



# The Heys School

## Statement of Policy on Police Liaison (including screening, searching and confiscation) Part of the school wider safeguarding policy

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## **RATIONALE**

Specific responsibility for security in schools is not set down in legislation. Security is a health and safety issue. The Heys School makes a clear commitment to ensuring that it remains a safe place to learn and play. We recognise the susceptibility of students to the influences of 'street culture' and how that may influence how a pupil may behave in school. We will take any action necessary to ensure that students receive appropriate education in matters relating to health and personal safety. Equally, the policy outlines the school's determination to remain a safe place and should be read in conjunction with the school's Child Protection and Safeguarding Policies

## **AIMS**

The purpose of this policy is firstly to clarify to staff and particularly to Senior Leaders and key pastoral figures how the school may support the work of the police without prejudicing the rights of students, contravening any confidentiality law, or putting themselves at personal or professional risk.

The policy and procedures in relation to the Searching, screening and confiscation are based on the advice from Jan 2018. The school is not compelled to use these powers. It does, however, give it the option when there is a suspicion that a knife or other weapon has been brought on to site or carried on an off-site educational visit

## **PRACTICES**

### ***Release of information***

- Under the Freedom of information Act 2000 Requests for information must be specific. Open-ended requests, or 'fishing expeditions' are not permitted. Any request for information from the police should go through the School liaison Officer to ensure that the normal channels of obtaining information have been followed.
- No pupil should be interviewed on school premises without parental presence or parents give permission for a member of school staff to act in loco parentis. This is, unless key evidence may be lost or individuals are put at risk or further risk. In these latter cases every reasonable step will be taken to contact parents or family members who could assume some legal responsibility
- Under Freedom of Information Act schools must make information available to the police and sharing is permitted where there is an issue of a person's welfare.

### **Incidents relating to the possession of weapons**

It is vital that school remains at all times a safe and secure place for students and staff alike. The carrying of any item deemed a weapon, such as a knife has to be challenged and any powers available used to challenge possession and prevent any further such incidents.

The Violent Crime Reduction Act 2006 provides, at section 45, a new power for school staff to search students suspected of carrying a knife or any other weapon in-school or on an educational visit. School may as deemed necessary use the without-consent search powers contained in the legislation. The power came into force on May 31<sup>st</sup> 2007

### **Context:**

**No contact or low contact screening (Currently not active at The Heys School)**

Schools can require students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students.

- Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, students and visitors<sup>3</sup> enables them to impose a requirement that students undergo screening.
- Any member of school staff can screen students.

### **Also Note**

- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation require a school to be managed in a way which does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend.
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent.

### **Searching with consent**

School staff can search students with their consent for any item banned by the school rules (See school organiser). The school is not required to have formal written consent from the pupil for this kind of search – it is enough for the teacher to ask a pupil to turn out his or her pockets or to look in the pupil's bag and for the pupil to agree

If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil as above and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school behaviour policy.

### **Searching without consent**

Headteachers and staff authorised by them have a statutory power to search students 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 that the member of staff reasonably suspects has been, or is likely to be, used:
  - to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).
- Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

### **Guidelines for establishing grounds for a search**

Teachers can only undertake a search if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. For example, they may have heard other students talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item

If authorised staff suspect a weapon or other banned item is somewhere in the school or an offsite educational visit, they can search any pupil if reasonable grounds for suspecting that he has a weapon with him or in his possession exists or banned item. This is a legal standard and the searcher must take account of the following:

- No contact screening might establish screening
- Suspicion should be based on facts relevant to the likelihood of finding a weapon not on personal factors alone.
- Reasonable suspicion based not on specific information or intelligence but stemming from actual behaviour e.g. observed trying to hide something.
- Reasonable suspicion linked to accurate and current intelligence or information e.g. a pupil describing an article directly to a member of staff.
- The searcher should state their grounds of suspicion to the searched pupil.
- Questions about the pupil's behaviour or presence in circumstances which give rise to suspicion. As a result of questioning, the reasonable grounds for suspicion are confirmed or eliminated

### **Guidelines for the search**

A head teacher cannot require anyone other than a member of the authorised staff to carry out a search where there are reasonable grounds. A head can, however, if it is reasonable in the circumstances, direct a member of staff to be present at a search.

The search should be conducted in a private place and must have two members of staff present, and searchers must be the same sex as the pupil. A pupil's possessions can be searched without consent (and the search witnessed) by staff of the opposite sex to the pupil; the pupil must be present.

There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

The searcher must have reasonable suspicion that a pupil is in possession of a prohibited item.

A head teacher needs no authorisation to conduct a weapons search without consent. Other school staff must be authorised by their head teacher before they can do so.

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on trips in England or in training settings

### **During the search: Extent of the search**

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, blazers, coats and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil's possessions can only be searched 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.

## Also note

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

## After the search

School will use its discretion to confiscate, retain and/or destroy any item found as a result of a **“with consent”** search if the school deems that reasonable. In the event of any article thought to be a weapon this will be passed to the police

The member of staff can use their 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. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

**“Without consent”** search. In the case of alcohol, cigarettes or other smoking paraphernalia, or fireworks school will not return this item but dispose of it. With regards to controlled drugs, these will be delivered to the police. In other substances are found which are not believed to be controlled drugs these will be confiscated. These include banned items such as so called ‘legal highs’. Stolen items will be delivered to the police as soon as is reasonably practical.

If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.

In other circumstances such as items banned under the school rules the school will exercise its professional judgement whether to return it to its owner, retain it or dispose of it.

Any weapons or items which are evidence of an offence must be passed to the police

## Electronic devices

Where the person conducting the search finds an electronic device, they may examine any data or files if they think ‘there is good reason to do so.’ If a decision is made to return the device, or to retain or dispose of it, then files may be erased if 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. A determination needs to be made whether the material is of such seriousness that it requires the involvement of the police and the Headteacher as Safeguarding lead or designated deputy should be fully consulted.

## Use of force. (See Control & Restraint Policy)

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

Any item found as a consequence of a search will be stored safely and the police informed and to collect it. A written note should be provided to the police recording delivery of a seized item.

A record of any search should be made as soon as possible. This may form part of a court case. The record should include:

- Name, year, sex, ethnicity of every pupil searched

- Grounds of suspicion
- Time and place
- Who searched
- Who else was present
- What if any reasonable force was used, and if so why
- How the search began and progressed
- The pupil's responses and how the staff managed them
- Outcomes and follow up action

## **Informing Parents**

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Any complaints about screening or searching should be dealt with through the normal school complaints procedure.

## **Educational Response**

We understand that the most effective way of keeping knives, other weapons and other banned items out of school is through education and the personal risks students take. Issues such as how to resolve conflicts without violence and the dangers and illegality of, and penalties, for carrying a weapon are actively explored through the school's PSHE programme, drop down days, for time activities, pastoral contacts and the visits of local community police and other agencies such as Early Break

## **Related Policies:**

- Data Protection Policy
- Behaviour Policy
- Complaints Procedure Policy
- Child Protection Policy – Working together to safeguard children March 2015
- Safeguarding policy – Keeping children safe in education September 2016
- DfE Screening, searching and Confiscation. Advice for Headteachers, Staff and Governing Bodies. Jan 2018
- Education & Inspection Act 2006
- Violent Crime Reduction Act 2006 (inserted into Education Act 1996)
- Article 8 European Convention on Human Rights