

Queenswood



# Conducting a Search of a Pupil's Room, Possessions or Person

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## CONDUCTING A SEARCH OF A PUPIL'S ROOM, POSSESSIONS OR PERSON

### *Introduction*

The Education Act 2011 gives school staff the power to search a pupil or their possessions, even if they are under the age of criminal responsibility, if they believe them to be carrying any article which the school suspects has been or is likely to be used to commit a criminal offence, cause personal injury or damage to the property of any person, or for anything which is linked to a breach of the school rules.

Before any search is made the member of staff must be satisfied that the action is reasonable, legitimate and proportionate to what is at stake. They should be satisfied that there are good grounds for targeting an individual or group of girls and to balance the likelihood that an offence has been committed and danger posed by the item to either the girl herself or other members of the Queenswood Community against the risk of infringing a pupil's privacy without just cause.

This policy takes into account:

BSA Boarding Paper 15

DfE guidance on Screening, Searching and Confiscation 2018

### *What can be searched for*

School staff can search a pupil for any item if the pupil agrees.

The Principal and staff authorised by her have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article, including electronic devices, that the member of staff reasonably suspects has been, or is likely to be used to commit an offence or cause personal injury to, or damage to the property of, any person (including the pupil).

The Principal Deputy Head Pastoral or any member of the Senior Management Team can also search for any item involved in a breach of the school rules.

### *Procedure for a search*

The girl would be asked, in the presence of a second member of staff, permission for the search. The search would also take place with a second member of staff, of the girl's choice and or her

parent present. This policy does not authorise an intimate search or physical compulsion in removing clothing. The person conducting the search may not require the pupil to remove any clothing other than outer clothing. Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but outer clothing includes hats; shoes; boots; gloves and scarves. Her possessions may be searched and this means any goods over which she has or appears to have control – this includes her room, desks, lockers and bags, electronic devices etc. Where appropriate, she may be asked for access to her social networking sites. A pupil's possessions can only be searched with the permission of the pupil in the presence of the pupil and another member of staff, except where 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 summon another member of staff. As far as possible the girl would empty her own drawers, locker, pockets etc under supervision.

In the absence of pupil consent the girl's parents should be contacted, or if there is concern about illegal substances or weapons the police should be called

The pupil's consent would not be needed to search her belongings or room and access to locked storage may be made by forcible entry if staff were satisfied that an offence had been committed and danger posed by the item to either the girl herself or other members of the Queenswood Community. In most cases the police would be called if this were to be the case.

### *Confiscation of items*

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline, or in order to protect an individual; for example, if she were likely to receive unkind messages from her peers.

At Queenswood the policy is to hand illegal items to the police, and all other confiscated items will be given to the parents.

### *Communication with Parents*

A member of the Senior Executive Team or Senior Management Team, but usually the Deputy Head Pastoral or Assistant Head, will contact the affected pupil's parents regardless of outcome and a written record will be kept. If the girl does not give permission for a search the parents will also be contacted.

### *Complaints Procedure*

The normal school complaints procedure applies.

### *Related policies*

- Smoking (tobacco), Alcohol and Drugs Policy
- Exclusion, Expulsion and Review
- Anti-bullying Policy
- Electronic and Social Media Policy

