

Search Procedure Policy (including EYFS)

(Reviewer: SMT, September 2023)

Body searches, lockers, bags and room searches can be carried out by an authorised member of staff on grounds of 'reasonable suspicion' that a person has anything that has been or is likely to be used to commit an offence or breach the school rules as publicised, or cause injury or damage to the property of another person, or to the person being searched (Education Act 1996, secs. 550ZA and 550 ZC) e.g., knives, offensive weapons, generally, alcohol, any controlled drug, tobacco or tobacco products (including electronic cigarettes or similar), a firework, pornographic images (Schools – Specification and Disposal of Articles, Regulations 2012).

Searches should be carried out by a member of the same sex and in the presence of a witness of the same sex, though these guidelines may be set aside if the member of staff believes there is a risk of serious harm, imminently and the search is urgent and finding a same sex witness is not practicable.

Reasonable force may be used to search, but only for items listed above, not merely for things banned by the school e.g. chewing gum. Outer clothing (scarves, boots, coats) may be removed for a search. Electronic devices may be seized and searched, in the contexts of reasonable suspicion of risk or harm and files/data may be erased if the staff thinks there 'is a good reason to do so' (R.Bird, Legal Consultant, ASCL) but guidance published by the Secretary of State(DfE) should be consulted. Anything related to an offence may be seized; alcohol may be disposed of; extreme or child pornography should be handed over to the police.

1. Power to Search

The government strongly advises schools not to search pupils when resistance is expected, but rather to call the police

When carrying out a search:

- Prior to any search of a pupil's room or person, the pupil should be asked if they have in their possession anything which is not theirs or which they did not bring onto school premises. If so what is it, and where is it?
- The pupil should be present throughout when the room is searched, as should any person who shares that room with the pupil.
- During the search as little as possible should be said by those carrying out the search. There should be no attempt to make light-hearted remarks, threats or any references to the possible consequences of the search.
- If anything suspicious is found a detailed record of what is found and where in the room it is found should be made.
- A detailed note of the search should be kept from the start of the search. This should include times, persons present, anything said and by whom, and if for any reason the search has to be interrupted, the reason for interruption and the times of interruption and resumption. The scene should be preserved in the meantime.
- As detailed in the Drugs Policy, sniffer dogs are brought into the College periodically throughout the year, they are used to check spaces around the Campus and in Houses as well as to check pupils in these locations. The purpose of the sniffer dogs visiting periodically is to act as a visible deterrent. It is possible that the dog(s) may register a find when working.

- If anything is found that leads to suspicion of an illegal substance, or a sniffer dog registers a 'find' for drugs, then the pupil should be asked two questions only:
 - Is this yours?
 - What is it or do you know why the sniffer dog has reacted?
- The answers should be carefully noted and the pupil invited to initial the answers as being correct.
- On completion of the search, if anything further is to be done the pupil should be given the opportunity to telephone parents or guardians in private.
- The pupil's room should then be sealed and no one should enter it without the permission of the Deputy Head of the College or the Deputy Head Pastoral.
- Both members of the staff who have carried out the search should afterwards read the notes one or both of them have made and, if they agree that the notes are a correct record of the search, they should sign them as such. Any alterations or additions to the notes should be noted and signified as such.

2. Other Matters

At any stage in any investigation those who receive information should note it together with dates and times.

Statements should be made as soon as possible thereafter so as to give the fullest information to the Deputy Head of College before he/she acts.