

Manor Hall Academy Trust



Searching, Screening and Confiscation Policy

Responsibility for monitoring and reviewing this policy lies with the Chief Business Development Officer. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Chief Executive Officer.

Directors will take account of recommendations from the Central MHAT team in review of this policy and seek HR advice as to such revisions.

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1. Introduction

Manor Hall Academy Trust is committed to ensuring that all of its pupils, all staff, contractors and volunteers enjoy a safe and a secure environment to work and to learn. However, we are also aware that there is a necessity to have appropriate searching, screening and confiscation powers as part of its commitment to pupil and staff welfare and safety.

Manor Hall Academy Trust is also aware that their policy should be clear to understand so that headteachers and others delegated to use these powers can do so confidently and with an assurance that they are acting correctly. This is also to give reassurance in the event of a concern being raised about how they have handled a situation.

Manor Hall Academy Trust is dedicated to ensuring the safeguarding of welfare for both its pupils and all of its staff. We also have a duty of care to those who are working on our premises but who are not directly employed by us. Therefore reasonable and proportionate searches can play a critical role in ensuring that schools are safe environments for all pupils.

Manor Hall Academy Trust expects schools to ensure that their behaviour, and any other policy which relates to searches, screening or confiscation is clear and written in plain English.

2. Article 8 Of the European Convention on Human Rights

We are aware that under Article 8, our pupils have a right to respect for their private life and this means that pupils have the right to expect a reasonable level of personal privacy. This right however is not absolute but a school's right to interfere with this must be justified and proportionate.

3. Roles of Persons Involved in Searches

Only the Headteachers, or a member of staff who is authorised by the them can carry out a search. In addition, the Headteacher can delegate its staff to search for a specific item(s).

The Headteacher can also instruct a member of the security staff to undertake a search and if this person is not a member of staff then a permanent member of staff should witness and the search should be completed in line with the *Advice for Schools – Searching, Screening and Confiscation.*¹

Manor Hall Academy Trust entrusts the Head to oversee the practices concerning searches and to fully aware that we are fully committed to having a culture which supports safe, proportionate and appropriate searches. We expect the Head to safeguard their staff and the pupils and to seek advice and guidance from their Designated Safeguarding Lead (“DSL”).

The DSL should informed of any searching incidents and they should be informed, without delay, if there are any safeguarding concerns which arise as a result of the search. If in their enquiries, the DSL finds evidence that any child is at risk of harm, they should make a referral to the children's social care services immediately. They should also consider the circumstances of the search the assess whether there are wider safeguarding concerns.

¹ [Advice for Schools – Searching, Screening and Confiscation](#)

4. Overview of Searches

Under common law, school staff can search a pupil for any item if the pupil provides their consent. However this consent should be informed so that the pupil understands the reason for the search as well as how it will be performed.

Headteachers and any staff which they have authorised have a statutory power to search a pupil of their possession if they have a reasonable belief that the pupil may have an item prohibited by the school rules or if they have an item which is listed in paragraph 3 of the *Advice for Schools – Searching, Screening and Confiscation.*”

The School should outline the banned items in their behaviour policy and this policy should be freely accessible to the whole school community.

Manor Hall Academy Trust would expect its schools to consider the following when a pupil is searched or screened:

- Age
- Needs
- Whether the child has a Special Education Need
- Whether the child has a disability.

5. Before Searching for an Item

Manor Hall Academy Trust would ask schools that in addition to the information which is listed below, the school should also check sources such as CCTV to see whether it is appropriate and necessary to conduct a search.

Manor Hall Academy Trust would request that schools should also consider the following before a search is made:

- Is the search urgent? Is there a risk to other pupils, staff, volunteers or contractors.
- The person who conducts the search should explain the reasons for the search and allow the pupils to ask any questions.
- Wherever possible, it is better to have the cooperation of the pupil.

Manor Hall Academy Trust would ask schools to consider carefully the reasons why a pupil may not consent to being searched and then to consider the following options:

- To use a sanction contained within the Behaviour Policy, this sanction should be fair and consistent for the misbehaviour being shown.
- To consider whether the search is necessary at this time. This check can be conducted in liaison with the Headteacher and DSL. During these conversation, it is essential that the pupils is removed from others.
- If it is deemed to be necessary and the pupils refuses to co-operate, an assessment should be made by the DSL or the Headteacher, whether it is appropriate to use reasonable force. Reasonable force can only be used for items listed at 4.2 of this guidance (or paragraph 3 of the DfE Advice to Schools “*Searching, Screening and Confiscation.*”

6. During a Search

Manor Hall Academy Trust would ask schools to be mindful of where the search takes place and wherever possible this should be completed in school and away from other pupils. A search may take place away from the school if the member of staff has lawful control over the pupil, this can occur on a school trip.

Manor Hall Academy Trust would expect that schools should comply with paragraphs 25 to 34 of the Searching, Screening and Confiscation – Advice to schools document . These paragraphs details who should conduct the search, the extent of the search and how the search should be recorded.

It is noted that in most circumstances, unless there is a risk of serious harm or it is not reasonably practicable that searches should be completed by a member of staff of the same sex that is being searched.

It is also noted that as well as outer clothing and bags, lockers can be searched and a member of staff can use a metal detector to assist them.

It is **forbidden** for a member of staff to complete a strip search of a pupil.

The person conducting the search must not require the pupil to remove and clothing other than outer clothing.

7. Strip Searching

Manor Hall Academy Trust is aware that strip searches can only be completed by the police under the following:

- Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

Manor Hall Academy Trust would however like to remind schools that their staff remain responsible for the duty of care for pupil as well as being advocates for pupil wellbeing. We would also expect schools to consider the mental and pupil wellbeing against the risk of not recovering the items. We would also expect that this is completed as a matter of last resort when all other methods have been exhausted.

Parents should also be informed before the search takes place unless there is an immediate risk of harm. Any subsequent complaint from a parent should be dealt with in line with your complaints procedure.

Manor Hall Academy Trust would expect schools to be aware of Paragraphs 38 to 41 of the Searching, Screening and Confiscation Advice for Schools Document which details the process that the police must follow during a strip search.

It is important that schools provide adequate after care following a search as even though a strip search is completed by the police we would expect the safeguarding officers to have attention to the wellbeing of the pupil. This should be at the forefront of a school's thinking and pupils should be encouraged to discuss and express their views and feeling about what has happened.

Schools should also monitor the frequency of searches to see if any pupils are being searched on a more regular basis, whether there are any reasons for this and whether this

can be prevented. Schools should also analysis their data to see whether searches are being completed disproportionately on a particular group and to consider whether actions are required to try and prevent this from happening.

8. After a Search

Manor Hall Academy Trust would expect our schools to review the result, reason and outcome of the search. Schools should also consider whether any additional support is required. Further support should be discussed with the DSL and schools should follow their child protection policy. They will then consider whether any further support is needed. Should a prohibited item be found, we would expect you to inform the DSL and to sanction the pupil in line with your Behaviour Policy

9. Recording Searches

All searches by a Member of staff for a prohibited item listed in Paragraph 3 of Searching, Screening and Confiscation – Advice for Schools must be recorded in your safeguarding system. If there are additional items which are banned in the school, you may wish these to be included. The recording will enable to DSL to look for risks and areas where further work is required. You are recommended to read paragraph 43 of the Searching, Screening and Confiscation – Advice to School to identify the areas which need to be recorded. This recording should allow you to look for trends and whether there are any actions the school can take to prevent this from reoccurring.

10. Screening

Manor Hall Academy Trust is aware that screening is a way in which schools can provide reassurance that the school is safe and that the pupils feel protected. Manor Hall Academy Trust would ask schools to consider working with agencies such as the police for further advice about the installation. Screening is often completed by using a wand or arch which acts as a metal detector. If one is installed, Manor Hall Academy Trust would strongly recommend that the reasons behind this are communicated clearly.

Manor Hall Academy Trust would also ask schools to be mindful of requests for reasonable adjustments if a pupils has a disability.

Refusal to be screened via a wand or an arch should be reviewed in line with Paragraphs 18-23 of Searching, Screening and Confiscation – Advice for Schools.

11. Confiscation

Paragraphs 57 to 81 of Searching, Screening and Confiscation – Advice for Schools details how you should handle any items which are seized in the most appropriate and safest way. Manor Hall Academy Trust would ask its schools to review this and ensure that it is followed to ensure the health and safety of its staff members as well as ensuring that the appropriate safeguarding is ensured. . If you have any queries, please speak with the Head or your DSL.

Paragraphs 80 and 81 of Searching, Screening and Confiscation – Advice for School comments on the area of Confiscation when it is used as a disciplinary measure. Manor Hall Academy Trust notes that this enables staff to retain or dispose of property as a disciplinary

measure when it is reasonable to do so and that staff are protected from liability from any proceedings concerning the confiscated items as long as the staff member has acted lawfully.

There is specific advice in relation to the types of item and, where applicable, the images or information that is contained. Concerning this, there is specific advice in relation to both prohibited or illegal items and also electronic items.

The Key also provides further guidance, about the confiscation and they have produced an article listed "[Searching Pupils and Confiscation](#)"

Item	What you should do
Controlled Drugs, or substances you suspects are controlled drugs or could be harmful	Deliver to the police (or safely dispose of there is a good reason to do so.)
Alcohol	Retain or dispose of as appropriate but do not return to the pupil
Tobacco or cigarette papers	Retain or dispose of as appropriate but do not return to the pupil
Fireworks	Retain or dispose of as appropriate but do not return to the pupil
Stolen Items	Deliver to the police as soon as possible
Weapons or items which are evidence of a suspected offence	Deliver to the police as soon as possible
Items that have been (or likely to be) used to cause injury or property damage	Deliver to the police, return to the owner or dispose of if there is a good reason to do so.
Pornographic material	Dispose
Pornographic material which constitutes a criminal offence	Deliver to the police as soon as possible. You should also advise the DSL of the content which has been discovered. You should also refer to the Department of Education guidance "Sharing Nudes and semi nudes: advice for education settings working with children and young people."

12 Further Reading

[Searching Screening and Confiscation – Advice for Schools](#)

Department of Education Guidance: [Sharing Nudes and semi nudes: advice for education settings working with children and young people.](#)

Key Guidance: Searching Pupils and Confiscation