



HARROGATE
GRAMMAR SCHOOL
EXCELLENCE FOR ALL

**Policy: Searching, Screening,
Confiscation and
Restraint**

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Searching, Screening, Confiscation and Restraint Policy

CONTENTS		Page(s)
Item 1	Policy Scope	3
Item 2	Aims of the Policy	3
Item 3	Policy Links	3
Item 4	Policy Statement	3
Item 5	Prohibited Items	3
Item 6	Searching and Screening Students and their possessions	4
Item 7	Electronic Devices	5
Item 8	Confiscation	6
Item 9	Use of Force to Control or Restrain a Student	8
Item 10	Responding to Complaints	9
Item 11	Appendix 1 – Check List for Conducting a Search	10
Item 12	Appendix 2 – Student Search Form	12
Item 12	Appendix 3 – Record of Physical Intervention or Restraint	13

1. Policy Scope

This policy is for all staff, students, parents and carers, governors, visitors and partner agencies who work with the school. It provides principles, guidelines and procedures about searching, screening, confiscation and restraint.

2. Aims of the policy

- To explain the schools' powers of screening and searching, including the power to search without consent
- To explain the powers schools have to seize and confiscate items
- To give school staff the confidence to use these powers

3. Policy Links

This policy links to the following Harrogate Grammar School policies:

- HGS Respectful Relationships and Behaviour Policy
- Equality Policy
- Safeguarding and Child Protection
- Special Educational Needs and Disability
- E-Safety
- ICT Acceptable Use policy

It also links to the following Department for Education policy and guidance:

- Behaviour and discipline in schools: Advice for Headteachers and school staff (2015)
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2022)
- Searching, screening and confiscation: Advice for Headteachers, school staff and governing bodies (2022)
- Use of reasonable force: Advice for Headteachers, staff and governing bodies (July 2013)

4. Policy Statement

The Headteacher and staff authorised by them have a statutory power to search students or their possessions, with or without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item.

5. Prohibited items – These are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images

- any article that a 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 student).

The Headteacher and authorised staff can also search for any item banned by the school and which have been identified as an item which may be searched for. These are:

- Lighters
- Matches
- Vapes/E-cigarettes

The Headteacher and staff authorised by them can also confiscate prohibited items or items banned by the school.

These are statutory powers and are used to ensure the safety and welfare of all students and members of the community.

6. Searching and screening students and their possessions

If a member of staff suspects a student has a prohibited or banned item in his/her possession they can search a student. In this instance staff are advised to:

- Explain to the student why they are being searched, how and where the search is going to take place.
- Ask the student to turn out his or her pockets or empty their bag or locker.
- Staff may look in the student's bag or locker with the student's consent to ensure that the bag/locker is empty.

If the student refuses, the member of staff can apply an appropriate punishment, contact home or if there is a serious risk to the personal safety of the student and others and/or a criminal offence may have taken place, the police may be called.

Headteachers and staff authorised by them can also authorise a search of students or their possessions (including bags and lockers) **without** their consent if there are reasonable grounds for doing so. This power applies to searching for:

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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, or damage to property; and
- Any item banned by the school which may be searched for. This includes lighters, matches, vapes/e-cigarettes.

School staff or the police can screen students for weapons, using portable "wands" or weapons screening arches.

Reasonable force may be used to execute the search. Reasonable force covers a broad range of actions that involve a degree of physical contact with students.

6.1 The extent of the search

A search will always be carried out by a member of staff of the same gender as the student and in the presence of a Senior Leader.

The search should be away from other students on the school premises or where a member of staff has lawful control of the student for example on a school trip.

The person conducting the search cannot require the student to remove any clothing other than outer clothing. This means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' and includes hats; shoes; boots; gloves and scarves.

A student's possessions may be searched. This means any goods over which the student has or appears to have control – this includes desks, lockers and bags. A student's possessions can only be searched in the presence of the student 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.

6.2 Reporting and recording a search

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. However, we will always inform parents/carers if a search has been conducted.

Although there is no legal requirement to do so staff will make a record of a search on CPOMS. The record of the search will include:

- Date, time and location
- Who was searched
- Who conducted the search and any other adults present
- What was being searched for
- The reason for the search
- What items, if any were found
- Follow up action that was taken as a consequence of the search

The police should be called where there is a potential danger or risk to the personal safety of the teacher, the student or others.

Parents should be informed of any search and the outcome as soon as it practicably possible.

7. Electronic Devices

7.1 Mobile Phones

Students are not permitted to have mobile phones switched on from 8:50am until 3.30pm each day.

If a student is seen with a with a mobile phone, even if not in use this will be removed and kept in Reintegration until the end of the day. This will be recorded on Arbor as a Behaviour Incident and parents notified.

7.2 iPads

The iPad is a tool to support learning. All students and parents/carers sign the Harrogate Grammar School iPads for Learning Agreement and are issued with the ICT Acceptable Use Policy. Clear rules around the use of the device are made clear. Staff have the right to look at content stored on a student's iPad at any time and this will happen as part of random spot checks to ensure that the iPads are being used appropriately. If a student breaches these rules on acceptable use appropriate and proportionate action will be taken by the school.

7.3 Statutory guidance for dealing with electronic devices

The Headteacher and staff authorised by them can search a student's electronic device. Where the member of staff conducting the search finds an electronic device 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. 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. This power applies to all schools and there is no need to have parental consent to search through a student'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.

The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device. In determining a 'good reason' to examine or erase the data or files the staff member should 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. 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. 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.

All school staff should be aware that behaviours linked to sexting put a child in danger. (See Section D of Safeguarding and Child Protection Policy).

8. Confiscation

School staff can seize any prohibited item found as a result of a search. There may also be occasions when confiscation of student's property occurs as a result of an

individual having in their possession an item that is not allowed in school or that is being used inappropriately, e.g. Vape.

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.

If any item is to be returned to parents it must be labelled with the student details, parents should be informed or the arrangements to collect and it should be left at Student Services to be locked away.

8.1 Items found as a result of a 'without consent' 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. Other confiscated items may be dealt with in the following ways:

- Where a member of staff 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 student.
- 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. This would include, for example, so called 'legal highs'. 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 student.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.
- 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 consider 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.

8.2 Statutory guidance on the disposal of controlled drugs and stolen items

- Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. It is up to the Headteacher and staff authorised by them to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police the member of staff must have regard to the following guidance issued by the Secretary of State:
 - In determining what is a ‘good reason’ for not delivering controlled drugs or stolen items to the police, the member of Senior Leadership Team should consider all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
 - Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such.
 - With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

9. Use of Force to Control or Restrain a Student

The vast majority of students at Harrogate Grammar School behave very well and make progress in whatever the setting. However, in order to fulfil our duty of care to all students, prevent harm and maintain a safe/secure learning environment, as a last resort, we may, on a very small number of occasions, need to physically hold (restrain) a student for his/her own safety.

Principles: We may restrain a student, if that student is at risk of causing significant harm to himself/herself, or to other students/adults. The force used needs to be the minimum necessary and any force be in proportion to the consequences that it is intended to prevent. We must always take account of any SEN and/or learning disability that a student may experience.

(a) not treat a disabled student less favourably, for a reason relating to his/her disability, than someone to whom that reason does not apply, without justification, and

(b) take reasonable steps to avoid putting disabled students at a substantial disadvantage to students who are not disabled (reasonable adjustments duty). We would never use restraint as a punishment, or to physically overpower a student who is not putting him/herself or others at serious risk of harm. It should be used only:

- in exceptional circumstances where any other course of action would be deemed likely to fail;
- as a last resort, where all other courses of action have failed
- with the minimum degree of intrusion

It is the responsibility of each member of staff to make an assessment of the particular circumstances. Staff will need to know the contents of this policy and decide whether they feel they are capable of managing the situation alone and if physical intervention is required. Where it is possible, more than one member of staff should be involved and, ideally where a member of staff is physically managing a student of the opposite sex, a member of staff of the same sex as the student should be present from the earliest time possible. At the conclusion of any incident, the student and member/s of staff involved should be offered support to reflect on the circumstances and mediate a best way forward.

10. Responding to complaints

In the event of a complaint being received in relation to a search, confiscation of possessions and the use of force by a member of staff, the matter should be dealt with in accordance with agreed procedures for handling allegations against members of staff.

Appendix 1 - A check list for conducting a search

The Headteacher and staff authorised by them have a statutory power to search students or their possessions, with or without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item or any item banned by the school and which have been identified as an item which may be searched for.

Prohibited items:	Banned Items:
<ul style="list-style-type: none"> • 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 student). 	<ul style="list-style-type: none"> • Lighters • Matches • Vapes/E-cigarettes

In the event of finding or suspecting a student to be in possession of a prohibited item or item that is banned by school:

<ul style="list-style-type: none"> • Refer this to a member of SLT or Year Manager as soon as possible 	
<ul style="list-style-type: none"> • Member of SLT with a Year Manager conducts a search. This should be somewhere out of sight of other students and the staff members should be of the same sex as the student. 	
<ul style="list-style-type: none"> • Ask the student to empty their pockets and bags. If a student refuses explain to them that the police/parents can be asked to attend 	
<ul style="list-style-type: none"> • The members of staff conducting the search may not require the student to remove any clothing other than outer clothing 	
<ul style="list-style-type: none"> • A student's possessions may be searched. This means any goods over which the student has or appears to have control – this includes desks, lockers and bag. This could include electronic devices if it reasonably suspected that it has been, or is likely to be, used to commit an offence or cause personal injury or damage to property. You may examine any data or files on the device where there is a good reason to do so. 	
<ul style="list-style-type: none"> • Any prohibited item found should be packed securely and labelled with the date, time and place of discovery. It should be secured within school. A decision about what happens to the item will be made by SLT 	

<ul style="list-style-type: none"> • If a student is under the influence of a drugs or alcohol do not leave them unsupervised. Take them to First Aid 	
<ul style="list-style-type: none"> • Following the search, whether or not anything was found, record on CPOM's the person searched, the reason for the search, the time and the place, who was present and the outcome of any follow up action. 	
<ul style="list-style-type: none"> • If a student's safety is at risk contact the Designated Safeguarding Lead 	
<ul style="list-style-type: none"> • Refer to the Respectful Relationships and Behaviour Policy when issuing a sanction 	

Appendix 2 – Student Search Form

Student search

Student (s) and Year	
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Date		Time		Location	
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Searched by:	
Witnessed by:	

What was being searched for i.e. <i>the types of prohibited items</i>:

The reason for the search:

Items found:

Follow up action:

Parents have been informed:	
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Appendix 3 - Record of Physical Intervention or Restraint

Student Name:		Form:	
Date:		Time:	
Member(s) of staff involved:			
Adult witness to restraint:			
Student witness to restraint:			
Outline of event leading to restraint:			
Outline of incident of restraint (including restraint method used):			
Outcome of restraint:			
Description of any injury(ies) sustained by injured pupil and any subsequent treatment:			
Date parent/carer informed of incident:			
Time:			
By whom:			
Outline of parent/carer response:			
Signature of staff completing report:			Date:
Signature of SLT:			Date:
Brief description of any subsequent inquiry/complaint or action:			
UPLOADED TO CPOMS:	TO		