



# **ROWHILL SCHOOL SEARCHING & CONFISCATION POLICY**

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<b>Policy ratified</b>	<b>January 2018</b>
<b>Policy Review</b>	<b>March 2022</b>

## **Searching and Confiscation Policy**

Rowhill School fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children.

This policy is a whole school policy and applies to all pupils. Care and consideration will be given to the age of the child when following the guidance in this policy.

This policy applies to all staff, volunteers and contractors, paid and unpaid, working in the school including governors.

This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2014, updated January 2018. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010

### **Search with Consent**

- School staff can search a pupil for any item if the pupil agrees. The school will take into account the age of the child when considering consent.
- It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. They do not need written consent from the child.
- The school makes clear in their school behaviour policy and in communications to parents and pupils what items are banned. • If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate sanction as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate sanction

### **Search Without Consent**

The Head and staff authorised by the Head have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. 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)

- The staff member conducting the search must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

### **Establishing grounds for a search**

- Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older.
- The powers allow school staff 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.
- 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.

### **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.
- When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2014.

### **Dealing with Electronic Devices**

- Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so. • 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. Advice should be sought from one of the DSLs Sarah Thompson or Cathy Webb.
- In determining a 'good reason' to examine or erase the data or files the staff member must 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 to go against the expectation in the school's Behaviour Policy.

- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police or Children's Social care. Please seek advice from the DSL. Please do not attempt to view or download any material just pass it to the DSL.

### **Guidance for Carrying Out A**

Search What the law says:

- The person conducting the search may 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 but 'outer clothing' includes hats, shoes, boots, gloves and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil's possessions can only be searched in the presence of the pupil 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.

Also note:

- The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

### **Lockers and desks**

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not 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 the "prohibited items" listed above.

### **Use of force**

- See Physical Restraint Policy

### **Informing Parents**

There is no requirement for the school to inform parents before a search

- Parents may be informed as part of the school behaviour policy and procedures.
- Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the pupil or the school.
- If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed.

**Record Keeping**

There is no legal requirement for the school to keep records of searches or confiscation. However as part of our normal procedures any such event will be recorded on a behaviour incident sheet.

## **Physical Intervention Policy**

Rowhill has a “duty of care” to their pupils. This may involve all staff having to handle pupils to prevent them from harming themselves or others, or from damaging property. The dignity and interest of the child remains paramount at all times, before, during and after the intervention

### **Introduction**

This policy has been written to support all staff who work with pupils and for students and volunteers working within the school. The policy is intended to explain the school’s arrangements for physical intervention. Its contents are available to parents and Governors, and are published on the school website. It should be read in conjunction with DfE guidance on “Use of reasonable force” dated July 2013, and the school Safeguarding and Child Protection Policy, Behaviour policy and Staff Code of Conduct.

### **Purpose of the policy**

Rowhill is committed to providing a stimulating, fun, creative and educational environment for pupils with complex needs and learning difficulties. Rowhill believes that good personal and professional relationships between staff and pupils are vital in school and this is a large part of our approach. It is also recognised that the majority of pupils in our school respond positively to the discipline and support given by staff to the greatest extent possible. It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force is required. Every effort will be made to ensure that all staff in this school:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary
- are provided with appropriate training annually to deal with these difficult situations

The application of any form of physical intervention places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Physical Intervention will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff, good order or property are at risk.

### **Underpinning Principles**

Everyone attending or working in this school has a right to:

- recognition of their unique identity
  - be treated with respect and dignity
  - learn and work in a safe environment
- Pupils attending this school and their parents have a right to:
- individual consideration of pupil needs by staff who have a responsibility for their

care and protection

- expect staff to undertake their duties and responsibilities in accordance with the school's policies
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school
- be informed about the school's complaints procedure.

## **Training**

Training for all staff will be made available. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. 'Team Teach' training in physical intervention and de-escalation is completed by all Rowhill School staff. Staff that have not yet received training do not physically intervene with pupils but call for help and ensure other pupils are safe.

## **Strategies for dealing with challenging behaviour**

Staff working with our pupils are aware that pupils with these difficulties may in some instances not be in control of their behaviour.

The Head teacher will ensure that all staff are aware of the needs of individuals who are at risk of exhibiting poor behaviour, and aware of strategies to avoid or deal with this (see Behaviour policy & individual risk assessments and handling plans in central resources). Pupils can be helped to manage their own behaviour through the use of appropriate behavioural programmes and by staff consistently using positive strategies to encourage acceptable behaviour and good order. All staff should be aware of these programmes and the strategies to be used. Good communication between staff is essential particularly when relatively unstructured situations allow behavioural issues to increase.

Staff working as a team will create:

- a calm, secure atmosphere throughout school and use consistent approaches
- opportunities for pupils to earn praise and rewards. It is especially important to notice and reward behaviour that matches the targets of any individual provision/handling plans developed for pupils .

Opportunities to identify problem behaviour or triggers in order to avoid creating further difficulties i.e. by anticipating behaviour before it occurs (use of "now... next" strategy). There will be good awareness of pupil behaviour so that negative attention seeking behaviour is seen but ignored where it is safe to do so (with a pupil with multiple behaviour issues, staff may need to work on one behaviour at a time).

Opportunities will be found to explain actions/sanctions to the pupil where possible. Behaviour issues will be considered when organising staffing, where possible. There may be potential for staff to be swapped periodically to lessen strain on staff, or it may be best to keep staffing consistent. Some members of staff may be better able to deal with behaviours that others find upsetting. Finally, some combinations of students and staff may work better than others for whatever reason – all of these factors will be considered when putting groups together. There will be regular contact with parents/carers to share plans, and liaison with outside agencies for support and involvement to ensure that "joined up" approaches are in place (e.g.

through annual reviews & Child Protection meetings). Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where behaviour requires intervention, some or all of the following approaches should be taken according to the circumstances of the incident (this may include physical intervention taking place immediately):

- verbal redirection to positive desired behaviour (using signs & symbols if appropriate).
- an explanation of why observed behaviour is unacceptable ('The computer will break')
- a warning of the intention to intervene physically, and that this will cease when the pupil complies.

If possible summon assistance ('if you don't stop banging the computer, you will be moved away from it')

- physical intervention using the minimum degree of force necessary for the minimum time. It is recognised that in extreme circumstances, where staff do not feel able to manage a situation (for instance in the community with a limited staff group), it may be deemed necessary to call the emergency services for assistance.
- Planned

### **Physical Intervention and Risk Assessment**

This will :

- arise from risk assessments that the school will carry out on some pupils.
- be agreed in advance (school, parents, other agencies, child)
- be implemented only by trained staff

### **Unacceptable levels of physical intervention**

The school is aware of what constitutes unacceptable measures of physical Intervention, and they will not be used, for instance:

- locking a child in a room without due cause or supervision
- physical punishment including slapping, pushing and rough handling
- deprivation of food/ drink/ medication /sleep
- use of a mechanical or therapeutic device unless agreed as part of a physical intervention plan

### **Recording**

Where restrictive physical intervention has been used, a record of the incident will be kept in the bound book kept in the DSL office for that purpose. This will include:

- the name of the pupil(s)
  - the date, time and place of the incident
  - a brief description of the incident and any actions taken
- The form will be completed as soon as possible after the incident by the staff member concerned, preferably within two hours of the incident taking place. It will be countersigned by a governor. Staff should complete necessary paperwork before leaving the premises and ensure parents/carers/social workers have been informed in all cases. Specific details of the use of planned or unplanned physical intervention will be recorded in each case, and will include:



- how the incident developed (triggers)
- attempts made to calm the situation
- names of staff or pupils who witnessed the incident
- the outcome of the incident including any injuries sustained, by any pupil or member of staff
- any damage to property which had resulted
- (where possible) the pupil's view of the incident The school will review such records regularly (at least every few weeks) to ensure that:
  - records are being appropriately kept
  - patterns of behaviour in individual pupils or at particular times of the day/ certain lessons are being identified and problems addressed, and to monitor staffing levels
  - training issues arising from the above are being identified and addressed