



Searching Pupils, Possessions, Rooms and Electronic Devices

1. Authorisation and Consent

- 1.1 The Master ultimately decides who can search a person, or their room, or possessions, including electronic devices. This power is delegated by the Master to the Deputy Master, the DSL and the Proctor who can also authorise other individuals to undertake searches. Unless a pupil is in immediate risk, the Master, the Deputy Master, the DSL or Proctor must provide their consent for a search of a pupil, their possessions or their room.
- 1.2 The Master, and staff authorised by him (see above), 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 stated in the government guidelines to schools are:
 - knives or weapons
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks heard
 - 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).
- 1.3 Under the statutory power the Master and authorised staff can also search for any items which have been identified as an item which may be searched for. The School has identified the following items:
 - vaping paraphernalia.
 - electronic devices

2. Confiscation

Under these powers Haileybury staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

3. Searching Pupils and Rooms

- 3.1 Under these powers searching of pupils, their possessions or rooms can only occur when Haileybury staff have reasonable grounds for suspecting that a pupil is in possession of a prohibited item (as stated in point 1.2).
- 3.2 Possessions include post addressed to a pupil that arrives in School.
- 3.3 The requirement that the searcher is the same sex as the pupil and that a witness is present will apply in nearly all searches.
- 3.4 Only where it is impracticable to summon a staff member of the same sex as the pupil or a witness then the teachers wishing to conduct a search can do so.
- 3.5 Haileybury staff should make every effort to ensure that the searching member of staff is of the same sex and a witness if present.
- 3.6 If a room is shared then Haileybury reserves the right to search the whole room when they have reasonable grounds for suspecting that either pupil is in the possession of a prohibited item.
- 3.7 Haileybury staff should make every effort to ensure that the pupil, or pupils, whose room it is are present for the search and asked for their consent.
- 3.8 Searching with consent:
 - Haileybury staff can search pupils, their possessions or their rooms, with their consent for any item.

- Haileybury is not required to have formal written consent from the pupil for this sort of search. E.g. it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.

3.9 If consent is withheld:

- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, that member of staff (in consultation with the Proctor) can apply an appropriate punishment as set out in the Haileybury's [Behaviour, Rewards and Sanctions policy](#).
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff, in such circumstances, Haileybury can apply an appropriate punishment as set out in the Haileybury's [Behaviour, Rewards and Sanctions policy](#).

4. Establishing grounds for a search without consent

- 4.1 Haileybury staff can only undertake a search without the consent of the pupil if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item.
- 4.2 The member of staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.
- 4.3 A record of the reasonable grounds for a search should be recorded in CPOMS.
- 4.4 In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases, as they get older.
- 4.5 The powers allow Haileybury 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.
- 4.6 Haileybury staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item. Consent for this is obtained through the Master, Deputy Master or Bursar.

5. Extent of a search

5.1 Clothes and possessions:

- 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.
- '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.

5.2 Lockers and desks

- Schools are able to search lockers and desks for any item provided the pupil agrees.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the 'prohibited items listed above in point 1.1.

5.3 Electronic items

- Procedures for searching electronic items are set out in Appendix 1

6. Confiscation of items found in a search

6.1 What the law allows: schools' general power to discipline, as circumscribed by 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.

- Also note: 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.
- Haileybury 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.

6.2 Items found as a result of a 'without consent' search. What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.
- Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
- Where they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline.
- Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.
- 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.
- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- Where a member of staff finds an item which is banned under the school rules they should discuss this with the Proctor and Deputy Master who will take into account all relevant circumstances and use their professional judgement to decide 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 as soon as possible.

6.3 When illegal drugs are found in a search they should be sealed in a plastic bag and/or other lockable container in the presence of a second adult witness, stored in a secure location, with access limited to two members of staff. The police will collect it and dispose in line with local protocols. Haileybury staff should not attempt to analyse or taste unknown substances.

6.4 Any sharps or other similar items should be disposed of via the Health Centre.

7. Telling parents, record keeping and dealing with complaints

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

7.2 There is no legal requirement to make or keep a record of a search but Haileybury requires all searches of rooms, the consent obtained from SLT and whether the pupil consents or not, the grounds for the search, and the findings to be recorded on CPOMS.

7.3 HMs are expected to 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. The Master will direct how this is to be done.

7.4 Complaints about screening or searching should be dealt with through the normal Haileybury complaints procedure.

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References:

DfE advice - Searching, screening and confiscation: Advice for head teachers, school staff and governing bodies (January 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

Appendix 1

Dealing with electronic devices

- 7.5 Where the person conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so.
- 7.6 They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police.
- 7.7 This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- 7.8 In determining a "good reason" to examine the electronic device 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.
- 7.9 A pupil's electronic device 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 / the pupil.
- 7.10 If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable.
- 7.11 If a search results in material being deleted or the device being confiscated / retained, the member of staff conducting the search would inform parents within 24 hours during the working week, (48 hours if the search is undertaken on a Saturday) of the initial search being conducted.

7.12 Following an examination of an electronic device:

- If the person conducting the search decides to return the device to the owner, a note of the search must be entered into CPOMS and emailed to the Deputy Master within 24 hours of the search being conducted.
- If the person conducting the search believes there is inappropriate material on the device they must ask the pupil to lock the device immediately and then store it somewhere secure. They must then contact a member of the Child Protection Team immediately by telephone to decide whether the material should be erased, retained 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. A note should be made on CPOMS of these actions.
- Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.
- If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.

7.13 Additional guidance on searching electronic devices when sexual images are suspected - Viewing the imagery

- Staff should not view suspected youth produced sexual imagery (sexting) but refer the matter immediately to the Child Protection Team.
- Wherever possible the Child Protection Team's response to incidents will be based on what they have been told about the content of the imagery.
- The decision to view imagery will be based on the professional judgement of the Child Protection Team and comply with Haileybury's Safeguarding and Child Protection Policy.
- Imagery will never be viewed if the act of viewing will cause significant distress or harm to the pupil.

7.14 If a decision is made to view imagery the Child Protection Team would need to be satisfied that viewing:

- Is the only way to make a decision about whether to involve other agencies (i.e. it is not possible to establish the facts from the young people involved).
- Is necessary to report the image to a website, app or suitable reporting agency to have it taken down, or to support the young person or parent in making a report.

- Is unavoidable because a pupil has presented an image directly to a staff member or the imagery has been found on a school device or network.

7.15 If it is necessary to view the imagery then the Child Protection Team will:

- Discuss the decision with the Master.
- Never copy, print or share the imagery; this is illegal.
- Ensure viewing is undertaken by a member of the Child Protection Team.
- Ensure viewing takes place with another member of the Child Protection Team present in the room.
- Wherever possible ensure viewing takes place on Haileybury premises, ideally in a member of the Senior Leadership Team's office.
- Record the viewing of the imagery on CPOMS, including who was present, why the image was viewed and any subsequent actions. Ensure this is dated and meets the wider standards set out by Ofsted for recording safeguarding incidents.

7.16 If youth produced sexual imagery has been unavoidably viewed by a member of staff either following a disclosure from a young person or as a result of a member of staff undertaking their daily role (such as IT staff monitoring school systems) the Child Protection Team must be informed and ensure that the staff member is provided with appropriate support. Viewing youth produced sexual imagery can be distressing for both young people and adults and appropriate emotional support may be required.