

Progression 4Work Screening and Search Policy – July 2020

Revised March 23, July 23, Aug 24- by Jake Cosford: Exec. Headteacher

This policy is in accordance with Department for Education Guidance September 2022. Through the organisation's ethos of respect, it is usual for pupils to volunteer any items deemed illegal or dangerous if reported to staff. In rare occasions it may be necessary to conduct a search with consent.

Under Article 8 of the Human Rights Act 1998, pupils have a right to respect for their private life, which means they can expect a reasonable level of privacy at school. This right is not absolute, but any interference with it by the school (or other public body) must be justified and proportionate.

Progression staff, (Member of school staff means any teacher who works at the organisation and any other person who, with the authority of the headteacher, has lawful control or charge of pupils for whom education is being provided at the organisation) can search pupils with their consent for any item.

Separately, Progression staff can search a pupil for any item at all, if they agree. However, staff members should ensure the pupil "understands the reason for the search and how it will be conducted so that their agreement is informed".

If a student is found to be in possession of certain prohibited items this may raise concerns that the pupil is, or is at risk of, being involved in criminal behaviour/gang involvement, invoking the school's Safeguarding and Child Protection Policy and procedures as well.

All staff need take into account the age and needs of pupils being searched or screened, including any special educational needs (SEN) and/or disabilities (including behavioural disabilities) which require us to make an adjustment to avoid particular/substantial disadvantage.

It is the Headteacher's responsibility to oversee Progression 4Work's searching practices to safeguard the welfare of pupils and staff (with support from the DSL), and ensure that sufficient numbers of staff are adequately trained.

The DSL (or deputy DSL) must be informed without delay whenever a search is conducted for a prohibited item, and/or where the circumstances surrounding a proposed search suggest that there may be a safeguarding risk, with a referral being made to Children's Social Care Services immediately where there is a risk of harm to any person (not necessarily the pupil being searched).

All staff must consider in advance how urgent the search is and, where it is not urgent (and therefore does not need to be done then and there) seek advice from the Headteacher, DSL or deputy DSL before conducting the search. Staff should also seek the co-operation of the pupil in advance of the search, and consider the reasons why this may not be forthcoming.

Searching without consent

If a pupil does not co-operate, the staff member will then need to assess whether it is appropriate to use reasonable force to conduct the search. Reasonable force can only be used to search for items prohibited by law, not items banned by the school in its Behaviour Policy (eg mobile phones). *Refer to the DfE's Use of Reasonable Force advice for further information.*

The law outlines what can be searched for: 1) Knives or weapons, alcohol, illegal drugs and stolen items; and 2) Tobacco and cigarette papers, fireworks and pornographic images; and 3) Any article that 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 property; and 4) Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

It is expected Staff conducting a search:

- a) Would be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.
- b) There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Extent of any search clothes, possessions and lockers.

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.

If a pupil is given a locker or other personal space in school that the pupil must agree to these being searched. If the pupil withdraws their consent, a search can still be made for prohibited items and items banned by Progression 4Work in our Behaviour Policy.

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.

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 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 pupil.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.

When examining mobile phones and other electronic devices, staff must not intentionally look at nude or semi-nude images, or copy, print, share, store or save such images. These must be referred to the DSL.

If a member of staff finds an adult pornography image, on paper or on an electronic device, this must be referred to the DSL. If pornography is found that constitutes a specified offence (i.e. it is extreme pornography and/or an indecent image of a child) it must be seized, and the police contacted as soon as is reasonably practicable.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

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.

Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

Strip Searches

No members of staff are permitted to carry out a strip search of any young person. Strip searches may only be carried out by the Police, following PACE code of practice.

Electronic devices.

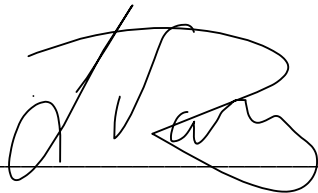
Where the person conducting the search finds an electronic device, they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

In determining a 'good reason' to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

Telling parents, dealing with complaints, and completing Search Logs

- 1) Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- 2) Upon completion of any search the Progression 4Work Screen and Search Log must be completed.
- 3) Schools should inform the commissioning schools, individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- 4) Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Signed: _____



Director

Dated: 30 Jan 21