



SEARCH POLICY

Rationale

The November 2011 Education Act extended the nature of items for which a school can legitimately search a student. This means that a school can now search a student or his [or her] possessions without consent if there are reasonable grounds for suspecting that the student is in possession of a weapon, alcohol, illegal drugs, stolen property and other items specified in regulations (“prohibited items”) and now also any article which the member of staff 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 being searched. The Act states that reasonable force may be used when searching for these prohibited items. School staff may also search for any other item which the school rules identify as an item for which a search may be made but when searching for these additional items, reasonable force may *not* be used.

Purpose

The purpose of this policy is to outline the procedures to be used at Cardinal Langley for the search of any student in order to comply with legal requirements and non-statutory guidance. The overriding aim is the safety and well-being of all those in the school community.

Guidance

1. Key Points

- School staff can search a pupil for any item banned under the school rules if the pupil agrees.
- Head teachers and staff authorised by them have a statutory power to search pupils or their possessions, without consent, where they suspect the pupil has certain prohibited items (listed above).
- School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.

2. Who can carry out the search?

The headteacher, or any member of staff authorised by the head teacher (authorisation does not need to be in written form) can carry out a search of a student. Members of staff can refuse to take part in a search. It is important to recognise that:

- a) the teacher carrying out the search must be the same sex as the pupil being searched; and
- b) there must be a witness (also a staff member) and, if at possible, they should be the same gender as the pupil being searched. However, there are exceptions - for example, it is possible for a female teacher to witness a search of a male pupil where there is only one male teacher taking part in a school trip.
- c) sections (a) and (b) do not apply if the member of staff carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if he or she does not conduct the

search urgently, and it is not reasonably practical for the search to be carried out by a member of staff of the same sex as the pupil or with a witness

Within Cardinal Langley school, only members of the Senior Leadership Team and Pastoral Academic Leaders are authorised to search pupils and the Headteacher must be informed of the circumstances and outcome as soon as practically possible afterwards. Outside of school, on a school related activity where none of the authorised persons are present, 2 a), b) and c) above must be followed and the Headteacher informed of the circumstances and outcome as soon as practically possible.

3. Extent of the search

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing where 'outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- Reasonable force may be used in searches for items covered by the Education Act: See Care and Control: Policy on the Use of Reasonable Force and Physical Restraint.
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips or in training settings.

4. Searching with consent

- The school is not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.
- If a member of staff suspects a student has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the student refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

5. Establishing grounds for a search without consent

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item, they might notice a pupil behaving in a way that causes them to be suspicious or they may view CCTV footage in order to make a decision as to whether to conduct a search for an item.

6. Following the search

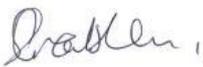
A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence.

- Where a person conducting a search finds **alcohol**, they may retain it for collection by parents/carers or dispose of it.
- 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 unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable

7. Informing Parents/ Carers

The school is not required to inform parents before a search takes place or to seek their consent to search their child. While there is no legal requirement to make or keep a record of a search, records of all searches will be made and logged with the Deputy Head. The School will inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so. Complaints about screening or searching should be addressed through the school's normal complaints procedure.

Policy Approval:

Chair of C&P Committee:		Date:	06.11.2018
Headteacher:		Date:	07.11.2018