
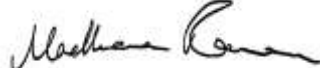




**Screening
and
Searching
pupils: guidance**

	Name	Signature	Date
Prepared by:	Sam Drake		17.11.23
Checked and Reviewed by:	Governing Body		
Approved by:	Name: Madhavan Raman (Chair)		28.11.23
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CONTENTS

	Page no:
1 Purpose and scope	2
2 Legal framework	2
3 Roles and responsibilities	3
4 Screening	4
5 Searches	5
6 Strip searches	7
7 Confiscation of items	9
8 Working with parents	11
9 Recording and monitoring incidents	11

1 Purpose and scope of guidance

In order to provide a safe and supportive learning environment, schools and colleges must ensure processes are in place to keep pupils safe from harm, and this may include screening pupils and on occasion searching pupils and confiscating items.

This guidance sets out the legal powers of schools and colleges in relation to screening, searching and confiscation and provides a framework of practice that balances the rights of individual pupils against the need to keep all pupils safe within the school environment.

Screening, searching and confiscation of items must be considered within the wider safeguarding duties set out in *Keeping children safe in education (2023)* and the main objective is to ensure the safety and welfare of all pupils.

2 Legal framework

- The Education and Inspections Act 2006 states that schools and colleges must have a behaviour policy in place, and that pupils and parents are made aware of these policies. School/college policies regarding screening, searching and confiscation of items should be included in behaviour policies.
- Schools and colleges may refer to the Department for Education *Advice for schools on screening, searching and confiscation (2022)* on which this guidance is based.
[Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/105422/Advice_for_schools_on_screening_searching_and_confiscation_2022.pdf)
- Under common law, schools and colleges have a right to search for any item in line with the school behaviour policy with the consent of the pupil. This consent does not have to be in writing.
- The Education Act 1996 gives schools and colleges powers to search without consent for the following prohibited items:
 - knives and weapons
 - alcohol
 - illegal drugs
 - stolen items
 - any article that the member of staff reasonably suspects has been or will be used to commit an offence or cause personal injury or damage to property
 - items such as fireworks, tobacco and pornographic images
 - any item banned under the school/college behaviour policy.

- When exercising these powers schools and colleges must give consideration to the pupils' rights under the Human Rights Act 1998. Article 8 grants a right to privacy to individuals but this is not an absolute right and can be overridden by the need to safeguard the welfare of other pupils where it is reasonable to do so and as long as any actions taken are proportionate to the level of risk.

3 Roles and responsibilities

Head teacher

- The head teacher is responsible for overseeing the school/college's policy on screening, searching and confiscation and the practice around the implementation of the policies.
- The head teacher is also responsible for ensuring that pupils and parents are aware of and understand the policies.
- Only the headteacher or a member of staff authorised by the headteacher can carry out a search. When deciding which staff to authorise, the headteacher should take into account the appropriateness of their role and responsibilities to carry out this task. Staff members may be authorised to carry out limited searches for specific items only.
- The headteacher may authorise security staff who are not staff members to carry out searches but the search must be witnessed by a permanent member of staff.
- The headteacher is responsible for ensuring enough staff have received appropriate training in how to lawfully search pupils who have not consented and that they have an understanding of the rights of pupils who are subject to searches.

Designated safeguarding lead

- The designated safeguarding lead should be informed of any search for prohibited items or where the need to search the pupil suggests there may be safeguarding issues.
- The designated safeguarding lead should consider any safeguarding issues arising from the search and how this may impact on the safety and welfare of other pupils and make appropriate referrals to Children's Safeguarding and Social Work (CSSW).
- Where it is reasonably suspected that the pupil is in possession of knives, weapons or drugs consideration should be given to the possibility that the

pupil is being criminally exploited or at risk from gang involvement. Schools should refer to the CSCP *Extra-familial harm and child exploitation* guidance. [CSCP-extra-familial-harm-and-child-exploitation-guidance.pdf](#)

4 Screening

- Schools have statutory powers to make rules on the behaviour of pupils in order to create a safe school environment and this includes requiring pupils and visitors to undergo a screening process such as a walk-through or hand-held metal detector.
- When installing such a system the headteacher may consult with the local Safer Schools police officer and Camden Learning for advice and information on the best systems and good practice.
- Before introducing a screening system, the headteacher should inform pupils and parents on details of the system and the reasons for its introduction.
- When adopting a screening system, consideration should be given to pupils with special needs and disabilities and any reasonable adjustments made.
- Any member of staff can carry out screening.
- Where a pupil refuses to comply with screening requirements, the staff member should consider their possible reasons for refusing and assess whether it is necessary to carry out a search instead.

5 Searches

Principles

- Staff may only carry out a search if there is reasonable suspicion that the pupil is in possession of a prohibited item (see section 2) or any other item that it is against school rules to have. These items must be listed in the school/college behaviour policy and should be made known to pupils in advance.
- When considering whether to carry out a search staff should use any available information from other staff members or pupils or any evidence from CCTV.
- When deciding on searching a pupil, staff must consider the pupil's age and needs, including any special education needs or disabilities and make

and make any reasonable adjustments required when carrying out searches.

- Staff may search for any item with the pupil's consent but must be satisfied that the pupil understands the reasons for the search and can give informed consent.
- A young person may only be searched without consent if there is a reasonable suspicion that they are in possession of a prohibited item as listed in section 2.
- Any search must take place within the context of the school/college behaviour policy.

Before carrying out a search

- Staff should consider how urgently a search is required following an assessment of risk to other pupils and staff, and whether other courses of action may be more appropriate.
- The staff member carrying out the search should explain to the pupil the reasons for carrying out the search and give the pupil an opportunity to ask questions.
- The staff member should try to gain the co-operation of the pupil and in the first instance try to gain consent for the search but explaining that the search can go ahead without their consent if the search is for prohibited items.
- Where pupils do not co-operate or give consent, the staff member should:
 - consider the reasons for this, for example that they are in possession of a prohibited item, do not understand the nature of the request or have had previous negative experiences of searches;
 - consider the level of risk presented and whether a search without consent needs to be carried out urgently or whether other sanctions can be applied under school/college behaviour policies; staff may wish to seek the advice of the headteacher before proceeding in these cases.
 - assesses whether there is an immediate risk of harm to the pupil, other pupils or of damage to property if the search does not go ahead immediately.

During the search

- Searches must be carried out in private away from other pupils and on school/college premises unless the search is being carried out whilst on a school/college trip where staff have lawful control of pupils.
- Searches must be carried out by a member of staff who is the same gender as the pupil and where possible, should be witnessed by another member of staff.
- A search can be carried out by a staff member of the opposite gender (with or without a staff member to witness the search) only if:
 - the staff member has reasonable cause to believe there is a risk of serious harm unless a search is carried out immediately
 - it is not reasonably practicable for a staff member of the same gender to carry out the search (or to witness the search).
- Where a search is conducted without a witness the details of the search must be reported to another member of staff immediately and a written record of the search made.

Extent of search

- The search must only involve the pupil's outer clothing, pockets, possessions, bags or lockers that the pupil has control over. The search should take place in the presence of the pupil and witnessed by another staff member unless there is a risk of harm and it is not practicable.
- Staff can only ask the pupil to remove outer clothing that is not worn next to the skin (ie: coats, jackets, hats, shoes).
- Pupil's possessions in desks and lockers must be searched in their presence with their consent. Schools/colleges should include the power to search desks and lockers part of the school behaviour policy.

6 Strip searches

A strip search involves removal of more than a person's outer clothing and may only be carried out by a police officer under the Police and Criminal Evidence Act 1984.

In order to conduct a strip search the searching officer must suspect:

- The detained person has concealed an article for which the officer has reasonable grounds to search for, in their underwear; and
- A strip search is proportionate and necessary to find such an article.

If a strip search involves the exposure of intimate body parts (known as a More thorough intimate parts or MTIP search) this must be carried out in line with the arrangements set out below.

If the search requires an Intrusive intimate search of orifices other than the mouth this must be conducted by a medical professional.

The Metropolitan Police arrangements for an MTIP search are as follows:

- Police officers are required to obtain the authority of a local BCU Inspector prior to a MTIP search being carried out.
- The Inspector's name must be recorded on searchable records.
- The search must be carried out by officers of the same sex and not in public view.
- Body worn video cameras must be turned off.
- An appropriate adult should be present whenever a MTIP search is carried out on a child under the age of 18 unless there is a serious risk of harm.
- A Merlin safeguarding referral must also be submitted for any MTIP search on a person under 18.
- A MTIP search must not be conducted as a routine extension of a less thorough search simply because nothing is found in the course of the initial search; **any search carried out must be necessary and proportionate.**

Normally, most intimate body part searches (MTIP) which involves the removal of more than outer clothing will not be carried out on the school premises and the pupil will instead be brought to the local police station. However in exceptional situations (for example involving hidden weapons, firearms, explosives etc) where there is a very high risk to the public, pupils or police and it is impractical to take a child to another location, a strip search may need to take place at the school.

In these cases, the authorising inspector giving approval for such a search in school should seek the views of the headteacher prior to making a decision and if the headteacher has any concerns where a search is proposed then they should have the opportunity to discuss those with the authorising inspector as part of that process.

Due to the distressing nature of the search, it is essential that a pupil's safety and welfare is prioritised at all times by both the police and school/college staff.

At all times the school/college will remain responsible for the safety and welfare of the pupil and must act in accordance with the safeguarding duty and advocating for them as necessary.

All searches will be carried out in line with Department for Education and Police and Criminal Evidence Act guidance.

[Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The CSCP maintains oversight of MTIP and stop and search incidents in the borough involving under 18s to ensure searches are proportional and justified, particularly in relation to the child's ethnicity, and that the child's welfare was safeguarded at all times.

After the search

Strip searches are likely to be a traumatic experience for the pupil and appropriate support should be offered by the school following a search, particularly if the pupil has had previous experiences of strip searches. The safeguarding response from schools should be the same regardless of the outcome of the search. Even though police may need to carry out criminal procedures where an item is found, the pupil's welfare must be the paramount concern and the school/college's safeguarding duty will remain.

All cases involving a strip search should be referred to the designated safeguarding lead to consider whether a child protection or safeguarding response will be required.

In particular the designated safeguarding lead should consider whether the pupil is likely to be at risk from extra-familial harm or child exploitation where this is suggested from the events concerning the search or where drugs or weapons are found.

Schools/colleges must ensure **a written record** of any strip search taking place on the premises following the guidance set out. These reports should be monitored by the headteacher, senior management group and designated safeguarding lead in order to identify any trends or patterns. In particular, schools should be mindful of specific groups of pupils who may experience a higher number of strip searches and consider why this may be.

Occasionally a pupil may be **stopped and searched** by police on the way to school under police powers. It is likely that pupils will be upset and distressed as a result and the experience is likely to have a negative effect on their engagement. Schools/colleges should ask that pupils report where they have experienced being stopped and searched so that they can be supported.

7 Confiscation of items

- Staff members carrying out searches can confiscate the following where there is reasonable cause to suspect the item:
 - poses a risk to pupils and staff
 - is a prohibited item or banned under school rules
 - is evidence of a criminal offence.
- **Controlled drugs or other substances** that may be harmful should be given to the police or disposed of safely where this is possible:
- **Alcohol, tobacco and fireworks** should be retained or disposed of but must not be returned to pupils.
- **Pornographic images** should be disposed of unless it constitutes a criminal offence in which case the image should be passed to the police. Staff should not intentionally view these images and should not print, copy, share or save any images.
- **Stolen property** should be passed to the police unless it is possible to return it to the owner where practicable or otherwise retained or disposed of. When making a decision the school/college should consider:
 - the value of the item
 - whether it is a prohibited or banned item
 - whether retaining it or returning it to the owner may put people at risk
 - whether the item can be disposed of safely.
- **Weapons or items that may be evidence of a criminal offence or which may be used to commit an offence, harm another person or damage property** should be passed to the police or may be retained or returned to the owner if it is safe to dispose of the item or if and when it is safe to return the item to the owner.
- Staff members should use professional judgement when making decisions on whether to retain, return or dispose of items based on the circumstances of each case and taking into account:
 - the value of the item
 - whether it is appropriate to return it to the pupil or their parents
 - whether the item is likely to disrupt school discipline and learning.
- **Electronic devices** such as mobile phones may have data relating to an offence or which may cause harm to a pupil, for example indecent images or abusive messages.

- Where there are possible safeguarding issues, the matter should be referred to the designated safeguarding lead.
- Images or data which may constitute a criminal offence should be passed to the police.
- Staff may examine and erase images or data if there is good reason to do so; this would be when there is reason to suspect that the image or data could cause harm or undermine the safe learning environment.
- Data and images that constitute a criminal offence must be passed to the police.

8 Working with parents

Schools/colleges must ensure that parents are aware of the policy on conducting searches, and the policy should make the following clear to parents.

- The school/college's legal powers to search pupils and the reasons why the school/college may need to conduct such a search, ie; need to keep pupils safe, and the circumstances, ie; where weapons or drugs are suspected.
- Parents should be informed that the school/college will not notify them prior to any search conducted by the school but will endeavour to inform them where the police are attending to carry out a strip search (see section 6).
- However parents should be assured that they will be informed when a search has been conducted, the reasons why their child was searched, the outcome of the search and what actions, if any, will be taken as a result.

9 Recording and monitoring incidents

Any searches for prohibited items carried out by school staff or police officers must be recorded within the school/college's safeguarding system even if nothing is found; this is to enable the designated safeguarding lead to take up any safeguarding issues that might arise from conducted searches.

Records should include the following information:

- date, time and location of the search
- name of the pupil searched
- details of who conducted the search and anyone else present
- what was being searched for
- reasons for the search
- details of any items found
- details of any follow-up action.

Staff and pupils should be asked to sign the record.

It is important that a record is kept of searches so that the headteacher or senior leadership team can monitor and review the use of searches in order to ensure their use is lawful, appropriate and proportionate and the school policy does not discriminate against any particular group of pupils. In particular, schools/colleges should be aware of the following:

- Many children and young people who come from Black, Asian and minority ethnic communities experience racism, bias, stereotyping or cultural misunderstanding as they grow up. It might happen at an individual, institutional or societal level and might be displayed consciously or unconsciously. This can result in some children being more likely to be subjected to searches including MTIP searches.
- Adultification is a form of bias where children from Black, Asian and minority ethnic communities are perceived as being more 'streetwise', more 'grown up', less innocent and less vulnerable than other children. This particularly affects Black children, who might be viewed primarily as a threat rather than as a child who needs support. As a result, these children may be more likely to be subjected to searches than their peers.