who are part of the boarding community or taking part in a residential school trip. This policy sets out the circumstances in which such searches can be carried out and the means by which it should be done.

Essentially there are two types of search: those with consent and those without consent. The details of these searches are outlined below. The search may be carried out if a member of staff has reasonable grounds of suspecting a pupil. 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 pupil's actions or they might notice a pupil behaving in a way that causes them to be suspicious.

Searching with consent.

All school teaching staff can search pupils with their consent for any item which is:

- likely to cause distress to other members of the school community;
- under reasonable suspicion that it has been taken without the owner's consent.

Searching without consent.

Members of the SLT, or other members of staff authorised by the Headmaster, may search for items without the pupils' consent. This proviso may be suspended in the case of school trips where a member of the SLT or an authorised member of staff may not be present.

Items that can be searched for under these powers are referred to as "prohibited items".

Prohibited items are:

- knives or weapons;
- alcohol or drugs
- stolen items;
- tobacco and cigarette papers;
- 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 member of the school community.

Searching a pupil's person.

If at all possible, searches should always be conducted in the presence of a second adult.

Staff should not touch the pupil but should 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). Pupils should be asked to turn out their pockets and to demonstrate that these are empty. Staff should not pat pupils down in searching for suspected missing items.

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 an unattended jacket or coat.

If a pupil does not consent to a search, it is only possible to search for the prohibited items listed earlier.

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.

If the pupil refuses to comply, or interrupts any search, this is not necessarily an admission of guilt; however a pupil refusing to co-operate raises the same kind of issues as where a pupil refuses to stop any other unacceptable behaviour when instructed to by a member of staff, or refuses to follow a direct instruction. In such circumstances, the member of staff will escort the pupil, together with his personal possessions directly to the Headmaster or his Deputies.

According to DfE Guidance for Schools on Screening, Searching and Confiscation (February 2014), 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.

Items found as a result of a search and confiscation.

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.

Typical items which can be disposed of include:

- cigarettes, tobacco and/or cigarette papers
- vapour devices
- alcohol
- laser pens

Typical items which should be retained as evidence of a breach of school rules, or a criminal offence, include:

- illegal drugs
- legal highs
- knives
- fireworks
- stolen items

In these cases the pupil may expect the school to report to the police the discovery of these items, with due regard to the value of the stolen item(s) or the seriousness of the discovery.

Guidelines to follow in dealing with inappropriate material found on electronic devices.

Members of the SLT or other persons appointed by the Headmaster, on suspicion of inappropriate material being held or distributed, may insist on the right to examine the contents of any electronic device belonging to a pupil. If the pupil refuses permission or denies access, the device should be confiscated and the parents immediately requested to attend a meeting with the Headmaster or his Deputies.

Inappropriate material includes:

- pornographic images or video footage;
- images and video footage of extreme violent or abusive behaviour;
- text messages designed to bully, intimidate or embarrass;
- Images or video footage of staff taken without their consent;
- Images or video images designed to disrupt teaching.

In all cases of inappropriate material, the device should be confiscated until the parents are informed of the content discovered. In the case of mobile phones, parents must be informed if the phone is to be retained overnight or for longer periods of time pending investigations. Parents may be invited to attend a meeting with the Headmaster or a person appointed by the Headmaster to view the material. Depending upon the severity of the content, options open to the school include:

- items deleted from the electronic device;
- hard copies of material taken to act as evidence in pursuing further disciplinary action or seeking advice from the police or social services;
- permanent confiscation of electronic device (in cases of school iPads).