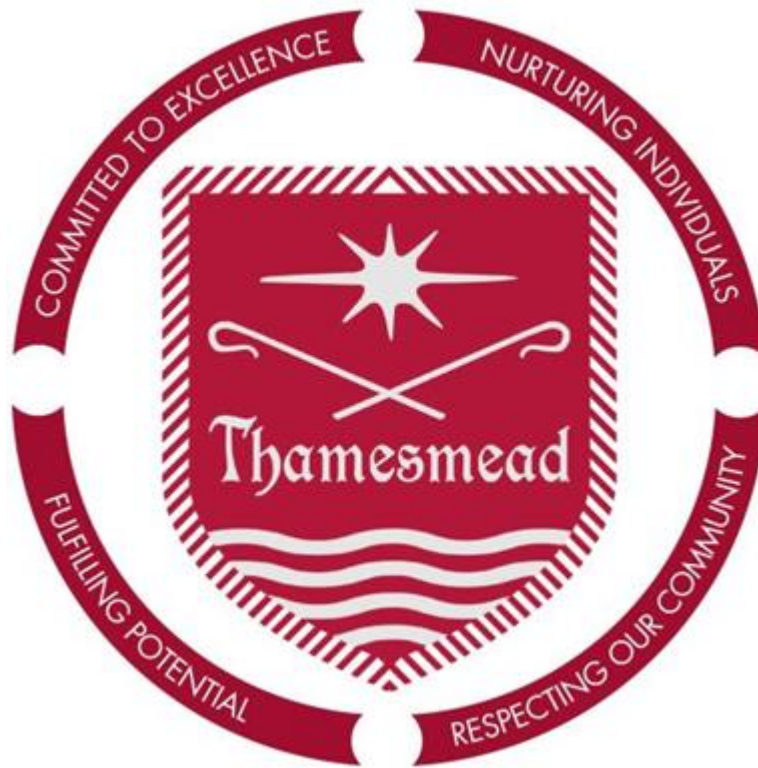


THAMESMEAD SCHOOL

Student Search Policy



Person Responsible	P. Watson
Governors Committee	Personal Development, Behaviour and Welfare
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1. Aims

Thamesmead School prides itself as a highly inclusive school, committed to providing the best possible educational opportunities and outcomes for all students. We aim to provide a safe, caring, well- ordered environment which allows the best possible teaching and learning to take place. All members of the school community are expected to uphold the school values and rules.

This Policy is intended to explain the searching processes and powers Thamesmead School has, ensuring that the Headteacher and members of staff have the confidence to use these powers and the school is a calm, safe and supportive environment to learn and work. This policy is writing within the related legal duties when it comes to these powers. It also includes statutory guidance which schools must have regard to, as directed by the DfE document; [Searches, Screening and Confiscation Guidance](#) (July 2022).

Where the text uses the word 'must', the person in question is legally required to do something.

Where the text uses the word 'parent', it should be read as inclusive of carers and any other person with parental responsibility.

What legislation does this guidance refer to:

- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The Schools (Specification and Disposal of Articles) Regulations 2012

2. Introduction

Ensuring school staff and students feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching and confiscation powers appropriately is an important way to ensure student and staff welfare is protected and helps schools establish an environment where everyone is safe. This policy is intended to explain Thamesmead schools' searching and confiscation powers so the Headteacher and other staff have the confidence to use them if necessary. Thamesmead School and its staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance [Working together to safeguard children. Keeping children safe in education](#) makes clear that all our school staff have a responsibility to provide a safe environment in which students can learn. This policy has been written in consideration of the school's obligations under the European Convention on Human Rights. Under Article 8, students have a right to respect for their private life. In the context of these rights and obligations, this means that students have the right to expect a reasonable level of personal privacy. The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by Thamesmead staff must be justified and proportionate. The powers to search in the Education Act 1996 are compatible with Article 8. Thamesmead School, when exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8.

3. Searches

3.1. Searches can play a critical role in ensuring that schools are safe environments for all students and staff. It is a vital measure to safeguard and promote staff and student welfare, and to maintain high standards of behaviour through which students can learn and thrive.

3.2. The Headteacher and staff authorised by the Headteacher, have a statutory power to search a student or their possessions where they have reasonable grounds to suspect that the student may have a prohibited item listed in paragraph 3.3 (A 'prohibited item' is defined in subsection (3) of Section 550ZA of the Education Act 1996.) or any other item that the 'Behaviour for Learning Policy' identify as an item which may be searched for.

3.3. The list of prohibited items is:

- Knives or weapons
- Alcohol / illegal drugs / legal highs / drugs paraphernalia
- Stolen items
- Vapes / Cigarettes / tobacco / cigarette papers / e-cigarettes / matches and lighters or other paraphernalia linked to smoking/vaping
- Fireworks
- Pornographic images
- Laser pens
- Indecent or offensive items.
- Any article a staff member 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 student)

- Energy drinks or any suspected caffeinated drinks.
- Aerosols or pump spray items, such as perfume

3.4. Under common law, school staff have the power to search a student for any item if the student agrees. The member of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.

3.5. Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the student is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying students who may benefit from early help or a referral to the local authority children’s social care services. See [Working together to safeguard children](#). [Keeping children safe in education](#).

3.6. When exercising their powers, staff must consider the age and needs of students being searched or screened. This includes the individual needs or learning difficulties of students with Special Educational Needs or Disability (SEND) and making reasonable adjustments that may be required where a student has a disability.

3.9. School staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.

4. The role of the Headteacher, the Designated Safeguarding Lead and authorised members of staff

4.1. Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search.

4.2. The Headteacher should oversee the school’s practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all students and staff with support from the designated safeguarding lead (or deputy).

4.3. The Headteacher should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the student who is being searched.

4.4. The Designated Safeguarding Lead (or Deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed in paragraph 3. The staff member should also involve the Designated Safeguarding Lead (or Deputy) without delay if they believe that a search has revealed a safeguarding risk. The search will be logged on CPOMS as soon as possible after the search.

4.5. If the Designated Safeguarding Lead (or Deputy) finds evidence that any child is at risk of harm, they should make a referral to children’s social care services immediately (as set out in part 1 of Keeping children safe in education). The Designated Safeguarding Lead (or Deputy) should then consider the circumstances of the student who has been searched to assess the

incident against potential wider safeguarding concerns. See paragraphs 9.1 and 9.2 on recording searches.

5. Before Searching

5.1. A search can be considered if the member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the student has agreed. See paragraphs 4.2-4.3 on powers to search.

5.2. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other students and staff. ([Section 550ZB of the Education Act 1996](#))

5.3. Before any search takes place, the member of staff conducting the search should explain to the student why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

5.4. The authorised member of staff should always seek the co-operation of the student before conducting a search. If the student is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

5.5. If a student continues to refuse to co-operate, the member of staff may sanction the student in line with the Behaviour for Learning Policy, ensuring that they are responding to misbehaviour consistently and fairly.

5.6. If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Headteacher, Deputy Headteacher or Designated Safeguarding Lead or Head of Year who may have more information about the student. During this time the student should be supervised and kept away from other students and not allowed out of sight.

5.7. If the student still refuses to co-operate, the member of staff leading on the search should phone the parents and inform them of the situation. If the student is still refusing after this conversation, then the parent will be expected to come into school to help conduct the search. During this time the student should be supervised and kept away from other students and not allowed out of sight.

6. During a search

6.1. Where

6.1.1. A search should only take place in a private office of a Senior Member of Staff, the Medical Room or a Head of Year office. Where possible, this should be away from other students. The search must only take place on the school premises or where the member of staff

has lawful control or charge of the student, for example on a school trip (The powers to search outlined in this guidance only apply in England. When on a trip outside England, the law of that country should be followed.). In the case of a school trip, a suitable place is found in agreement of the most senior member of staff on the trip and the Duty Lead member of staff for the trip.

6.2. Who

6.2.1. The Headteacher has authorised that a search can be carried out, in line with the Search Policy by any of the following members of staff.

- Members of the Senior Leadership Team
- Designated Safeguarding Lead (or Deputy)
- Head of Year
- Pastoral Managers

6.2.2. The search must be with two members of staff, one of which should be a Member of the Senior Leader Team.

6.2.3. The law states the member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search.

6.2.4. There is a limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the student or it is not reasonably practicable for the search to be carried out in the presence of another member of staff ([Section 550ZB of the Education Act 1996](#)).

6.2.5. When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept. See Recording Searches and paragraph 9.1 on recording searches.

6.3. The extent of the search

6.3.1. A member of staff may search a student's outer clothing, pockets, possessions, desks or lockers.

6.3.2. The person conducting the search must not require the student to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves. Staff members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search

6.3.3. 'Possessions' means any goods over which the student has or appears to have control - this includes lockers and bags.

6.3.4. A staff member can search lockers or other personal spaces at the school for any item. It is a condition of having the locker or space that the student agrees to have these searched. If the student withdraws their agreement to search, a search may be conducted both for the prohibited items listed in paragraph 3 and any items identified in the school rules for which a search can be made.

6.3.5. A student's possessions can only be searched in the presence of the student 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.

6.3.6. The member of staff's power to search outlined above does not enable them to conduct a strip search.

6.4. Conducting a search: Guidance for members for staff

6.4.1. Two members of staff must be present. One should conduct the search, the other should watch to ensure the student doesn't hide anything and can act as a witness in the event of an allegation.

6.4.2. The search should be conducted away from the view of the other students. Please watch students as they leave any classroom and as they move along corridors to ensure they do not drop items, pass them to anyone else or hide them in their clothing.

6.4.3. Ask the student if they have anything on them or in their bag they shouldn't have in school.

6.4.4. Ask if there is anything sharp in their bag that may harm you.

6.4.5. Ask them to remove their outer clothing including jacket and blazer.

- The blazer and jacket can be emptied by the student or the member of staff conducting the search.
- Any items removed by the student or the member of staff should be placed on a table
- The member of staff must check that the blazer and jacket are completely empty (note there are many, many pockets and in some this includes the whole lining), take out whatever you find and place it on the table.

6.4.6. Ask the student to remove their tie and check to ensure that nothing is inside it.

6.4.7. Check socks and shoes, the student may put them back on as soon as these are checked.

6.4.8. If the student is wearing trousers, ask the student to turn out any trouser pockets and show you the lining.

6.4.9. If the student is wearing a belt once removed visually check for any items that may be tucked into their waistband.

6.4.10. If a student is wearing a skirt, ask the student to unroll the waistband (if rolled). Visually check front and back of waistband for items that may be tucked into it.

6.4.11. Check also if they have jogging bottoms on underneath their trousers re pockets and elastic around ankles

6.4.12. If they have shorts or jogging bottoms on, the school trousers are considered outer-clothing and they must be taken off, so that the student and turn out the pockets of the joggers or shorts and the ankles can be checked above any tight elastic.

6.4.13. Empty the bag, including pencil cases, glasses cases, make up bags, etc. on to a table. Flick through books for any items that may be within.

- School bags and containers can be emptied by the student or the member of staff conducting the search
- Any items removed by the student or the member of staff should be placed on a table
- The member of staff must check that the blazer and jacket are completely empty

6.4.14. If they have a deodorant spray or roll on try to unscrew the top to check that there is not a “secret” compartment within it.

6.4.15. If they have a drinks bottle cut the wrapper off to check that there is not a “secret” compartment within the bottle.

6.4.16. If they have a drink bottle, try to unscrew the top to check that there is not a “secret” compartment within it.

6.4.17. If they have a drink bottle with a sticky label, test to check the label has not be attached to mask the identity of the contents.

6.4.18. Ask the student if they have a locker. You can verify with Wayne or Mandy if they have one or not.

6.4.19. If anything that they should not have in school is found, confiscate it and list the items you have taken.

- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the student.
- Where they find controlled drugs, these must be delivered to the police as soon as possible
- Where they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher 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 should 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 may be retained or 12 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 should not include returning them to the student.

- 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.
- Do not confiscate condoms.

6.4.20. The member of staff conducting the search will contact parents, informing them of the search, the reason for carrying out the search and any items found.

7. Strip searches

7.1. A strip search is a search involving the removal of more than outer clothing (see paragraph 6.3.2). Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. 12 While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the student(s) involved and should advocate for student wellbeing at all times.

7.2. Strip searches will only take place at the request of the police. The student's parents must be informed as soon as this decision is made and given the opportunity to attend the search.

7.3. Before calling police into school, staff should assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the student(s) involved. For this reason, a member of staff will be present during any strip search.

7.4. Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the student suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Strip searches will be recorded and monitored for any trends that emerge.

8. After-care following a strip search

8.1. Students should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the Designated Safeguarding Lead (or deputy in their absence) which gives attention to the student's wellbeing and involves relevant staff. Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the student to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, students should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. School staff should

give particular consideration to any students who have been strip searched more than once and/or groups of students who are more likely to be subjected to strip searching with unusual frequency and consider preventative approaches.

9. Recording searches

9.1. Any search by a member of staff and all searches conducted by police officers must be recorded in CPOMS, including whether or not an item is found. This will allow the Designated Safeguarding Lead (or Deputy) to identify possible risks and initiate a safeguarding response if required.

9.2. The content of what is record must include the following:

- ✓ Time and place.
- ✓ Reason for search and what is being searched for.
- ✓ All staff involved.
- ✓ The compliance of the student.
- ✓ Description of the search and which members of staff searched which items.
- ✓ Whether any items were found.
- ✓ Any follow up actions or sanctions put in place.
- ✓ Confirmation that parents are informed and their reaction.

10. Informing parents

10.1. Parents must always be informed of any search that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

10.2. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

11. Confiscation of items found as a result of a search

11.1. An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or students;
- is prohibited, or identified in the school rules for which a search can be made (see paragraphs .3); or
- is evidence in relation to an offence.

11.2. Any confiscated items will either be destroyed unless the item(s) must be handed over to the police. A police report must be made as soon as possible after the search. These will include:

- Illegal substances or controlled drugs.
- Weapons.
- Pornographic material that is suspected to constitute a specified offence (i.e. it is extreme or an indecent image of a child).

- Stolen Items.
- Items which are evidence of a suspected offence.
- Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property.