

ROEDEAN MOIRA HOUSE SEARCH POLICY 2018-19

This policy is for the whole school, including the EYFS.

Roedean Moira House is committed to safeguarding and promoting the welfare of the members of its community. Accordingly there may be occasions when it becomes necessary to search the person, the belongings or the room of a pupil. These instructions set out the circumstances in which such searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DFE Guidance for Schools on Screening, Searching and Confiscation (31 August 2011).

The people in the School who can carry out any such search are the Principal, the Head of School, the Head of Pastoral Care, the Head of Boarding and Welfare, the Head of Section or the Housemistress of the pupil(s) concerned. In exceptional circumstances the Principal may authorise others to carry out such a search. This policy would apply on authorised School trips where School rules are in force. In all circumstances the consent of the pupil to any search should be requested. A second adult witness should always be present. Incident reports must be submitted about any such search, listing all the main details, and recorded on PASS. Affected pupils' parents should always be contacted after any search, regardless of the outcome, and this should also be recorded on PASS.

In the general course of School life, given pupils' good conduct overall and taking into account the very good relationships between pupils and staff, it is unlikely that searching pupils will be necessary. There are however, some occasions when it might be; at those times, this policy should be followed.

Essentially there are two types of search: those with consent and those without consent. These searches are outlined below:

Searching with Consent

- School staff can search pupils with their consent for any item which is banned by the School rules.
- Schools are not required to have formal written consent from the pupil for this sort of search; it is enough for the teacher to ask the pupil to turn out her pockets or for permission to look in her locker or bag.
- If the pupil refused to comply, the member of staff can apply an appropriate punishment as set out in the School's Behaviour Policy having agreed this with the Principal, Head of Pastoral Care or Head of Boarding and Welfare.

Searching without consent

Items that can be searched for under these powers (referred to as prohibited items) include knives, weapons, alcohol, illegal drugs and stolen items, energy drinks, tobacco and cigarette papers, fireworks, pornographic images or any article that the member of staff reasonably suspects has been, or is likely to be used to:

- Commit an offence
- Cause personal injury to, or damage to the property of, any person (including the pupil).

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When consent is refused we need to balance the likelihood that an offence has been committed against the risk of infringing the individual's privacy without just cause.

Factors to take into account before initiating a search:

- A search should always be carried out in the presence of another adult witness; at least one member of staff must be of the same sex as the student.
- Whether or not the item under search is high risk, such as a knife or drugs, School property should only be searched if the search is legitimate and has a reasonable prospect of success.
- The extent and nature of the search should be proportionate to the value of or 'risk factor' of the item sought (even in the case of stolen property), otherwise there is a danger that it will be considered unreasonable and perhaps lead to a suspicion of an ulterior motive.
- The extent of the search should be proportionate to the likelihood of the item being found.

Viewing CCTV

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item. School staff must ensure they act in accordance with the Data Protection Act 1998, when doing so.

Searching a Pupil's Person

- If a pupil is suspected of carrying a prohibited item she should be asked, in the presence of a second adult witness, to turn out her pockets.
- Staff should not touch the pupil but are allowed to ask her to remove any outer clothing in order to conduct the search. Outer clothing refers to any item which is not immediately touching the skin.
- If this fails and possession of such items is still strongly suspected, she should then be told that the police will be called, who are allowed to conduct a personal search if they believe that a crime has been committed.
- Parents or guardians only need to be informed of the search if prohibited items have been discovered.

Searches of a Pupil's Personal Property

- There may be circumstances in which staff wish to search a pupil's personal property, such as a bag, mobile phone or locked box.
- Under common law powers, if a pupil consents any item may be searched for.
- If a pupil does not consent to a search, it is only possible to search for the prohibited items listed earlier.
- Any such search must be witnessed by a second adult and, ideally, the pupil. Proper records should be kept on PASS.
- Parents or guardians only need to be informed of the search if prohibited items have been discovered.

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Searches of School Property

- Those authorised to carry out searches may search the School property, such as a pupil's locker or desk, if they believe illegal drugs or weapons or stolen property to be stored there. Prior consent can be sought, but individuals should be made aware that the School may still proceed with a search even if consent is refused. The decision to go ahead in such circumstances would have to take into account the likelihood of an offence having been committed. A second adult witness should always be present and, if possible, the pupil concerned.
- For less serious items, the same rules apply as above, but the extent and nature of the search should be proportionate to the value of the item sought and the likelihood of the item being found. Great care must be taken to avoid persistent targeting of individuals where allegations of victimisation or discrimination might arise. Forcible entry into locked School property is only justified in extreme circumstances and would also need the authorisation of the Principal.
- Parents or guardians only need to be informed of the search if prohibited items have been discovered.

School Trips

- This policy on searches of pupils and their belongings applies at all times, irrespective of whether the pupil is at the School or on a non-residential, or residential, trip, outside Eastbourne.
- There may therefore be occasion to carry out a search on a School trip. If this occasion arises, the adult in charge of the trip should make an effort to contact either the Principal or the Home Contact to obtain authorisation. If this proves impossible and the circumstances are such as to make a search necessary, the adult in charge is empowered to carry out such a search, following all the above procedures. A second adult should act as a witness. Full notes must be kept and an incident report submitted in due course.

Records

A written record of any search should be made on PASS setting out the main details of the search including the date, time, people present and the outcome.

Confiscation of items

- We will use our discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances.
- We can seize any prohibited item found as a result of a search. We also reserve the right to seize any item, however found, which we consider harmful or detrimental to School discipline.
- If an illegal item is found, for example, drugs, a knife or a firearm, it may be handed to the police. Other confiscated items will be returned to the parents at the next holiday.

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What we do with items we find

- If we find alcohol, we may retain or dispose of it. We will not return it to the pupil.
- If we find controlled drugs, we may deliver them to the police or dispose of them if we believe there is a good reason to do so.
- If we find other substances which are not believed to be controlled drugs these can be confiscated where we believe them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where we suspect a substance may be controlled we will treat them as controlled drugs as outlined above.
- If we find stolen items, we may deliver them to the police or we may return the item(s) to the owner if we think that there is a good reason to do so.
- If we find tobacco or cigarette papers we may retain or dispose of them. We will not return them to the pupil.
- If we find fireworks we will retain them or dispose of them but we will not return them to the pupil.
- If we find a pornographic image, we may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it will be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device may be deleted unless it is necessary to pass them to the police.
- 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 we may deliver it to the police or return it to its owner. It may also be retained or disposed of.
- Where we find an item which is banned under the School rules we will take into account all relevant circumstances and use our professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Any weapons or items that are evidence of an offence will be passed to the police as soon as possible.

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.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of School discipline) or whether the material is of such seriousness that it requires the involvement of the police.



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Related policies and documents

This policy should be read in conjunction with the following policies and documents:

- Employee Handbook
- Staff Handbook
- Code of Conduct for Employees
- Health Safety Handbook
- Boarding Staff Handbook
- National Minimum Standards for Boarding Schools
- ISI Handbook for the Inspection of Schools, Regulatory Requirements
- Teachers' Standards
- Departmental Handbook
- Keeping Children Safe in Education
- Safeguarding Policy
- Pastoral Care Policy
- Complaints Policy (Parents)
- Complaints Policy (Pupils)

POLICY REVIEWED BY SCHOOL: May 2018

POLICY REVIEWED BY SCHOOL COUNCIL: June 2017

NEXT REVIEW: June 2019