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# **Kassim Darwish Grammar School for Boys**

## **Searching, Screening & Confiscation Policy**

## **PART 1 - SEARCHING STUDENTS**

- The Executive Head Teacher and the staff authorised by the Executive Head Teacher may search a student or their possessions where there are reasonable grounds to suspect that the student may have a **prohibited item** or any other **banned item** listed in the school's Behaviour policy.
- **Banned items**
  - Knives and weapons e.g. blades, firearm*
  - Alcohol*
  - Illegal drugs*
  - Stolen items*
  - Tobacco products e.g. cigarettes*
  - Fireworks*
  - Pornographic images/material (including those on electronic devices)*
  - Any article that is suspected to have been, or is likely to be used to commit an offence, cause personal injury or damage to property*
  - E-cigarettes*
  - Shisha pens*
  - Lighters and matches*
  - Laser pens*
  - Pellet/toy guns*
  - Hard cricket balls*
  - Any items which are illegal to possess or carry, or inappropriate for the age of the child e.g. psychoactive substances (also known as 'legal highs')

In accordance with DfE guidelines, **prohibited items** have been highlighted in 'italics' in the list of banned items.

- A search may be considered for the following reasons:
  - a) If a search is considered to be necessary for 'any' item with the student's consent.
  - b) If there are reasonable grounds for suspecting that the student is in possession of any **banned item** (which may or may not be a 'prohibited item') with or without the student's consent.
- **Force** may 'only' be used to search for a **prohibited item**.
- Any searching of a student will be implemented consistently, proportionately and fairly, in line with this policy.
- Formal written consent from the student is NOT required for any kind of search.

Please refer to the 'Behaviour Policy' and 'Using Reasonable Force Policy' for more information.

### **STAFF CONDUCTING A SEARCH**

- Only the Executive Head Teacher, or members of staff authorised by the Executive Head Teacher, can carry out a search. They are:

Senior Leadership Team  
Designated Safeguarding Lead  
Heads of Year

- The Executive Head Teacher will oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all students and staff with support from the designated safeguarding lead (or deputy).

## **BEFORE SEARCHING**

- The authorised member of staff will make an assessment of how urgent the need for a search is and will consider the risk to other students and staff. CCTV footage, if it is available, will be viewed in order to make a decision as to whether to conduct a search for an item.

### **Stage 1**

- Staff will first question a student and if appropriate, instruct the student to **surrender** the item.
- If the student refuses, appropriate sanctions will be applied in line with the school's 'Behaviour policy'.

### **Stage 2**

- If this is unsuccessful, the student will be given the opportunity to **consent** to a search of the item. The authorised member of staff will seek the co-operation of the student before conducting a search.
- Before any search takes place, the member of staff conducting the search will explain to the student the reasons for the search, how and where the search will be conducted. They will also be given the opportunity to ask any questions so that their agreement is informed.
- If the student is **NOT** willing to co-operate with the search, the member of staff will consider why this is. Reasons might include that they:
  - are in possession of a prohibited item
  - do not understand the instruction
  - are unaware of what a search may involve
  - have had a previous distressing experience of being searched
- If a student refuses to cooperate with such a search, appropriate sanctions will be applied in line with the school's 'Behaviour Policy'.

### **Stage 3**

- If this is unsuccessful, the member of staff may decide to conduct a search **without consent**, if this is considered safe and appropriate to do so. This should be seen as a 'last resort' and only used if other options have been exhausted.
- If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Senior Leadership Team, designated safeguarding lead (or deputy) or Heads of Year who may have more information about

the student. During this time the student should be supervised and kept away from other students.

- If the student still refuses to co-operate, the Executive Head Teacher will be informed who will assess whether it is appropriate to use **reasonable force** to conduct the search.

## **CONDUCTING A SEARCH**

### **Location**

- An appropriate location for the search will be chosen which is away from other students. The search will only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip.

### **Persons conducting the search**

- Staff conducting the search must be male (same sex as the student being searched). There must also be a member of staff (male if possible) present as a witness.
- The exceptional circumstance for conducting a search by a female member of staff (opposite sex to the student being searched) and/or without the presence of a witness is only when:
  - a) There are reasonable grounds to believe that there is a risk that serious harm will be caused to a person if the search is not conducted immediately
  - b) In the time available, it is not reasonably practicable to carry out the search by a member of staff who is the same sex as the student
  - c) It is not reasonably practicable for the search to be carried out in the presence of a witness.
- When a member of staff conducts a search without a witness, they will immediately report this to another member of staff, and ensure a record of the search is kept.

### **Extent of the search**

- A member of staff may search a student's outer clothing, pockets, possessions and lockers.

### **Clothes**

- The person conducting the search may NOT require a student to remove any clothing other than 'outer' clothing.
- Outer clothing is defined as clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

### **Possessions, including lockers**

- Possessions are defined as any goods over which the student has or appears to have control such as desks, lockers and bags.
- A student's possessions should be searched in the presence of the student and another member of staff. An exception to this is when 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 call for a witness.

## **USING REASONABLE FORCE**

- Consideration will only be given to the use of reasonable force in cases where 'all' of the following apply:
  - Stages 1 and 2 have been proven to be unsuccessful.

- There are reasonable grounds for suspecting that the student is in possession of a **prohibited item**.
- The Executive Head Teacher has authorised the use of reasonable force to conduct a search without consent (Stage 3).
- Reasonable force will only be used to search for any 'prohibited item', but not to search for any other items which may or may not be included in the list of banned item in the Behaviour policy.
- The decision to use reasonable force will be made by the Executive Head Teacher on a case-by-case basis who will consider whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder.
- The use of reasonable force will differ depending on whether the member of staff is searching possessions or the student themselves.

### **AFTER THE SEARCH**

- Whether or not any items have been found as a result of any search, the school will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the student is suffering, or is likely to suffer harm, and/or whether any specific support is needed.
- Where specific support is needed, members of staff will follow the school's Safeguarding and Child Protection policy and speak to the designated safeguarding lead (or deputy). Consideration will be given to pastoral support, an early help intervention or a referral to children's social care is appropriate.
- If any **prohibited items** are found during the search, the member of staff will follow the guidance set out in 'Part 2 – Confiscation' of this policy.
- If a student is found to be in possession of a **prohibited item**, then the member of staff will alert the designated safeguarding lead (or deputy) and the student will be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

### **RECORDING SEARCHES**

- Any search by a member of staff for a **prohibited item** and all searches conducted by police officers will be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required.
- As part of an investigation conducted for an incident of 'serious misconduct,' any searches for **banned items** (specified in the school's Behaviour policy) will also be recorded. This will include:
  - date, time and location of the search;
  - name of student who was searched;
  - name of member of staff who conducted the search, any witnesses or students present;
  - item that was being searched for;
  - reason for searching;
  - items, if any, were found;
  - any follow-up action taken as a consequence of the search

## **SAFEGUARDING**

- The designated safeguarding lead (or deputy) will be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a **prohibited item**.
- The member of staff should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.
- If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (as set out in part 1 of Keeping Children Safe in Education). The designated safeguarding lead (or deputy) will then consider the circumstances of the student who has been searched to assess the incident against potential wider safeguarding concerns.

## **SEND**

- The school will consider the age and needs of students being searched. This includes the individual needs or learning difficulties of students with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a student has a disability.

## **INFORMING PARENTS**

- A student's parents will be informed if he is found to possess a **banned item** and the resulting action the school has taken, including any sanctions applied. In some circumstances, the school may also decide to inform parents of a search for a 'banned item.'
- The schools system of 'behaviour points' will be used to inform a student's parents if he is found to possess any other item specified in the Behaviour policy which students are 'not' expected to bring to school.
- Parents will **always** be informed of any search for a **prohibited item** that has taken place and the outcome of the search as soon as is practicable.

Please refer to the 'Behaviour Policy' and 'Using Reasonable Force Policy' for more information.

## **STRIP SEARCHING**

- **Any member of staff will NOT conduct a strip search.**
- The decision to contact the police will be made by the Executive Head Teacher who will always ensure that other appropriate, less invasive approaches have been exhausted. The Executive Head Teacher will also consider whether introducing the 'potential' for a strip search through police involvement is absolutely necessary.
- Before calling police into school, the Executive Head Teacher will assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item.

- Once the police are on school premises, the decision on whether to undertake a strip search and its conduct lie solely with them. Members of staff will advocate for the safety and wellbeing of the student(s) involved.
- As a strip search can be highly distressing for the student involved, as well as for staff and other student affected, PACE Code C states that a strip search should **only** take place if it is considered necessary to remove an item related to a criminal offence, and the police officer reasonably considers the student might have concealed such an item.
- Unless there is an immediate risk of harm and where reasonably possible, the school will inform a parent of the student suspected of concealing an item in advance of the search, even if the parent is not acting as the 'appropriate adult'.
- Parents will always be informed once a strip search has taken place.
- Records will be maintained of strip searches that have been conducted on school premises.

### **Police procedures for conducting a strip search**

- A strip search will only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.
- Except in cases of urgency where there is risk of serious harm to the student or others, whenever a strip search involves exposure of intimate body parts, at least two people must be present other than the student, one of which must be the appropriate adult (usually the parent).
- Police officers carrying out the search must be of the same sex as the student being searched.
- An appropriate adult 'not' of the same sex as the student being searched may be present if specifically requested by the student. Otherwise, no-one of a different sex to the student being searched is permitted to be present.
- The strip search must **not** be carried out in a location where the student could be seen by anyone else.
- Except in urgent cases as above, a search of a student may take place without an appropriate adult **only** if the student explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees.
- A record should be made of the student's decision and signed by the appropriate adult.
- The presence of more than two people, other than an appropriate adult, should be permitted only in the most exceptional circumstances.

### **After-care following a strip search**

- Students should be given appropriate support, irrespective of whether the suspected item is found.

- If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the student's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).
- Safeguarding will also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the student to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. The school will make every effort to ensure that students feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.

## **Part 2 - SCREENING**

The school does not currently implement a screening system for staff, students or visitors. However, any changes to this policy will be made in accordance with the DfE guidance 'Screening, Searching and Confiscation' (July 2022).

## **Part 3 - CONFISCATION**

- A member of staff may confiscate any item, however found, which is considered harmful or detrimental to the school discipline.
- An item belonging to a student may be confiscated, retained or disposed of as a form of **sanction**, where reasonable to do so. Please refer to the 'Behaviour Policy' for more information.
- The school does not accept any liability for any loss of, or damage to, any item that has been confiscated, provided that the member of staff concerned acted lawfully.
- An 'authorised' member of staff carrying out a **search** can confiscate any item that they have reasonable grounds for suspecting any of the following:
  - poses a risk to staff or students;
  - is a prohibited item;
  - is identified as a 'banned' item in the Behaviour policy for which a search can be made;
  - is evidence in relation to an offence

## **ELECTRONIC DEVICES**

- Electronic devices, including mobile phones, may contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- As with all prohibited items, staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.



- Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.
- If members of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), they will never:
  - Intentionally view the image
  - Copy, print, share, store or save such images.
- When an incident might involve an indecent image of a child and/or video, the member of staff will confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response.
- In determining whether there is a 'good reason' to **examine** the data or files, the member of staff will have reasonable grounds to suspect that the data or file on the device has been used, or could be used, for any of the following:
  - To cause harm (physical or emotional)
  - To undermine the safe environment of the school
  - To breach the school's Behaviour policy, and this includes disrupt teaching
  - To commit an offence.

### **ERASING ANY DATA OR FILES FROM AN ELECTRONIC DEVICE**

- The authorised members of staff will determine whether there is a 'good reason' to **erase** any data or files from the device. They are:  
Senior Leadership Team  
Designated Safeguarding Lead  
Heads of Year
- The authorised member of staff will make an assessment of whether to erase any data or files from an electronic device by considering the following:
  - If the material found **may** constitute evidence relating to a suspected offence, the data or files should **not** be deleted, and the device must be handed to the police as soon as it is reasonably practicable.
  - If the material found is **not** suspected to be evidence in relation to an offence, the data or files may be deleted if the continued existence of the data or file is likely to continue to cause harm to any person and the student and/or the parent refuses to delete the data or files themselves.

## **DEALING WITH A BANNED ITEM**

Guidance on how to deal with a **banned item** is given in the table below:

Controlled drugs	Deliver to the police as soon as possible.
Other harmful substances not believed to be controlled	Deliver to the police or disposed of it.
Tobacco or cigarette papers	Retain or dispose of it but, should 'not' be returned to the student.
Fireworks	Retain or dispose of it but, should 'not' be returned to the student.
Alcohol	Retain or dispose of it but, should 'not' be returned to the student.
Pornographic image	Dispose of the image or delete the image on a mobile phone or other electronic device <b>unless</b> there are reasonable grounds to suspect that its possession constitutes an offence (ie. it is extreme or child pornography). In this case, it must be delivered to the police as soon as reasonably practicable.
Stolen item of a known owner in school	Return it to the owner if there is good reason to do so unless the item: <ul style="list-style-type: none"> <li>- is banned by the school</li> <li>- may place any person at risk of harm</li> </ul> If it is not practicable to return to owner, then retain or dispose of it.
Stolen item 'not' of a known owner	Deliver to the police as soon as is reasonably practicable however, the police should not be involved with low value items such as pencil cases.
Any weapon or item which is evidence of a suspected offence	Deliver it to the police as soon as possible.
Any item that has been, or is likely to be, used to cause injury, damage to property or commit an offence	Decide whether to: <ul style="list-style-type: none"> <li>- Return it to the owner (if it is safe to do so)</li> <li>- Deliver it to the police as soon as reasonably practicable if there are reasonable grounds to suspect that it has been used to commit an offence or is evidence in relation to an offence.</li> <li>- Retain /dispose of it (if it is safe to do so).</li> </ul>
Any other banned item	Return it to the owner or retain it/dispose of it depending upon the circumstances, taking into account: <ul style="list-style-type: none"> <li>- The value of the item</li> <li>- Whether it is appropriate to return the item to the student or parent</li> <li>- Whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.</li> </ul>

Electronic device, including mobile phones	Decide whether to: - Return to the owner with or without erasing any data or files from the device, or - Deliver to the police as soon as is reasonably practicable if any image, data or file is found to suspect that it might constitute a specified offence.
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**References:**

Any action will be taken in accordance with the DfE guidance for:

Behaviour and Discipline in Schools (January 2016)

Preventing and Tackling Bullying (July 2017)

Screening, Searching and Confiscation (July 2022)

Using Reasonable Force (July 2013)

Keeping Children Safe in Education (2016)

<b>Date</b>	June 2023
<b>Reviewed by</b>	Mrs F Bani
<b>Next Review Date of this Policy</b>	Summer Term 2024