**April, 2**

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**Clever Fish Policy on Searching, Screening and Confiscation**

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**Introduction & Purpose**

This policy outlines guidance for staff and authorised staff on searching students and the retention and disposal of items that have been confiscated in accordance with Ministry of Education’s Guidance on Searching, Screening and Confiscation. This policy applies whenever students are in the care of the school, including on school trips or in training settings.

**Aims**

The central aim of this policy is to support staff in undertaking their duty to promote and maintain an orderly environment and to enable the School to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and disposed of safely and lawfully.

This policy also aims to clarify the circumstances in which searches will take place and what will happen to items confiscated by staff.

**Searching**

The Head-Teacher / Director and authorised staff have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items are:

* an offensive weapon, prohibited weapon or restricted weapon as outlined in the Penal Code (2013 Revision)
* a controlled drug as outlined in the Misuse of Drugs Law (2014 Revision
* a stolen article
* other items include:

1. Alcohol, tobacco, smoking paraphernalia such as lighters, pipes and electric cigarettes.
2. Fireworks and pornographic images.
3. Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or
4. To cause personal injury to, or damage to the property of, any person (including the student).

The Head-Teacher / Director and authorised staff can also search for any item banned by the school rules which has been identified in the Code of Conduct as an item which may be searched for.

**Confiscation**

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.

**Screening**

The Head-Teacher / Director and authorised staff can require students to undergo screening by hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students. Schools’ statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening.

**Searching with consent**

Any member of the school staff can search students with their consent for any item. Staff are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student’s bag or locker and for the student to agree.

If a member of staff suspects a student has a banned item in his/her possession, they will instruct the student to turn out his pockets or bag and, if the student refuses, the staff member can apply an appropriate punishment as set out in the school’s Behaviour Management Policy.

A student refusing to co-operate with such a request raises an elevated level of concern and it would be appropriate for a senior member of staff to be called to support with the situation. A decision at this point will be made about whether a search without consent is an appropriate action.

**Searching without consent**

At CF School, authorised staff have the power to search without consent for:

* Knives or weapons, alcohol, illegal drugs, drug paraphernalia and stolen items;
* Tobacco and cigarette papers, smoking paraphernalia such as e-cigarettes, fireworks and 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 property; and
* Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The staff member conducting the search will be the same sex as the student being searched. There will be a witness (also a staff member) and, if at all possible, they will be the same sex as the student being searched.

Staff members can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student’s expectation of privacy increases as they get older.

**Undertaking the search**

The person conducting the search may not require the student 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 and jackets.

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.

‘Possessions’ means any goods over which the student has or appears to have control – this includes desks, lockers and bags.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

**After the search**

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 thought to be a weapon it must be passed to the police.

A staff member 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 staff member 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 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, cigarette papers or smoking paraphernalia such as pipes an e-cigarettes they may retain or dispose of them. As with alcohol, this means that schools can dispose of such items 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 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. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where a member of staff finds an item which is banned under the school rules they should 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.

**Sanctions**

The discovery of any prohibited items will result in sanctions being applied in line with the school’s Behaviour Policy. The level of sanction will be decided by a member of the school’s Senior Leadership Team, but may include one or more of the following:

* Loss of break
* Detention including School Detention
* Ban from defined areas
* Internal suspension
* Fixed Term Exclusion
* Application for expulsion

**RCIPS School Resource Officer**

Wherever possible the RCIPS resource officer for the school will be asked to lead or oversee searches having to be undertaken without consent, especially when student and parents strongly refuse.

Where police are involved, parents will be contacted unless there are Child Protection concerns.

Where RCIPS involvement takes place, they will follow police protocol to record the incident. However, school recording procedure should still be maintained (see “Record Keeping” below).

**Record Keeping**

Incidents that involve the screening or searching of students or confiscation of items or property will be recorded as a behaviour incident within CPOMS. It may be necessary to take more detailed statements from various witnesses if the incident requires more serious disciplinary action.

If a search reveals an illegal item or substance it must be logged and recorded as above. At this point the police should also be informed and they will record events under their established procedures and protocols.

Parents/carers do not have to be informed before a search or screening of a student takes place. However, if a student has been searched or screened, and items have been confiscated, parents/carers should be informed of this as soon as possible

In certain exceptional circumstances it may not be appropriate to inform parents/carers i.e. if it is a criminal matter where the parent may also be involved or where, even if nothing is found, revealing the search to parents may put the child at risk of harm from the parent/carer.

**Authorised Staff**

The Headteacher has informed the Director of the Department of Education Services of all staff members who are authorised to undertake searches without consent.

**DECLARATION OF STAFF AUTHORISED TO CARRY OUT SEARCHES WITHOUT CONSENT**

In line with the Education Law, 2016 and aligned Education Regulations, 2017,

I am informing the Director of The Department of Education Services that the following staff have been given the authority to conduct searches on students without their consent. These staff will only undertake a search without consent if if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. All searches will be carried out in line with Regulations, National Guidance and School Policies.

* I can establish that the following persons have undertaken the [insert training provider and course] in search techniques.
* I can establish that the following persons have undertaken [insert training provider and course] in safe handling.
* I can also establish that the following persons are suitable to exercise this authority if granted.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Member of staff** | **Job title** | **Date of Safe Searching Training** | **C-SMARRT Certificate Number** | **Staff Signature** | **Date** |
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Name of School:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Name of Head-Teacher: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_

Signature of Head-Teacher : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_