



St. Matthew's
Roman Catholic High School
VOLUNTARY ACADEMY



Searching pupils & Confiscation Policy

Reviewed:

February 2023

To be reviewed:

February 2024



We **Pray**
We **Care**
We **Achieve**

MISSION

Statement



St. Matthew's
Roman Catholic High School

All policies and procedures are underpinned by our School Mission Statement:



WE PRAY

As a community with Christ and with the teachings of the Gospel at our centre, shown in the things we do and in the ways we worship together.



WE CARE

For everyone in our school community, respecting them as individuals created by God and recognising and celebrating talents and successes. We see caring for others in the world outside of our school as part of our Christian responsibility.



WE ACHIEVE

The best we can in all aspects of school life by learning in lessons, succeeding in examinations and committing to extra-curricular activities.



We **Pray** · We **Care** · We **Achieve**

Searching pupils & Confiscation

Policy

Searching pupils and confiscation

Updated guidance on searching pupils and confiscation came into effect in September, with more emphasis placed on safeguarding. Know what's changed and understand the rules on when staff can search pupils and what process the school should follow.

Changes from 1 September 2022:

The DfE has reviewed and updated its [guidance on searching, screening and confiscation](#).

This comes after the publication of the [Safeguarding Practice Review](#) report on the case of [Child Q](#), where a pupil was strip-searched without parental consent at school. The Safeguarding Practice Review highlighted the need to put safeguarding at the centre of your school's approach to handling searches.

The updated DfE guidance, applying from 1 September 2022, places a bigger emphasis on your safeguarding duty. This includes:

- A change in approach on which staff members can search pupils
- That staff should record certain searches in your school's safeguarding system. At St. Matthew's this will be done on CPOMS
- New guidance on what staff should do before, during and after a search
- New guidance on strip searches and supporting the pupil afterwards
- That where possible, staff should inform parents of a search for a prohibited item before staff carry out a search. Staff should always inform parents of any search for prohibited items and the outcome as soon as practicable
- The importance of staff understanding the rights of the pupil being searched

Prioritise safeguarding

St. Matthew's have a duty of care to all pupils in the school. This means we aim to balance:

- The need to safeguard all pupils by confiscating harmful, illegal, or disruptive items
- The safeguarding needs and wellbeing of pupils suspected of possessing these items

The 'best interests' of the child should be the schools primary consideration

[Keeping Children Safe in Education](#) (KCSIE) sets out the statutory duty of all staff to make sure that they make decisions in the best interests of the child. This applies to decisions to search pupils and confiscate items.

We must be vigilant about possible biases affecting decisions to search a pupil

We should consider that all pupils have a right to expect a reasonable level of personal privacy, under [Article 8](#) of the European Convention on Human Rights. Any 'interference' with this right by the school must be justified and proportionate.

While we will only search a pupil if we have a good reason to, consider that, for the pupil, it could infringe upon their wellbeing and rights in several different ways. For example:

- Physical loss of privacy when clothes, bags, or possessions are searched
- Loss of a sense of security, if they feel they are being monitored and searched without reason
- The impact to a pupil's dignity or reputation if they are unduly searched or suspected of possessing prohibited items

Be vigilant to bias

We must be aware of, and encourage staff to be especially vigilant about, possible biases affecting decisions to carry out or escalate searches. [The Safeguarding Review into the Child Q](#) case found that "racism (whether deliberate or not) was likely to have been an influencing factor in the decision to undertake a strip-search".

It is best practice to use data from records of searches to see if any groups are disproportionately subject to searches.

Treat confiscations as a safeguarding issue

Children in possession of drugs, alcohol or weapons should be considered vulnerable and at risk of exploitation. Paragraph 20 of [KCSIE](#) highlights the need to be alert to the potential risks of children who are:

- Showing signs of being drawn in to anti-social or criminal behaviour
- In challenging family circumstances, such as drug and alcohol misuse
- Misusing drugs or alcohol themselves

(See separate Weapons Policy 2023)

Children in possession of drugs, alcohol or weapons should be considered vulnerable

A search can play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's social care services. The designated safeguarding lead (DSL) should make an immediate referral if they find evidence that a child is at risk of harm. Inform the DSL of any searching incidents that the school believes revealed a safeguarding risk, or gave us reasonable grounds to suspect that a pupil was in possession of a prohibited item

Our Behaviour Policy and Weapons Policy makes it clear how searches will be conducted

Staff members who can conduct searches and in what circumstances

On the face of it, there are inconsistencies in the updated DfE guidance on this. The underlying legislation has not changed, meaning that:

- Staff members have the power to search pupils for any item if the pupil agrees, under the common law (paragraph 4 of the DfE guidance). The DfE states that how this applies to a particular case will depend on the situation and school policy
- Only the headteacher and members of staff authorised by the headteacher have the power to search a pupil for a prohibited or banned item, regardless of whether the pupil agrees (sections [550ZA and 550ZB](#) of the Education Act 1996, and paragraph 10 in the guidance).

At this time the members of staff at St. Matthew's who can search a child are listed below. All searches must be conducted by two people and both staff should be of the same gender as the student being searched:

✓ Rachel Travis	Head of Year 7
✓ Kayleigh Bunn	Head of Year 8
✓ George Walker	Head of Year 9
✓ Sarah Wrigley	Director of Year 10
✓ Gail Matthew	Head of Year 11
✓ James Johnson	Student Welfare Leader
✓ Michelle King	Student Welfare Leader
✓ Martin Devine	Deputy Designated Safeguarding Lead
✓ Dale Latham	Deputy Designated Safeguarding Lead
✓ Toni Shannon	Alternative Provision Coordinator
✓ Rachel Walsh	Assistant headteacher/DDSL
✓ Andrea Lennon	Assistant headteacher/DSL
✓ Adam Gorey	Assistant headteacher
✓ Simon Atkin	Deputy Headteacher
✓ Antonio Passarello	Deputy Headteacher/DSL

Gaining consent and students that refuse to cooperate

School staff can sanction pupils if they refuse to cooperate with a search for a prohibited item. However, the DfE states that staff should seek the informed cooperation of the pupil before any search. Where possible, staff should avoid presenting the idea that a pupil can be sanctioned for refusing to consent to a search, as this may imply that the pupil didn't freely consent.

Who can carry out a search and when

As mentioned in the section above, the behaviour policy should set out who, in addition to the headteacher, is authorised to carry out a search. They can do this if:

- The pupil agrees to the search, or
- The authorised staff member has 'reasonable grounds' to suspect that the pupil may have a prohibited or banned item

This is outlined in paragraphs 2, 4 and 10 of the [DfE's guidance on searching and screening](#).

Even though common law sets out that any staff member can conduct a search with the pupil's permission, it's best practice to only allow staff members who have been authorised by the headteacher to conduct searches.

This will be the school's best defence if we are later accused of carrying out improper searches, and help us uphold our safeguarding duties.

This advice comes from [Forbes Solicitors](#).

The headteacher can:

- Authorise members of staff to search for specific items (e.g. alcohol only), or all banned items
- Require a security staff member (including those who aren't school staff) to conduct a search

Under law:

- The person carrying out the search must be the same sex as the pupil being searched
- There must be another member of staff present as a witness to the search

The only exception to this is if:

- The searcher reasonably believes that there is a risk of serious harm being caused to a person if a search isn't carried out urgently and
- It's not reasonably practical to summon another member of staff (to carry out the search or act as a witness) within the time available

The member of staff witnessing the search must also be the same sex as the pupil being searched if this is reasonably practicable ([paragraph 6\(d\)](#) of section 550ZB of the Education Act 1996).

When an authorised staff member conducts a search without a witness, they should immediately report it to another member of staff, and make sure that a record is kept.

What staff can search for

Headteachers and authorised staff members can search a pupil for:

- Any items with the pupil's informed consent
- Prohibited or banned items, with or without the pupil's consent

Prohibited items are:

- Knives or offensive weapons (both actual and perceived EG, imitation gun)
- Alcohol
- Illegal drugs/N. Oxide (Laughing gas)
- Stolen items
- Tobacco and cigarette papers/E-Cigarettes/Vaping Equipment
- Fireworks
- Pornographic images/content
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to:
 - Commit an offence
 - Cause personal injury (including the pupil) or damage to property
 -

This list is set out in [The Education Act 1996](#) and paragraph 3 of the DfE's guidance on searching, screening and confiscation.

Other items banned by the school

In addition to the list above, headteachers and authorised staff members can also search for other specific items banned in the school.

Policy should clearly state what banned items can be searched for (this must include the list of prohibited items above).

Communicate the policy to all members of the school community to make sure that pupils, parents and staff know which items may be searched for.

Before searching

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil 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 pupil has agreed. The authorised member of staff should assess how urgent the need for a search is and should consider the risk to other pupils and staff. Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil 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

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

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, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the pupil.

During this time the pupil should be supervised and kept away from other pupils.

If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in paragraph 3, but not to search for items which are identified only in the school rules. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

During a search

Where

An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Who

The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search. There is a limited exception to this rule. This is that a member of staff can search a pupil 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 pupil **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

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.

The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the pupil 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.

'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items and any items identified in the school rules for which a search can be made.

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

The member of staff may use a metal detector to assist with the search.

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

Only police can conduct a strip search

School staff are not allowed to carry out strip searches, including the headteacher and authorised staff. Only police who have been asked to come to the school may decide whether a search is necessary and carry it out. The police can only carry out a search if they:

- Think this is necessary to remove an item related to a criminal offence, and
- Reasonably consider the pupil might have concealed such an item

Call the police into school as a last resort

Always put the best interest of the child first. This means that before staff decide to call the police into school they should first:

- Make sure that they have exhausted other approaches
- Carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search
- ✓ Before a search
- ✓ During a search
- ✓ Remember your duty of care at all times
- ✓ Support the pupil after the search

How to record searches

The school should make a record in the central safeguarding reporting system of:

- Any searches for prohibited items
- Any search conducted by police officers

These must be recorded whether or not any items were found.

Headteachers may also decide to record searches for other items banned by the school, but this should be followed consistently.

Use your record to look for any trends in the searches carried out at school, and to identify any possible risks that may require a safeguarding response.

What staff can confiscate

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

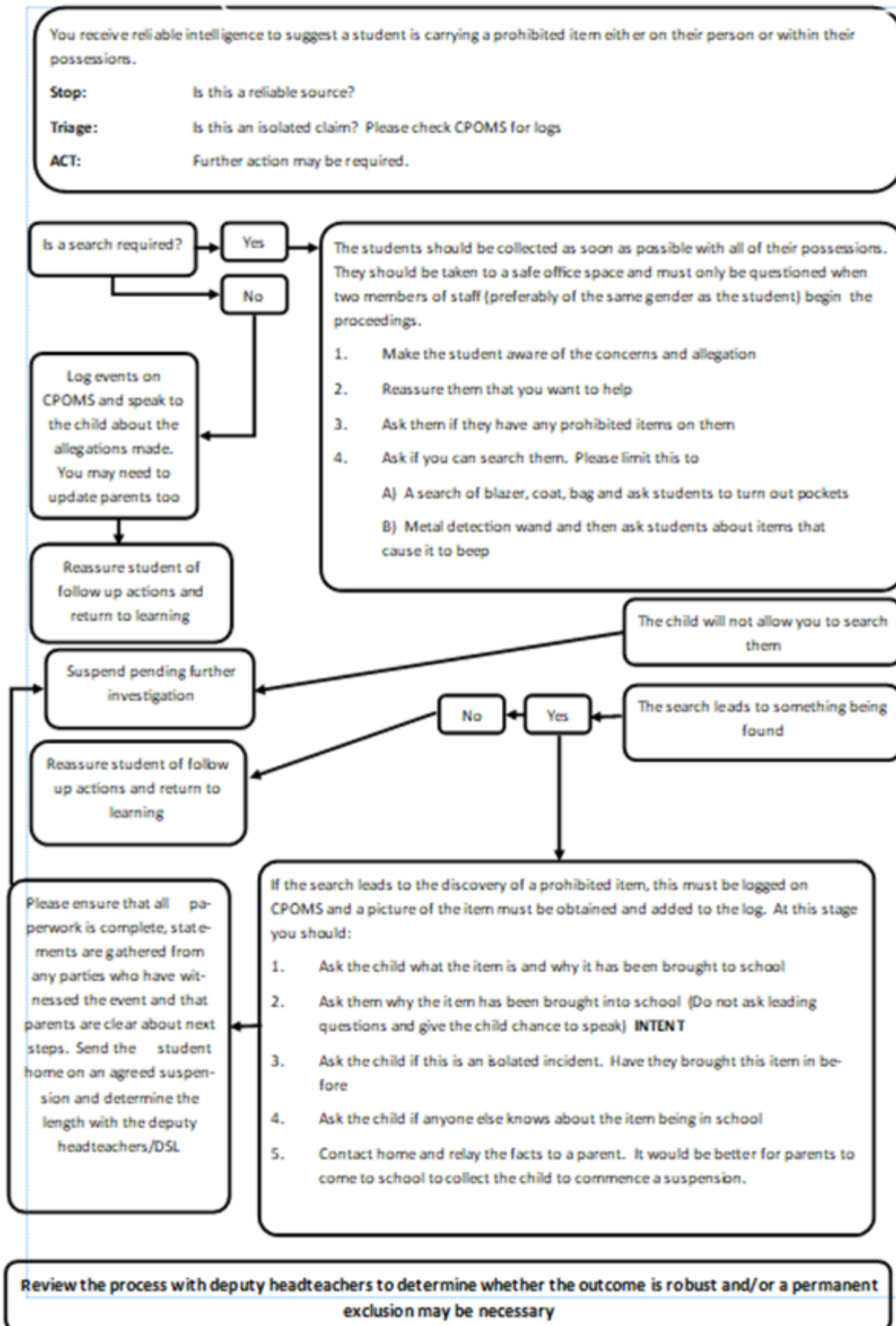
- Poses a risk to staff or pupils
- Is a prohibited or banned item
- Is evidence in relation to an offence

Searching and confiscating electronic devices

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so. Staff should reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching
- Commit an offence
- If staff discover pornographic material

St Matthew's Searching flowchart 2023





St. Matthew's

Roman Catholic High School
VOLUNTARY ACADEMY

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DIocese of  SALFORD

OUR MISSION

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