



Searching Policy

Related documents include:

- Student handbook
- Behaviour Management Policy
- College Rules
- Electronic devices- searching and deletion
- Student acceptable use agreement
- KCSIE 2023

Legal Status:

- Children Act 1989
- Education Act 1996
- Education Act 2011
- Searching, screening & confiscation (advice for schools 2022)
- European Convention on Human Rights

Monitoring and Review

- This policy will be subject to continuous monitoring, refinement and audit by the Principal
- The Principal will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.
- The next official date for review is **September 2024**

Introduction

Abbey College is committed to safeguarding the welfare of the students in our care and we seek to cultivate an environment of mutual respect and to treat students and staff fairly and sensitively. In the unusual event of a student, or a student's room, locker, bag or other repository for possessions being searched, the College takes all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases: if in any doubt, advice should be sought from the Principal, unless the urgency or another overriding aspect of a situation makes such a referral impractical.

Abbey College staff will always act with due care, consideration and sensitivity, and remain mindful of the need to respect the privacy of our boarders for whom, during term time, the College is their 'home'. In addition, staff will remember the need to protect persons/property from injury/damage and loss is paramount and that this duty of care can in certain circumstances override all other protocols.

At all times a balance will be maintained between common-sense actions rightly taken in respect of an assessed risk and the desirability to following step-by-step written guidelines (as seen below) which, however helpful, cannot anticipate every eventually.

This policy applies to all students at the College. It is available from the College website (when requested), from the share point and is issued to all interested parties on request.

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Whilst a search may be required for suspected dangerous/illegal items, it may also be justified for other reasons – for items that are not allowed in College, for instance, but are not necessarily of themselves dangerous (or illegal), or items which are allowed in College but which are not being properly used.

Key Points

Abbey College staff can search a student for any item if the student agrees.

The Principal and staff authorised by him/her have a statutory power to search students or their possessions, without consent, when they have reasonable grounds for suspecting that the student may have a prohibited item.

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Psychoactive substances aka “Legal Highs”
- Nitrous Oxide or similar
- Stolen items
- Tobacco and cigarette papers
- E-cigarettes, e-liquids (vape) and atomisers
- Energy drinks
- Protein Supplements
- Caffeine Pills
- Or anything that effects the normal processes of the body and mind
- Fireworks
- Pornographic images
- 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, or damage to the property of, any person

The Principal and staff authorised by him/her can also search for any item banned by the College Rules which has been identified in the rules as an item which may be searched for.

Confiscation

College staff can seize any prohibited item found as the result of a search. They can also seize any item, however found, which is considered harmful or detrimental to College discipline.

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Personal Searches

If a student is suspected of carrying an unauthorised item (e.g. alcohol) a member of staff should ask the student, ideally in the presence of a second adult witness, if the student is happy to empty the contents of his/her pockets, bag or safe.

If the student refuses to cooperate, the member of staff should contact the Principal who can impose disciplinary sanctions if appropriate.

If the matter is of major concern and the student still refuses to approve the search, then the Police may be called in to conduct the personal search.

Generally, staff should not without very good cause (such as that provided by circumstances exemplified above):

- Touch the student, especially forcibly. (Any restraint should be in line with the College's policy on the use of restraint)
- Search the student's person, which for these purposes extends to his or her outer clothing and pockets, or remove the student's clothing - even their coat - for the purpose of searching it.
- Search a student's pockets: these should be turned out by the student.
- Search a student's or bag without them being present and without another adult witness being present.

Forced Searches

Forced personal searches, will if at all possible be avoided, though may, in certain circumstances be necessary. For example, all reasonable steps should be taken, where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk. This might include, in extreme circumstances all or any of the following: physical restraint, forced search (of person and/or of property) and confiscation.

Reasonable force may be used in exercising the statutory power to search students, without their consent, for weapons and for alcohol, illegal drugs and stolen property. At Abbey College this search may be exercised by staff where they have reasonable grounds for suspecting that a student has such items. A forced search may only be undertaken if absolutely necessary, such as in extreme situations where leaving a student with such a suspected item could pose risks to others (or to that student).

Other means of dealing with the student and the situation should be used if possible – such as keeping the student under close surveillance, isolating the student from others for the time it takes for the matter to be addressed, etc.

Always refer the matter to the Principal before rather than making any physical intervention.

Consider whether or not a search might be better conducted by the Police rather than a member of staff.

Never conduct a search if you are alone with the student. The search should be conducted by a person of the same sex as that of the student, and, where practicable, witnessed by a person of the same sex. There is a limited exception to this rule. You can carry out a search of a student of the opposite sex to you and without a witness present, but only when you reasonably believe that there is a risk that serious harm will be caused

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to a person if you do not conduct the search immediately and when it is not reasonably practical to summon another member of staff.

Searches of Personal Property or College Property (for example, in a bedroom or a student's safe)

Belongings are no longer 'of the person' when they are being stored at College or in College property. However, if a search of this nature is to be undertaken, the suspected offence needs to be sufficiently serious, the need for search legitimate and the prospect of success reasonable.

For 'lost' items of relatively low value, a student will be asked to search his/her own belongings to see if the item has been 'misplaced'. If more than one student is included, the scope of the search and the number of students involved should reflect the nature of the loss and be legitimately targeted.

Where a boarder's room is to be searched permission must first be sought from the Principal. Once given the boarder should be given the opportunity to conduct the search personally under direction from the member of staff present. If a boarder refuses to cooperate, and the circumstances are deemed to warrant a search by staff, then the room should be searched with at least two members of staff present throughout. Any suspicious items found should be deposited in a plastic bag, labelled and sealed.

As a guide only and without any suggestion that these would be the only appropriate ways to proceed, here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform a member of the Management Team, who will see that the finding of any weapons, or suspected weapons, is reported to the Police.
- If evidence of illegal substances, drugs or of suspected illegal substances is found, the senior member of staff involved determines what action to take in accordance with the College's Policy.
- If tobacco or alcohol items are found in a student's possession, they should be confiscated by the member of staff, who will inform a senior member of staff. The senior member of staff involved determines what action to take in accordance with the College's Policy.

A student's room and belongings are to be searched only when there are clear grounds for suspecting something is untoward; unless impractical, the reasons are to be explained to the student. In most circumstances the student should be present during the search.

All searches to be undertaken by a minimum of two members of staff

Wherever possible the student to be asked to make available the required area (such as a drawer or a safe) and to remove contents.

When a search has taken place, the following items should be noted and kept on the relevant student's file:

- a) The reason for the search taking place
- b) The date and time of the search
- c) The results of the search
- d) All staff involved
- e) Other agencies involved
- f) The outcome (including any disciplinary action taken in respect of that student)

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Confiscation

When a search has been conducted and such items found in College or on a student's person, it may be confiscated for a time. An example may be a laptop which a boarder persists in using after Bed Check or a mobile phone used when it should not be during college hours.

A confiscated item should be kept safe and staff should indicate to the student when the item is likely to be returned.

The duration of the confiscation should be reasonable and proportionate. Consideration should be given to the possible consequences of keeping the item e.g. communicating with their family in the case of a confiscated mobile phone.

Electronic Devices

Electronic devices, including mobile phones, can 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 should 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.

The member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never 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 should 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. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in Keeping children safe in education. The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: ***Sharing nudes and semi-nudes: advice for education settings working with children and young people***.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable. In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance (***Searching, screening & confiscation (advice for schools 2022)***).

In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence. In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and

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the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

External Agencies and Disciplinary Action

If a student is suspected of carrying on their person or having in their possession/room an item or items considered by the College to be dangerous and/or illegal, such as drugs, then the matter must be referred to the designated senior person for child protection (the Principal, or in his/her absence the Bursar). It may be appropriate to call the Police.

Irrespective of any action taken or not taken by external agencies e.g. the Police, the College may take its own action, such as suspending the student in the first instance, if they refuse permission for a search to take place.

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