

**KINGSMEAD SCHOOL HOYLAKE TRUST LIMITED**  
**Including Early Years Foundation Stage**

**Searching a Pupil's Belongings or Person**

**Summary**

This policy has been produced in line with Department for Education statutory guidance 'Behaviour and Discipline in Schools' 2011, Education and Inspections Act 2006, Education Act 2002, Equality Act 2010, Improving Spiritual, Moral, Social and Cultural Development of Pupils (Non Statutory guidance 2011) and should be read in conjunction with Kingsmead School's policies on Discipline, Sanctions, Pupil Restraint and Searching policies.

**Governors**

It is the Governors' role to ensure that good behaviour and discipline on the part of pupils are pursued in Kingsmead School and they will from time to time review the policies designed to promote such behaviour in consultation with the Head, staff, parents and pupils and with regard to current legislation and statutory guidance.

**1. Policy Statement**

Personal searches are to be avoided wherever possible.

**On no account is a member of staff in the process of a disciplinary enquiry ever to search or touch pupil's person.**

**For premeditated searches the members of staff searching and witnessing should be of the same sex as the pupil under investigation and at least one must be a member of the Senior Management Team. In unpremeditated cases this would be ideal and all reasonable efforts should be made to comply.**

**A search can demonstrate innocence as much as guilt. This should always be made clear to the pupil.**

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## **2. Procedures**

Prior to the search of a pupil's possessions, the highlighted sections of the policy must be fulfilled.

### **2.1 Search of the person by a member of staff**

For items such as alcohol, cigarettes, stolen property:

- The pupil should be asked by a member of staff, ideally in the presence of a second member of staff, to turn out his or her pockets or bag.
- In the case of initial refusal to cooperate, a member of SMT (who will now lead this investigation) should contact parents/guardians, declare and justify suspicions and ask them to persuade the pupil to submit to the request.
- In the case of continuing refusal to cooperate **and if appropriate**, suspend and isolate the pupil in school and call the parents/guardians to attend. In the case of items of considerable value advise parents and pupil that the pupil and any personal belongings under suspicion of containing incriminating items might be removed to the police station.
- In the case of continuing refusal to cooperate, a member of SMT might either take the pupil to the police, accompanied by parents/guardians or send the pupil home, suspended pending further investigations.

For items such as illegal drugs or weapons:

- The pupil should be asked, in the presence of the senior member of staff in School as witness, to turn out his or her pockets or bag.
- In the case of initial refusal to co-operation: a member of the SMT will contact parents/guardians if possible and advise the pupil (and parents if they are available) that the police will be contacted.
- In the case of continuing refusal to co-operate: the police should be called to the School so that they might make the search, which might extend to School property used by the pupil (such as lockers). If for some reason the police cannot immediately attend and the search is deemed urgent, then the pupil should be taken to the police station.

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**Search of personal property or School property, for example in a locker**

Belongings are no longer ‘of the person’ when they are being stored at School or in School property such as lockers. This allows for a greater flexibility of approach. However if a search by a member of staff is undertaken the level of intrusion is potentially as great and so the offence suspected needs to be sufficiently serious, the need for a search legitimate, and prospect of success reasonable:

- For ‘lost’ items of relatively low value, a pupil should be asked to search his/her own belongings to see if the item has been ‘misplaced’. If more than one pupil is included, the scope of the search and the number of pupils involved should reflect the nature of the loss and be legitimately targeted. Kit inspections fall into this category. It would be allowable for members of staff (one as witness) to watch the pupil(s) search, but may not be deemed necessary or appropriate.
- For more serious matters, any pupil to be searched should be asked, in the presence of a second member of staff as witness (ideally SMT), to oversee the search of a locker (performed by a member of staff – and one member of SMT as witness), and to turn out any bags as requested. If a pupil is away from School and cannot be contacted, no search by the School should be undertaken but permission should be sought on return. Any more urgent situation should be referred to the police.
- In the case of initial refusal to co-operate, a member of SMT should contact parent/guardians and ask them to persuade the pupil to submit to the request.
- In the case of continuing refusal to co-operate, a member of SMT will suspend and isolate the pupil in school and call the parents to attend. **If appropriate** (items of considerable value, illegal drugs, weapons etc.), advise parents and pupil that the police might be contacted and asked into the School to make the search.
- In the case of continuing refusal to co-operate, a member of SMT will call the police so that they might make the search at School. If for some reason the police cannot immediately attend and the search is deemed urgent, then the pupil should attend while a member of staff, with a member of the SMT as witness, makes the search. Forcible entry is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act 1971) or weapons, and then on School property, not personal property, and the Headmaster deems forcible entry to be appropriate given the circumstances.

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**Procedure to follow after the search**

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

The affected pupil's parents must also be contacted after any search, regardless of the outcome.

If an illegal item is found as a result of the search it should be handed to the police.

In other cases, confiscated items should be returned to the pupil's parents, and are not to be destroyed or kept by staff for their own use.

**Advice**

Here are some scenarios to demonstrate the circumstances leading to a search.

A member of staff:

- Smells fresh cigarette smoke on a pupil;
- Sees smoke behind a bush, only for a pupil to emerge;
- Is approached by a pupil, indicating another 'who has just been smoking'.

The member of staff should challenge the suspect.

In case of confession, take names, and ask for all cigarettes and lighters which should be listed, signed for, and handed to SMT as soon as possible.

If no confession is offered or if no cigarettes handed over, accompany pupil to reception and call for SMT. Join SMT for interview at which the pupil will be warned or a search will be made as appropriate. A warning would be appropriate if the trail were deemed to be sufficiently cold so that it is unlikely a search would be successful.

A member of staff believes a pupil is:

- Under the influence of alcohol (perhaps via information from another pupil);
- Carrying alcohol (for example, to a school function);

The member of staff should state their concerns, accompany pupil to Reception/First Aider/member of senior member of staff. SMT, if on site, or senior member of staff will instigate a personal search or issue a warning (informing parents) as appropriate.

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A member of staff has good reason to believe a pupil to have stolen property on his person or in his bag;

- Accompany to a member of the SMT and proceed with personal search.

A member of staff has good reason to believe a pupil to have illegal drugs/weapons on his/her person or in his/her locker;

- Accompany to a member of the SMT and proceed with search (of person or property).

**Allegations against Staff**

If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority to the benefit of all concerned. At any stage of consideration or investigation, all unnecessary delays should be eradicated.

Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).

This policy has been produced in line with ‘The Equality Act’ 2010 and ‘The Children Act’ 2004.

For further advice, consult: DfE: Screening, Searching and Confiscation; Advice for Headteachers:

<http://media.education.gov.uk/assets/files/pdf/s/screening%20searching%20and%20confiscation%20%20%20advice%20for%20headteachers%20and%20governors.pdf>

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