



## ***St. Francis' College Powers to Search Policy***

### **Introduction**

The 'College' refers to all the staff and pupils of the Prep department and Senior School which includes Early Years Foundation stage (EYFS), Pre-prep (Key Stage 1), Prep (Key Stage 2), and Senior School (Key Stages 3-5).

### **Power to search pupils without consent**

In addition to the general power to use reasonable force, the Headmistress and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited" items".

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images<sup>1</sup>
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

The search must be carried out by a person of the same sex as the pupil to be searched. In the event of a search a second adult witness should always be present and incident reports about any such search submitted, listing all the main details. Affected pupils' parents should always be contacted after any search, regardless of the outcome.

Other than the above prohibitions, force cannot be used to search for items banned under the College rules.

### **Power to search pupils with consent**

- College staff can search pupils with their consent for any items 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 to turn out her pockets or if the teacher can look in her locker/bag/cupboard/room.

<sup>1</sup> If these images are suspected to be self-generated – do not search. Refer to Safeguarding Policy.

- If the pupil refuses to comply, this is not necessarily an admission of guilt; however the matter should be referred to a senior member of staff if appropriate.

### **Power to search a pupil's person**

- If a pupil is suspected of carrying a prohibited item she should be asked, in the presence of a second adult witness, to empty her pockets.
- Staff should not touch the pupil but are allowed to ask her to remove any outer clothing in order to conduct the search. (Outer clothing refers to any item which is not immediately touching the skin.)
- If this fails and possession of such items is still strongly suspected, she should then be told that the police will be called, who are allowed to conduct a personal search if they believe that a crime has been committed. (Parents will be contacted as appropriate.)

### **Power to search a pupil's personal property**

- There may be circumstances in which staff wish to search a pupil's personal property, such as a bag, mobile phone or locked box.
- Under common law powers, if a pupil consents any item may be searched for.
- If a pupil does not consent to a search, it is only possible to search for the prohibited items listed earlier.
- Any such search must be witnessed by a second adult, and, ideally, the pupil. Proper records should be kept.

### **Power to search College property**

- Those authorised to carry out searches may search College property, such as a pupil's locker or desk, if they believe prohibited items to be stored there.
- Prior consent can be sought, but individuals should be made aware that the College may still proceed with a search even if consent is refused.
- The decision to go ahead in such circumstances would have to take into account the likelihood of an offence having been committed.
- A second adult witness should always be present and, if possible, the pupil concerned.
- For less serious items, the same rules apply as above, but the extent and nature of the search should be proportionate to the value of the item sought and the likelihood of the item being found.
- Great care must be taken to avoid persistent targeting of individuals where allegations of victimisation or discrimination might arise.

### **School Trips**

This policy on searches of pupils and their belongings applies at all times, irrespective of whether the pupil is on the College premises or on a school trip.

If the latter occasion arises, the adult in charge of the trip should make an effort to contact either the Emergency Contact (a designated member of SLT) 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.

Authorised By	B Goulding
Effective From	October 2021
Next Review Due	October 2023