



SCREENING, SEARCHING AND CONFISCATION

1. Policy Statement:

At BCS we aim to keep all members of our school community physically and medically safe. If deemed necessary, pupils will be asked to be searched for any banned items. BCS also has statutory powers to search pupils, without consent, if it is suspected that the pupil has prohibited items of knives, weapons, alcohol, illegal drugs and stolen items.

Legislation this policy relates to:

- Education and Inspection Act 2006
- Health and Safety at Work Act et al 1974
- Policing and Crime Act 2009 Section 30
- Education Act 1996 Section 5502A
- Education Act 2001
- Data Protection Act 1998
- DfE Advice: Screening, searching and confiscation 2011

BCS is fully committed to ensuring that the application of this Screening, Searching and Confiscation policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

This policy is applicable to all pupils in both senior and prep schools, including those in boarding and EYFS and BCS seeks to implement this policy through adherence to the procedures set out in the rest of this document.

In line with our Provision of Information policy, this document is available to all interested parties on our website and on request from the Senior school and Prep school offices and should be read in conjunction with the following documents: Health and Safety, Equal Opportunities, Behaviour, Exclusion, Visits and Extra Curricular Activities , Complaints, Physical Restraint

This document is reviewed annually by Deputy Head, Pastoral and Discipline, and Head of Boarding Alison Davies in the Senior School and the Head of Prep, Kay Smith, for the Prep School or as events or legislation change requires. The next scheduled date for review is March 2019.

2. PROCEDURE

School staff can search pupils with their consent for any suspected item banned by the school rules.

School staff can search pupils without their consent for any suspected knives, weapons, alcohol, legal highs, illegal drugs and stolen items (from now on called prohibited items). Pupils can also be searched for prescribed medication if the circumstances deem it appropriate. A search without consent can only take place in England.

When and where a search can take place

A search can take place if there are reasonable grounds for suspecting that a pupil is in possession of a prohibited or banned item. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether such a search should take place. The search

may be of the pupil's clothing, footwear, bags or locker. Wherever possible, a search should take place in private, witnessed by another member of staff. This may not be possible for example if searching a locker in a classroom, which is in a public place.

Authorisation to search pupils

On the school premises and grounds, any member of the teaching staff can carry out a search although staff can refuse to undertake such a search.

On an out of school activity, the Group Leader is authorised to search pupils at that location. All staff have ongoing authorisation to be the witness of a search. On an out of school activity, temporary authorisation is given to non-employees who are named adults supervising pupils on school trips to be a witness to a search.

This temporary authorisation is only valid during the hours of the trip and can only be used when a staff employee is not able to deal with the situation.

If deemed necessary, the Headmaster/ Head of Prep will provide appropriate training for staff although there is no legal requirement for training.

Extent of the search

When a search is required, there must be two members of staff present. The first member of staff conducting the search must be the same sex as the pupil being searched. The witness (second person) who, where possible, must be a member of staff and should be, again wherever possible, the same sex as the pupil being searched.

On a school trip, the Group Leader where possible should lead the search but if this is not possible due to gender, they have the authority to delegate the search to a member of staff of the same gender. There is no legal requirement to make or keep a record of the search. However, the member of staff leading the search would be required by the school to keep an informal record in their diary of the date, pupil name, witness name, consent given, item being searched for and outcome.

A search of a pupil's possessions must take place in the pupil's presence with the witness present. The staff conducting the search may conduct a "personal search" which requires the pupil to remove any 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 sweatshirt, hats, shoes, boots, gloves and scarves). Staff are not authorised to conduct an "intimate search" which requires the removal of non-outer clothing. The Police must always be called if an intimate search is required as they have the legal powers required. A pupil's possessions (any goods over which the pupil has or appears to have control such as bags and lockers) may be searched. Force should not be used when conducting a search. If there are any concerns that the pupil to be searched may become aggressive then the search should not take place and the Police called. Protective gloves are available from the school nurse/the medical room or from the First Aid Kit if on a school trip.

The searcher should take care when touching the pupil's clothing or property to reduce the risk of injury from sharp objects. The pupil should turn out pockets, empty bags etc. Staff should only touch items that are visible and the risk of sharp items being present can be assessed by the searcher.

After the search

Staff must seize any prohibited or banned item found during a search. Any item seized which is prohibited (with the exception of alcohol) or a controlled drug, must be delivered to the Police by the Headmaster or Head of Prep as soon as is possible. Items, which are evidence of an offence, must be passed to the police as soon as possible. Any seized substance whose legal status is unsure should be treated as a controlled drug. Any substance believed to be a 'legal high' will be confiscated. It would not be reasonable or desirable to involve the Police in dealing with low value stolen items such as pencil cases. The Police can be involved in higher value stolen items. The school nurse should be informed of any "sharps" items seized to arrange safe storage/disposal.

Alcohol, which has been seized, should be disposed of by pouring it down the sink.

If alcohol has been found on a pupil more than once within the last 12 months then the School Police Liaison Officer will be informed as Section 30 of the Policing and Crime Act 2009 created an offence for a person under the age of 18 of 'persistently possessing alcohol in a public place'. Any seized banned item (other than alcohol) should be handed into the school office immediately where it will be recorded in a log book and then locked away in a safe under the control of the Headmaster or Head of

Prep. Pupil punishment will be according to the level of incident and may involve detention, internal isolation, fixed or in extreme cases permanent exclusion. Any pupil who refuses to cooperate with a search will be considered to have refused a reasonable staff instruction and will be sanctioned accordingly.

Parent/carer involvement

There is no legal requirement to inform the parent/carer. The school will inform a parent/carer where a seized item is prohibited unless this would compromise the pupil's safety. When a banned item has been confiscated, a parent/carer will then have to come into school to collect any item not delivered to the police or disposed of by staff. A parent will be informed following a search if nothing is found but there are still concerns.

Complaints and Allegations

Any complaint or allegation of misconduct arising from an incident should be put in writing using the school's complaints procedure.