



RIKKYO SCHOOL IN ENGLAND

Searching, Screening and Confiscation

Date	Review Date	Coordinator	Headmaster
16/04/2019	29/11/2019	Mr.T.Okuno	Dr.T.Okano

We believe this policy relates to the following legislation:

- Health and Safety at Work etc Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2014
- Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

The following documentation is also related to this policy:

- Searching, Screening and Confiscation January 2018 (DfE)
- Use of Reasonable Force – advice for Headmasters, staff and governing bodies Behaviour and Discipline in Schools (DfE)
- Behaviour and Discipline in Schools – advice for head teachers and school staff (DfE)
- Information Commissioner for advice on the Data Protection Act (DfE)

Key points of the school's right to search and confiscate are:

School personnel can search a pupil or the pupil's possessions for any item if the pupil agrees.

Headmaster and school personnel authorised by him can search pupils or their possessions without consent where they have reasonable grounds for suspecting that the pupil may have a prohibited item. These items are:

- weapons, knives, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images,
- any items that could be used to commit an offence or personal injury or damage to property
- any items which are banned by the school rules, for example mobile phones.

School personnel can confiscate any item found as result of a search and any item that they consider harmful or detrimental to school discipline.

We will inform and hand to the Police certain prohibited items.

In accordance with Section 89 of the Education and Inspections Act 2006, the Headmaster will determine and publicise the school rules listing all banned items that can be searched for.



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We are aware that the powers to search as stated in the Education Act 1996 are compatible with Article 8 of the European Convention on Human Rights and we will exercise those powers lawfully in the context of this policy.

We are aware that 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.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To clarify the circumstances under which pupils or pupils' property may be searched and / or confiscated, which procedures have to be followed and what the rules applicable to any confiscated items;
- To have in place school personnel authorised to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may be in possession of a prohibited item.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Searching

Searching with Consent

School personnel can search pupils with their consent for any item. This can include for example to look into the pupil's bag or locker if the pupil agrees. A formal written consent is not necessary. If a pupil refuses then school can apply sanctions according to the behavior policy.

Searching without Consent

The Headmaster and school personnel who have been authorised by the Headmaster can search without consent when there are reasonable grounds to suspect that the pupil is in possession of following:

- a prohibited item
- an item that has been or is likely to be used to commit an offence, to cause personal injury or damage to property
- an item that is banned by the school rules and has been identified as an item which can be searched for



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The searcher has to be the same sex as the pupil and a witness of the same sex has to be present except if there is a risk that serious harm will be caused to a person if the search is not conducted immediately, or in case of a witness if it is not possible to get hold of another member of staff.

During the search

Pupils can only be required to remove outer clothing, ie clothing that is not worn next to the skin or worn over an underwear garment. Intimate searches can only be carried out by the police.

A pupil's possessions can be searched, ie any items which seems to be under the control of the pupil, including desks, lockers and bag, but the pupil needs to be present, and a witness as stated above.

If an electronic device has been seized, school personnel can examine data or files if they think there is a good reason for doing so, for example if they suspect pornography, cyberbullying or other abuse of technology.

After the search

School personnel can use their discretion to confiscate, retain and/or destroy any item found as a result of a "with consent" search as long as it is reasonable under the circumstances.

When dealing with confiscated items as result of a "without consent" search:

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| Alcohol | • Dispose of and do not return to the pupil |
| Controlled drugs | • Deliver to the police |
| Other substances | • Confiscate |
| Stolen items | • Deliver to the police |
| Tobacco and cigarette papers | • Dispose of and do not return to the pupil |
| Fireworks | • Dispose of and do not return to the pupil |
| Pornographic images | • Deliver to the police if suspected to be extreme or child pornography otherwise dispose of the images |
| An article that has been or could be used to commit an offence or to cause personal injury or damage to property | • Deliver to the police, retain or dispose of, or return to owner, depending on circumstances |
| An item which is banned under the school rules | • All relevant circumstances must be taken into account and a professional judgement made whether to return the item to its owner, retain it or dispose of it |
| Weapons or items which are evidence of an offence | • Deliver to the police |



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Confiscating

School personnel can confiscate any prohibited item which they find as a result of a search.

They can also confiscate any item which can cause injury or damage to a member of the school community.

They may confiscate an item from a pupil when they consider that the item causes a distraction in lessons, activities, supervised homework, Chapel or other formal occasions.

Screening

The law allows schools to screen pupils by them going through a walk through or hand held detector even if they do not suspect them of having a weapon, and without consent of the pupil.

If a pupil refuses to be screened, then in the interests to the health and safety of all pupils and school personnel, the school may refuse to have the pupil on the premises.

Responsibility for the Policy and Procedure

Role of the Headmaster

The Headmaster will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- decide whom to authorise to undertake a search;
- ensure that in any search the designated person will be the same sex as the pupil being searched;
- be aware that in exceptional circumstances an immediate search of a pupil will take place without a witness present when it is believed that serious harm to another person is imminent;
- ensure a certain amount of privacy for pupils when undertaking a pupil search;
- be aware that schools' have common law powers to **search with consent** such as:
 - School personnel can search pupils with their consent for any item.
 - School personnel just need a pupil's verbal consent and not a formal written consent before they can begin a search.
 - Disciplinary penalties will be imposed if a pupil refuses to allow a search to take place.
- be aware that the law states that only authorised school personnel can search for the following items **without consent**:



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- knives or weapons, stolen items, alcohol, illegal drugs, stolen items, tobacco, cigarette papers, fireworks, pornographic images, any item that could be used to commit an offence or personal injury or damage to property.
 - A search can take place at any time if there are reasonable grounds such as suspicious pupil behaviour for suspecting that a pupil is in possession of a prohibited item.
 - Searching without consent can only take place on the school premises or on school trips.
 - During a search without consent only outer clothing (clothing not worn next to the skin) such as hats, shoes, boots, gloves or scarves is removed if required;
- consider viewing CCTV footage before making a decision as to whether to conduct a search for an item;
 - ensure that designated school personnel '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';
 - ensure that confiscated items are dealt with according to this policy as explained in "After the Search"
 - inform a child's parents/carers if prohibited items have been found in their child's possession;
 - deal with any complaints regarding searching and the confiscation of any prohibited item;
 - keep records of all searches and confiscated items;
 - will return certain confiscated items to parents;
 - work closely with the designated school personnel;
 - make effective use of relevant research and information to improve this policy;
 - provide guidance, support and awareness training to all school personnel;

Role of Designated School Personnel

Designated school personnel will:

- undertake appropriate training in search procedures;
- undertake a search without consent if they have sufficient grounds for suspicion that a pupil has in his/her possession a prohibited item or is behaving in a suspicious manner;
- ensure that in any search the designated person and witness will be the same sex as the pupil being searched;
- ensure all searches are witnessed by another member of the school personnel or by another designated person;
- ensure a search does not take place in full view of other pupils but in an appropriate private room with a witness or witnesses present;
- conduct an immediate search of a pupil without a witness being present if it is considered that serious harm to another person is potentially imminent;
- consider studying CCTV footage before deciding whether to conduct a search;
- not request under any circumstance the pupil to remove any 'next to the skin' clothing other than, if need be, their outer clothing such as hats, shoes, boots, gloves or scarves;



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- have the authority to search a pupil's desk, locker or bag in the presence of the pupil and a member of the school personnel;
- have the authority to search a pupil's desk, locker or bag without the presence of the pupil or witness if it is considered that there is a serious risk of immediate harm to another person;
- confiscate all prohibited items after a search has taken place;
- be reassured that if they have acted lawfully when confiscating a prohibited item that no complaint or other action can be taken against them;
- report to the Headmaster in the first instance and then to the police the following:
 - illegal drugs and other substances
 - stolen items
 - child pornography
 - knives or weapons
 - weapons or items which are evidence of an offence
 - any item that could be used to commit an offence or personal injury or damage to property
 - electronics devices containing inappropriate material
- work closely with the Headmaster;
- keep up to date with new developments and resources;

Role of School Personnel

School personnel must be aware that:

- they can choose whether they want to be authorised to conduct a search, or not;
- they cannot be made to conduct a search;
- that in order to conduct a search without consent, a member of staff must be authorised to do so;
- the Headmaster and authorised school personnel have a specific statutory power to search pupils without consent for specific items and must act within the limits of this specific power.

Role of Pupils

Pupils will be aware that:

- the Headmaster and authorised school personnel have the statutory power to search without consent any pupil for specific items such as knives/weapons, alcohol, illegal drugs or stolen items and other items banned by the school rules;
- they face disciplinary sanctions if they are found to be in possession of any such item.



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Role of Parents/Carers

Parents/carers will:

- be aware of and comply with this policy for the benefit of their children;
- be aware that the school does not have to inform them if a search takes place or seek their consent to search their child;
- be informed if their child is found to be in possession of any prohibited item;
- be aware of the sanctions that their child may face if their child is found to be in possession of any prohibited item;
- work in partnership with the school;

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive periodic training so that they are kept up to date with new information

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the Coordinator and the Headmaster.

Previous 16/02/2016

Updated 11/01/2017, 11/01/2018, 29/11/2018