



<h1>SEARCH POLICY</h1> <p>COVERING BOTH SCHOOLS INCLUDING EYFS AND BOARDING</p>
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Governors' Committee normally reviewing:	Governance Committee (previously Senior Leadership Team)
Date last formally approved by the Governors :	Summer Term 2023 <i>Interim update Autumn Term 2022</i>
Date policy became effective :	March 2016

Period of Review:	Three Yearly
Next Review Date :	Summer Term 2026

Person responsible for implementation and monitoring :	Heads
Other relevant policies :	<ul style="list-style-type: none"> ● Behaviour and Discipline Policy ● Pastoral Care Policy ● Online Safety and ICT Acceptable Use Policy ● Safeguarding (Child Protection and Staff Behaviour) Policy ● Site Security Policy ● Promoting the Welfare of Pupils Policy ● Positive Handling (Restraining) Policy

The following Policy encompasses the Aims and Ethos of the Preparatory School and the Senior School

[Aims and Ethos](#)

SAFEGUARDING STATEMENT

Felsted is committed to maintaining a safe and secure environment for all pupils and a 'culture of vigilance' to safeguard and protect all in its care, and to all aspects of its 'Safeguarding (Child Protection and Staff Behaviour) Policy'.

EQUAL OPPORTUNITIES STATEMENT

The aims of the School and the principles of excellent pastoral care will be applied to all children irrespective of their race, sex, disability, religion or belief, sexual orientation, gender reassignment or pregnancy or maternity; equally these characteristics will be recognised and respected, and the School will aim to provide a positive culture of tolerance, equality and mutual respect.

1. Introduction

The School will ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff. The Heads will oversee the School's practice of searching with support from the Designated Safeguarding Leads (DSL) (or deputy).

Reference to 'member of staff' in this policy is a trained member of staff authorised by the Head to carry out a search, who may be:

- a member of the Senior Leadership Team or Prep Leadership Team
- Housemaster / Housemistress (HM)
- Houseparent
- Phase Leader

This policy follows the guidance: Searching, Screening and Confiscation Advice for schools, July 2022

2. Searching

With consent: The Head and staff authorised by the Head, can search a pupil for any item if the pupil agrees. The School does not require formal written consent as long as the teacher has asked the pupil, and the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.¹

Without consent: The Heads and staff authorised by them, have a statutory power to search a pupil or their possessions (including any personal devices) without consent where they have reasonable grounds for suspecting that the pupil may have a prohibited item, or any article identified in the School's Behaviour and Discipline Policy, Felsted School Parent Agreement and/or the School Rules as an item that can be searched for. Prohibited items are:

Prohibited items list:

- 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)

Other items that the School identifies as an item that may be searched for, as per the School's Behaviour and Discipline Policy:

- smoking materials, including e-cigarettes, vapes and shisha pens
- spray deodorants (these can set off fire alarms)
- pets and animals
- laser pens
- water pistols
- stimulant drinks/pills, for example Red Bull or Monster
- high protein/Creatin and muscle enhancing drinks/pills (unless with the knowledge and approval of the Director of Sport and the relevant HM) – see latest policy document for further details
- any item banned by the School's Behaviour and Discipline Policy and / or the Felsted

¹ *The ability to give consent may be influenced by the child's age or other factors*

- School Parent Agreement and / or the School Rules, that has been identified as an item that may be searched for
- any other illegal item

A search may only be carried out by a trained member of staff authorised by the Head. This would normally be a member of the Senior Leadership Team, Prep Leadership Team, Housemaster/ Housemistress/ Houseparent (HM) or a Phase Leader.

The DSL (or deputy) must be informed of any searching incidents where the member of staff has reasonable grounds to suspect that a pupil was in possession of a prohibited item as listed in section 2 of this policy.

The staff member carrying out the search must involve the DSL (or deputy) without delay and the School's safeguarding procedures must be followed if a search has revealed or may reveal a safeguarding risk.

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 school trips in England or in training settings.

3. Procedure for conducting a Search

3.1. Searching without consent

3.1.1 When a search can be carried out without consent

A search without consent can be carried out if there are grounds for suspicion of possession of any prohibited items. In this case the School does not require the permission of the pupil, although ideally permission will be gained first. If permission is not given but the concerns are sufficient, the search can still go ahead, subject to section 2 of this policy.

The **authorised** member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

3.1.2 Before the search takes place

Before a search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

If the authorised member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Head, Deputy Head or the DSL.

3.1.3 Use of reasonable force

If the pupil still refuses to co-operate, the authorised member of staff should assess whether it is appropriate to use reasonable force to conduct the search in line with the School's Positive Handling (Restraining) Policy. A member of staff can use such force as is reasonable to search for any prohibited items identified in section 2 of this policy, but not to search for other items that are identified only in the School Rules / Behaviour and Discipline Policy. Any decision to use reasonable force should be made on a case-by-case basis. The authorised member of staff should consider whether conducting the search will prevent the pupil from harming themselves or others, damaging

property or causing disorder. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

3.1.4 Member/s of staff conducting the search

The authorised member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search. There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
- In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search without a witness they should immediately report this to the Head and the DSL (or their deputy), and a record of the search made in line with section 6 of this policy.

3.2. Search of a pupil's person

Staff will 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. 'Outer clothing' also includes hats; shoes; boots; gloves and scarves.

Strip searches on School premises can only be carried out by police officers. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to pupils involved and should advocate for pupil wellbeing at all times.

Before calling police into School, the School will assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. The School will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted.

Once the police are on School premises, the decision on whether to conduct a strip search lies solely with them, and the role of the School is to advocate for the safety and wellbeing of the pupil(s) involved. Unless there is an immediate risk of harm, and where reasonably possible, staff will inform a parent of the pupil suspected of concealing an item in advance of a search, even if the parent is not acting as the appropriate adult. Parents will always be informed by a staff member once a strip search has taken place.

If an item is found, this may be a police matter, but will always be accompanied by a safeguarding process handled by the School which gives attention to the pupil's wellbeing and involves relevant staff, such as the DSL (or deputy). Pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.

3.3. Search of possessions

The authorised member of staff conducting the search can search a pupil's bed, cupboard, lockers, desks or possessions for any item of which the pupil has or appears to have control, provided the pupil agrees and the pupil is present. If a pupil does not consent to a search then it is possible to conduct a search without consent but only for a prohibited item listed in Section 2 of this policy or 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 reasonable to summon another member of staff.

3.4. Search of personal electronic devices

Authorised staff may examine any data or files on a personal electronic device that they have confiscated as a result of a search, if there is good reason to do so.

The member of staff authorised to carry out the search may require assistance from a member of the IT department.

In determining whether there is a 'good reason' to examine an electronic device, data or files, the member of staff, with authorisation from the Head, should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the School and disrupt teaching, or be used to commit an offence.

Before carrying out the search, the authorised member of staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk. If the member of staff authorised to conduct the search suspects that they may find an indecent image of a child, the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the DSL (or deputy). All school staff are made aware that behaviours linked to sexting put a child in danger and the School's Safeguarding (Child Protection and Staff Behaviour) Policy and the UK Council for Child Internet Safety advice will be followed for any search and/or action taken as a result of a search.

<https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis>

4. Confiscation

- An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:
 - poses a risk to staff or pupils;
 - is prohibited, or identified in the Behaviour and Discipline Policy or the School Rules for which a search can be made; or
 - is evidence in relation to an offence.
- Where a member of staff conducting a search finds alcohol, tobacco, cigarette papers or fireworks, the School may retain or dispose of it as deemed appropriate, but will not return it to the pupil.
- Where a search finds controlled drugs, these will be delivered to the police as soon as possible unless the School concludes that there is a good reason not to do so. In determining what is a 'good reason' for not delivering controlled drugs to the police, the School will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
- Where the School finds other substances that are not believed to be controlled drugs, these should also be delivered to the police or disposed of as above if the School believes them to be harmful. This would include psychoactive substances or so called 'legal highs'. 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.
- Where any search finds stolen items or an article that has been, or is likely to be, used to commit an offence or to cause personal injury or damage to property, this should be delivered to the police as soon as reasonably practicable. However, the Head and staff authorised by them may decide there is a good reason not to deliver items to the police and instead return the item to the owner or retain or dispose of it if returning to the owner is not practicable. In

determining what is a 'good reason' for not delivering stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement.

- If an electronic device has been seized and the authorised member of staff has reasonable grounds to suspect that it contains evidence in relation to a criminal offence, the School will 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 will not be deleted prior to giving the device to the police. In exceptional circumstances the Head may approve to dispose of the image or data if there is a good reason to do so. In determining whether there is a 'good reason' to erase any data or files from the device, the Head will consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, the School may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.
- Where the School finds an item that is banned under the School rules, the School will take into account all relevant circumstances and use professional judgement to decide whether to return it to its owner, confiscate, retain it or dispose of it.

5. After a search

Whether or not any items have been found as a result of any search, the School will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed.

Where this is the case, the member of staff should follow the School's safeguarding procedures and speak to the DSL (or deputy), who will consider whether pastoral support, an early help intervention or a referral to children's social care is appropriate.

If a pupil is found to be in possession of a prohibited item then the pupil should be sanctioned in line with the School's Behaviour and Discipline Policy to ensure consistency of approach.

6. Record keeping

A written record will be kept in the Head's Office of any search. The pupil's parents will be informed after any search (including if anything was confiscated and any resulting action the School has taken), regardless of the outcome.

The record of each search will include:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

Any search for a prohibited item listed in section 2 of this policy and all searches conducted by police officers will also be recorded within the School's safeguarding record keeping platform, including whether or not an item is found.

7. Staff Training

The Heads will ensure that a sufficient number of staff are authorised to conduct a search (normally members of the Senior Leadership Team, Prep Leadership Team, HM / Houseparent or Phase Leaders) and are appropriately trained in how to lawfully and safely search a pupil.

Members of the IT department will be appropriately trained in the searching of School devices and School IT accounts as part of the School's Online Safety and ICT Acceptable Use Policy.

The School will ensure that all staff understand their rights and the rights of the pupil being searched.