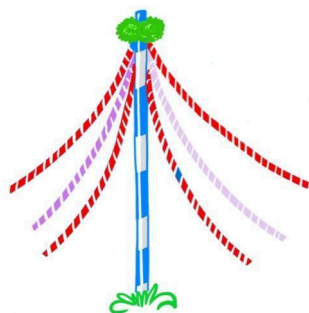


Maypole School



SEARCHING, SCREENING AND CONFISCATION POLICY

2024-2025

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INTRODUCTION

Maypole School is committed to safeguarding and promoting the welfare of children and requires all staff to act in the best interests of our children at all times.

The School recognises its duty under the Education and Inspections Act 2006 to establish and maintain a behaviour policy for the school that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the Education Act 2011.

We will take immediate action, where we believe an individual may be at risk, or it is alleged that a child is suspected of being abused. Our primary concern, at all times, is the welfare and safety of all members of Maypole School's community including children, staff and visitors.

SEARCHING

Under DfE guidance 'Searching, screening and confiscation' (updated July 2023), school staff can search a pupil for any item, if the pupil agrees. Schools are not required to have formal written consent from the pupil for this kind of search – it is enough for a member of staff to ask the pupil to turn out their pockets or ask to look in the pupil's bag or desk/locker and for the pupil to agree.

The Head Teacher and staff authorised by them, also have a statutory power to search pupils 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
- 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
 - cause personal injury to, or damage to the property of, any person (including the pupil).

The Head Teacher and authorised staff can also search for any item banned by the school rules, which has been identified in the rules as an item which may be searched for. These are:

- drugs paraphernalia
- e-cigarettes /vapes
- matches and lighters
- mobile phones

The power to search without consent, should be seen as a 'last resort' and only used if all other options have been exhausted. This means that staff should first question a pupil, then, if appropriate, request that the pupil surrenders the item. If this strategy is unsuccessful, the pupil

should first be given the opportunity to consent to a search before finally undergoing a search without consent, if it is considered safe to do so.

SCREENING

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand), even if they do not suspect them of having a weapon and without the consent of the pupils.

For further information on **screening** see DfE guidance 'Searching, screening and confiscation' (2022).

CONFISCATION

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.

BAG SEARCHES

Bag searches will only be used to safeguard the welfare and property of children, staff and visitors to Maypole School. Reasons may include a suspicion that:

- there are prohibited or banned items in their bag, or
- the child has taken the belongings of another child, staff or visitor without consent (including property belonging to the school) and is concealing them in their bag.

Bag searches must only be conducted in accordance with the following expectations:

- A child's bag must not be searched without reasonable cause.
- All bag searches must be authorised by a senior member of staff.
- Bag searches must normally be done with the child's consent and the individual present unless this places the child, staff involved or others at risk of significant harm.

Where a pupil refuses to consent to a bag search, then consideration should be given to the reason why. Appropriate action should be taken to minimise any potential risk to the child, other children, staff or visitors.

- Two staff members must be physically present during any bag search. The adult conducting the search must be the same sex as the child and wherever possible, the observing member of staff should also be the same sex.
- Any search of a child's possessions must be carried out sensitively, with due consideration given to their need to feel safe and to have their dignity and needs respected. Staff must be respectful of all property and belongings, and must leave the bag in as tidy a state as they found it before the bag search took place.

Bag searches must be recorded on CPOMS as soon as reasonably possible (and in any event within 24 hours), details must include:

- the reason for the search, including details of any risk assessment conducted.
- The date of the search.
- efforts to seek the child's consent.
- person(s) carrying out the search.
- other persons present, including the child.
- a description of anything found.
- any associated actions including:
 - any decision to confiscate, retain or destroy property and the reason why.
 - any arrangements to return the property to the pupil or pass it on, as appropriate;
- signature of the senior member of staff authorising the search.

All bag searches must be reported to parents/carers and (where appropriate) relevant authorities, by a nominated member of staff within 24 hours..

Any prohibited or banned items found will be recorded and a decision made about whether or not to return the property to the pupil.

PERSONAL SEARCHES

Any personal search is limited to the removal of outer clothing and searching of pockets only. However, where there is a suspicion that prohibited items are concealed, staff must try to obtain them with the child's co-operation unless there is suspicion that the pupil is concealing a weapon.

'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear. 'Outer clothing' includes coats, jackets, hats, shoes, boots, gloves and scarves.

Where a member of staff has reasonable grounds for suspecting that a child may be in possession of sharp, dangerous or illegal items a decision whether or not to involve the police, **before any search**, will be made by the Head Teacher.

Personal searches must only be conducted in accordance with the following expectations:

- A child must not be searched without reasonable cause.

Staff must decide on a case-by-case basis, 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.

- All personal searches must be authorised by a senior member of staff.
- Personal searches must only be done with the child's co-operation – **staff must not use any form of restraint or restrictive physical intervention, solely to facilitate a personal search.**
- Where a pupil refuses to consent to a personal search, then consideration should be given to the reason why. Appropriate action should be taken to minimise any potential risk to the child, other children, staff or visitors.

- Two staff members must be physically present during any personal search. **The adult conducting the search must be the same sex as the child** and wherever possible, the observing member of staff should also be the same sex.
- Any personal search must be carried out sensitively, with due consideration given to the child's need to feel safe and to have their dignity and needs respected. Staff must be respectful of all property and belongings found during the process.
- Personal searches must be recorded on CPOMS, as soon as reasonably possible (and in any event within 24 hours), details must include:
 - the reason for the search, including details of any risk assessment conducted.
 - The date of the search.
 - efforts to seek the child's consent.
 - person(s) carrying out the search.
 - other persons present, including the child.
 - a description of anything found.
 - any associated actions including:
 - any decision to confiscate, retain or destroy property and the reason why.
 - any arrangements to return the property to the pupil or pass it on, as appropriate;
 - signature of the senior member of staff authorising the search.

All personal searches must be reported to parents/carers and (where appropriate) relevant authorities, by a nominated member of staff within 24 hours. The nature of communication may include email, telephone, voicemail, or face-to-face conversation.

Any prohibited or banned items found will be recorded and a decision made about whether or not to return the property to the pupil.

USE OF FORCE

Members of staff can use such force as is reasonable, given the circumstances, when conducting a search for prohibited items, as defined above if it is felt that they pose a potential hazard to the pupil, others or the school property/premises.

Where a member of staff has reasonable grounds for suspecting that a child may have sharp, dangerous or illegal items, a decision whether or not to involve the police, **before any search**, will be made by the Head Teacher.

Force cannot be used to search for/or confiscate items banned under the school rules or any item that would not constitute a significant risk of harm.

RISK ASSESSMENT AND BEHAVIOUR MANAGEMENT PLANS

All search-related incidents and associated risks must be recorded in the child's individual risk assessment and individual behaviour support plan and circulated to all relevant staff.

Where the potential risks of a child carrying banned or prohibited items are significant, the Head Teacher should consult with one or more of the following, as appropriate:

- parents, carers or another responsible adult (e.g., social worker)
- children's social care / local authority
- health services including Children and Young People's Mental Health Services
- police

Where new information is brought to the attention of a member of the Leadership Team, including the development or cessation of risk-taking behaviours, details will be communicated to relevant staff, as soon as reasonably possible and the individual risk assessment and/or ISSP will normally be reviewed and redistributed (where appropriate) within 72 hours.

All relevant staff are obliged to familiarise themselves with the current risk assessment and individual student support plan, for every child they are likely to have responsibility for educating, engaging with, supporting or supervising.

All risk assessments and ISSPs are shared with pupils to enable them to develop the knowledge, understanding and skills necessary to manage their own behaviour effectively.

COMMUNICATION, EDUCATION AND SUPPORT

We consider the possession of prohibited items wholly unacceptable and will emphasise the seriousness of such behaviour through communication, education and support.

Where a child is found to be persistently carrying prohibited items, steps will be taken to manage their behaviour and minimise the risk they pose to others. It is also important to consider the motivations behind their behaviour and whether it reveals any concerns for the safety of the pupil involved. Where this is the case, the child may need support themselves.

Senior staff may also decide to contact parents, carers and local authority professionals for a discussion which, in very extreme cases, might involve the child being excluded from the school awaiting decisions about their future. For further information, please refer to our 'Exclusion Policy'.

SEEKING THE VIEWS OF PUPILS, PARENTS/CARERS, LOCAL AUTHORITIES AND STAFF

Regular enquiries are made of all pupils as to how safe they feel at Maypole School and ways in which services and outcomes can be improved. The views of parents, carers, local authorities and staff are also sought through existing mechanisms for consultation and feedback. Records are kept of these enquiries as well as any associated actions.

SAFEGUARDING AND CHILD PROTECTION

Maypole School will always consider whether a child's behaviour gives cause to suspect that they are suffering, or are likely to suffer, significant harm; or whether their behaviour might be the result of unmet educational or other needs. All child protection concerns will be addressed in accordance with our 'Child Protection & Safeguarding Policy'.

POLICE INVOLVEMENT

Careful, child-centred decision-making is made about reporting behaviour to the police, though appropriate notifications are always made and clearly documented.

If the behaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed.

If a pupil is found to be in possession of an illegal item, the police will be informed.

NSPCC guidance “When to call the police: Guidance for schools and colleges” should help senior staff understand when they should consider calling the police and what to expect when they do.

A decision whether or not to involve the police will be made by the Principal/Executive Headteacher.

COMPLAINTS

Children, staff, parents, carers and placing authorities are all able to complain to the school if they are unhappy with any aspect of the education or care provided. All complaints are taken seriously and will be dealt with without delay.

All complaints concerning allegations of child abuse will always be addressed in accordance with our ‘Child Protection & Safeguarding Policy’.

IMPLEMENTATION, MONITORING, EVALUATION AND REVIEW

The Principal and Executive Headteacher are responsible for ensuring that all children, staff, parents, carers and placing local authorities are aware of our policy.

All children and staff are informed about this policy during their induction and are reminded of the procedures as necessary. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above. A copy of this policy document is available for inspection on the premises on request (term time only) and is posted on our website.

This policy is reviewed annually.

LEGISLATION, GUIDANCE AND POLICIES

Appendix 1

Under DfE guidance, 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.

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.

However, where there is no immediate risk of harm, damage or disruption, staff must make arrangements to return banned items to the pupil's family - if appropriate - as soon as reasonably possible, subject to any appropriate time-bound sanction.

Items found as a result of a 'without consent' 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.

Where a person conducting a search, finds **alcohol**, they may retain and dispose of it. This means that schools can dispose of alcohol as they think appropriate, but this must 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**, which are not believed to be controlled drugs, these can be confiscated, where a 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 must 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 maybe 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.

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 must not include returning them to the pupil.

Fireworks found as a result of a search, maybe retained or disposed of, but must 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 police, as soon as reasonably practicable. Images found on a mobile phone, or another electronic device can be deleted unless it is necessary to pass them to the police. **They must not be forwarded electronically in any circumstances.**

Confiscating, retaining, destroying or delivering items to the police

All decisions to confiscate, retain, destroy or deliver items to the police, MUST be made in consultation with the Head Teacher.

Items found as a result of a 'with consent' search

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. This decision will be made by the Principal/Head Teacher only.

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

However, where there is no immediate risk of harm, damage or disruption, staff must make arrangements to return banned items to the pupil, as soon as reasonably possible, subject to any appropriate time-bound sanction.

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

All decisions to confiscate, retain, destroy or deliver items to the police, must be made in consultation with the Head Teacher.

For further information about **statutory guidance on the disposal of controlled drugs and stolen items** and **statutory guidance for dealing with electronic devices** see DfE guidance 'Searching, screening and confiscation' (2023).

We comply with The Education (Independent School Standards) Regulations 2014 and have regard to the DfE guidance 'Searching, screening and confiscation' (2023).

Maypole School acknowledges the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010.

We also follow current DfE guidance 'Keeping children safe in education' (2023), 'Working together to safeguard children' (2022), HM Government advice 'What to do if you're worried a child is being abused' (2015) and the Local Safeguarding Children Partnership's policies, procedures, guidance and protocols.

This policy and all associated procedures apply to all staff (including consultants, agency staff, volunteers, contractors, students on placement, contractors and any other individual working for, or on behalf of Maypole School), children and visitors and should be read in conjunction with other safeguarding and employment policies including:

- Administration of Medication Policy
- Anti-Bullying Policy
- Child Protection & Safeguarding Policy
- Complaints Policy
- Curriculum Policy
- Drugs, Alcohol and Tobacco Policy
- Equality and Diversity Policy
- Exclusion Policy
- Grievance Procedure
- Health and Safety Policy
- Missing from Education Policy
- Off-Site Visits Policy
- Positive Behaviour Support Policy

- Positive Handling Policy

- Self-Harm and Suicide Policy
- Whistle Blowing Policy