

The Marlborough Science Academy	
SEARCHING STUDENTS AND CONFISCATION POLICY & PROCEDURES	
<b>Responsible Governing Body Committee:</b>	<b>Personnel</b>
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<b>Adopted by:</b>	<b>Governing Body</b>
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Review Due Date	Review Completed	Amendments Y/N
October 2022	Y	Y
October 2023	November 2023	Y
November 2024		

### Other linked policies

- Whole school behaviour policy GP23
- Equal Opportunities GP09
- Child Protection and Safeguarding Policy
- Special Education Needs Policy GP21
- Code of Conduct for Staff
- When to call the Police Policy and Procedures



## 1. Introduction

1.1 The purpose of this policy is to ensure that Marlborough acts in accordance with students' rights and best interests should there be any call to "search" students given a safeguarding concern.

1.2 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 students. This applies to decisions to search students and confiscate items.

1.3 All staff will have read

- school policies on child protection, behaviour and staff code of conduct
- Section 1 of KCSIE
- How to make referrals to Children's Social Care
- How to identify signs of abuse and reflect about behaviours too that are linked to putting children in danger (such as drug use)
- How to identify children who might need early help including students found in possession of prohibited items.

1.4 The United Nations Convention on the Rights of the Child which Marlborough complies with established that:

- The best interests of the child should be the primary consideration in all actions that schools take
- All children have the right to privacy and not to be subject to arbitrary attacks to their reputation

1.4 There is a duty of care to all students in Marlborough. This means we need to balance:

- The need to safeguard all students by confiscation harmful, illegal or disruptive items
- The safeguarding needs and well-being of students suspected of possessing these items

## 2. Prohibited items include (but not restricted to)

- Knives or other weapons
- Alcohol
- Stolen items
- Illegal items
- Items constructed with the intention of causing harm
- Tobacco and cigarette papers
- Fireworks
- Pornographic images

2.1 Marlborough will also search for any items that are:

- Banned by school rules
- Being identified in the rules as an item which may be searched for



### 3. Carry out a search (WITHOUT student consent)

3.1 Only the Headteacher or a staff member given explicit permission by the Headteacher can carry out this kind of search

3.2 You can only carry out this type of search if you have 'reasonable grounds' for suspecting a student may have a prohibited item in their possession

3.3 Reasonable grounds can include

- Hearing other students talking about the prohibited item.
- An anonymous concern or noticing a student behaving in a way that causes you to suspect they're concealing a prohibited item.

3.4 All staff understand what constitutes 'reasonable grounds' via safeguarding briefings fortnightly in school.

3.5 To conduct a search

- The student must be escorted to an area of the school that offers privacy
- Another staff member must be present to act as a witness. The searcher and the witness must be the same sex as the student searched if consent is not given.

3.6 Staff can search an opposite sex student and/or search without a witness present only if:

- There's a risk that serious harm will be caused to a person if they don't conduct the search immediately, and/or
- It isn't reasonably practical to summon another member of staff.

3.7 This course of action must only take place with the consent of the Headteacher, or the Senior Deputy in their absence. The decision must be weighed up against your safeguarding duty and the student's best interest. It should only be followed if there is no alternative.

### 4 Carry out a search (WITH student consent)

Any staff member can search a student with their consent

4.1 You can ask a student to turn out their pockets or you can ask to look in their bag/locker. With student agreement you can go ahead.

4.2 Be mindful that the ability to give consent will be affected by the child's age or other factors such as SEND.

4.3 If students refuse a search, refer to a senior member of staff and use 'call out' to have the student supported in the Reintegration Room.



4.4 Any records of searches must be logged on the system and parents must be contacted.

## 5 Being vigilant of 'Bias'

5.1 All staff should be vigilant about possible biases affecting decisions to carry out or escalate searches. Biases may be in relation to any differentiating characteristics such as a student's

- Race
- Religion
- Socio-economic status
- Friendship group
- Behaviour record within school

## 6 Guidance on how to carry our searches

### *Lockers, desks and bags*

6.1 These can only be searched in the presence of the student and another member of staff apart from in the cases outlined in exceptions where you consider to be a significant safeguarding risk.

### *Clothing*

6.2 Students should only be asked to remove outer clothing

- Coats, jackets, gilets, hoodies
- Gloves
- Scarves
- Shoes

When searching clothing, the searcher should be the same sex as the student and in the presence of a member of the senior staff or pastoral staff

### *Intimate searches*

6.3 These will **NOT** under any circumstances be conducted at Marlborough School by **ANY** member of staff.

6.4 Should there be significant safeguarding concerns

- The headteacher will be informed
- Parents (appropriate adult) will be contacted and asked to come in to school
- The student will be isolated, and supervised
- The police will be contacted

Should the police be involved they **CANNOT** override your safeguarding duty for example: ask that the appropriate adult leave the room when they talk to the student.



## 7 Confiscation of prohibited items

7.1 You can confiscate, retain or dispose of a student's property as a disciplinary penalty where reasonable to do so and items are linked to Behaviour Policy as listed items.

7.2 Certain items must be handed over to the police

- Weapons or items which are evidence in an offence
- Items suspected of being illegal drugs
- Stolen items

7.3 Alcohol, tobacco, fireworks, vapes, cigarette papers, lighters can be retained or disposed of; they **must not** be returned to the student.

7.4 Pornographic images can be disposed of unless you suspect that their possession is linked to an offence or child pornography.

## 8 How to handle searching electronic devices

8.1 You can search a student's phone, computer and electronic device like you would do a bag or locker.

8.2 Staff can delete files if there is a good reason to do so (in the presence of a senior member of staff and in communication with parents)

8.3 You can examine devices or erase data files if you suspect that data or files on that device had been or could be used to cause

- Harm
- Disrupt teaching
- Break school rules
- Compromise safeguarding

## 9 Record keeping

9.1 Staff must take records to demonstrate that safeguarding and behaviour procedures have been followed.

Reports must include:

- Time and date of searches
- Name(s) of student(s)
- Whether student consented and cooperated with a search
- Names of staff involved
- Location
- Any items found and where they were found
- Next steps



## 9.2 Parents must be informed of a search particularly if the following are found

- Alcohol
- Illegal drugs
- Harmful substances
- Smoking paraphernalia

Policy was compiled from the following resources

- KCSIE
- NSPCC – Child Centred Policing
- The Key (leaders)
- Ofsted guidance
- The 'Q' Report
- DfE Guidance Searching, Screening, Confiscation Advice for schools

Arrangements for monitoring and evaluation.

- SLT Weekly
- Personnel half termly
- Full Governors - annually

