



Policy:	<i>SEARCH POLICY</i>
Applies to:	<i>Warwick Senior and Junior School Pupils</i>
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Approved by:	<i>J S Barker, Head Master</i>
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Signed:	

## SEARCH POLICY

Warwick School is committed to safeguarding and promoting the welfare of the members of its community. Accordingly, there may be occasions when it becomes necessary to search the person, the belongings or the room of a pupil. These instructions set out the circumstances in which such searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DfE Guidance for Schools on Screening, Searching and Confiscation (February 2014).

The people in the school who can carry out any such search are members of SMT, Heads of Section or the Houseparent of the pupil(s) concerned. In exceptional circumstances the Head or Senior Deputy Head may authorise others to carry out such a search. Staff can choose whether they want to be authorized, or not. This policy would apply on authorised school trips where school rules are in force. In all circumstances the consent of the pupil to any search should be requested. A second adult witness should always be present. If possible, both adults should be of the same sex as the pupil concerned. Incident reports must be submitted about any such search, listing all the main details.

According to DfE guidance, the school is not required to inform parents before a search takes place or to seek their consent to search their child, nor is there any legal requirement to make or keep a record of a search. However, at Warwick, affected pupils' parents should always be contacted after any search, regardless of the outcome, and regardless of the nature of the search.

In the general course of school life, given pupils' good conduct overall and taking into account the very good relationships between pupils and staff, it is unlikely that searching pupils will be necessary. There are however some occasions when it might be; at those times, this policy should be followed.

Essentially there are two types of search: those with consent and those without consent. These searches are outlined below:

### **Searching with Consent**

- School staff can search pupils with their consent for any item which is banned by the school rules.
- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil for him to turn out his pockets or if the teacher can look in his locker or bag.
- If the pupil refuses to comply, this is not necessarily an admission of guilt; however 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, the school will apply an appropriate disciplinary sanction, and the matter should be referred to a senior member of staff if appropriate.

## **Searching without consent**

Items that can be searched for under these powers are referred to as “prohibited items”, 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).

School staff are allowed 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.

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.

An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for prohibited items. Such force cannot be used to search for items banned under the school rules.

## **Items found as a result of a search**

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.

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 Trips**

Searches without consent can only be carried out on the school premises or, where the member of staff has lawful control or charge of the pupil, for example on school trips or in training settings. Therefore this policy on searches of pupils and their belongings applies irrespective of whether the pupil is at the school or on a non-residential, or residential, trip, outside Warwick.

There may therefore be occasion to carry out a search on a school trip. If this occasion arises, the adult in charge of the trip should make an effort to contact either the Head or the Senior Deputy Head to obtain authorisation. If this proves impossible and the circumstances are such as to make a search necessary, the adult in charge is empowered to carry out such a search, following all the above procedures. A second adult should act as a witness. Full notes must be kept and an incident report submitted in due course.

Please use in conjunction with Conducting a Search Guidance document.