



ST JOHN'S SCHOOL
SEARCHING PUPILS AND THEIR POSSESSIONS
REVIEWED JULY 2024

GENERAL APPROACH

St John's School is committed to safeguarding the welfare of all children and we seek to create an environment of trust and treat pupils fairly and sensitively. In the unusual event of a pupil, or a pupil's room, locker or bag needing to be searched. As a School we will take all reasonable steps to maintain the usual high standard of safeguarding. Professional judgement is to be used in all cases. If in any doubt, advice should be sought from a senior member of staff, unless urgency or other overriding aspect of a situation makes such referral impractical.

As a School we will use the Department for Education 'Searching, Screening and Confiscation: Advice to Schools' (July 2022) document which incorporates legislation such as Keeping Children Safe in Education (KSCiE, 2024), Education Act (1996) and Working together to Safeguard children.

THE FUNDAMENTAL PRINCIPLES ARE:

- Act with due care, consideration and sensitivity and remain mindful of the need to respect privacy. Particular thought should be given to boarders for whom the School is their home;
- Remember that the need to protect persons/property from injury/damage and from loss is paramount and that this duty of care may override other protocols;
- At all times a balance should be retained between common-sense actions of risk and the need of following written guidelines which, however helpful, stand in isolation of a specific context and cannot foresee every eventuality;
- Any search of pupils' possessions will be carried out in accordance to section 550ZA of the Education Act 1996 and with regard to any guidance issued by the State secretary of State.

CONFISCATION

Inappropriate items found in school or on a pupil's person at inappropriate times may be confiscated for a time. An example may be a laptop which a boarder persists in using after lights out or a mobile phone used when it should not be, or in an inappropriate way during school hours. Any item confiscated should be kept in the boarding safe. An indication should be given at the time of confiscation to the pupil by the member of staff who has confiscated an item of when the item is likely to be returned. The duration of a confiscation should be



reasonable and proportionate. 48 hours might be a reference-point for a confiscation period. Consideration should be given to the possible consequences of confiscating a mobile phone, e.g. when a boarder goes into Sidmouth.

PERSONAL SEARCHES

If a pupil is suspected of carrying an unauthorised item (for example, alcohol, tobacco or E-Cigarette) a member of staff should ask the pupil, if feasible in the presence of a second adult witness, if the pupil is happy to turn out his/her pockets or bag. Throughout, the pupil should, if possible, be kept under close supervision in case there is an attempt to hide any items. If the pupil refuses to cooperate, the member of staff should contact an appropriately senior member of staff who should consider if it is appropriate to try to contact the pupil's parents (or educational guardian in the case of an overseas boarder). As appropriate, and if the parents can be contacted, they should be encouraged to persuade the pupil to agree to the search taking place. If the matter is of major concern and the pupil still refuses to approve of the search, then the Police may be called in to conduct the personal search.

Personal searches, especially forced personal searches should, if possible, be avoided, though may in extreme circumstances be necessary. For example, all reasonable steps should be taken, where there is a danger, or a risk of danger, to persons or property, to contain that danger/risk.

SEARCHES OF PERSONAL PROPERTY OR SCHOOL PROPERTY

Belongings are no longer 'of the person' when they are being stored at school, in property such as lockers or boarding rooms. This allows for a greater flexibility of approach. However, if a search by a member of staff is undertaken, the level of intrusion is potentially as great and so the offence suspected needs to be sufficiently serious, the need for a search legitimate, and prospect of success reasonable. For 'lost' items of relatively low value, a pupil should be asked to search his own belongings to see if the item has been 'misplaced'. If more than one pupil is included, the scope of the search and the number of pupils involved should reflect the nature of the loss and be legitimately targeted. Kit inspections fall into this category. Members of staff (one as witness) might watch the pupil(s) search, but this may not be deemed necessary or appropriate. Where a boarder's room is to be searched, the boarder should be given the opportunity to conduct the search personally by emptying out drawers/cupboards, opening any personal safes etc. under direction from the members of staff present. If a boarder refuses to cooperate, and the circumstances are deemed to warrant a search by staff, then the room should be searched by staff, with at least two members of staff being present throughout. Any suspicious items found should be deposited in a plastic bag and sealed.

GENERAL GUIDELINES

Generally, staff should not, without very good cause:



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- Touch the pupil, especially forcibly. (Any restraint should be in line with the School's policy on the use of restraint);
- Search the pupil's person, which for these purposes extends to his or her outer clothing and pockets, or remove the pupil's clothing - even their coat - for the purpose of searching it;
- Search a pupil's pockets: these should be turned out by the pupil;
- Search a pupil's room or bag without them being present and without another adult witness being present;
- Act in isolation: if in any doubt, staff should refer to an appropriately senior member of staff.

As a guide only and without any suggestion that these would be the only appropriate ways to proceed, here are some examples of suggested courses of action:

- If a search reveals any offensive weapons, including knives, or evidence in relation to an offence, or anything suggestive of these things, the item or items should be removed to a place of safe-keeping (confiscation) and the member of staff should inform an appropriately senior member of staff, who will see that the finding of any weapons, or suspected weapons, is reported to the Police;
- If evidence of illegal substances drugs or of suspected illegal substances is found, the senior member of staff involved determines what action to take in accordance with the School's Drug and Policy;
- If tobacco or alcohol items are found in a pupil's possession, they should be confiscated by the member of staff, who will inform a senior member of staff. The senior member of staff involved determines what action to take in accordance with the School's Policy.

Further suitable courses of action might, depending on circumstances, include the following, but would not preclude other suitable ways of proceeding:

- In the case of initial refusal to cooperate, a member of SMT to contact parents/guardians and ask them to persuade the pupil to submit to the request;
- In the case of continuing refusal to cooperate, a member of SMT to suspend and isolate the pupil in school and call the parents to attend. If appropriate (items of considerable value, illegal drugs, weapons etc.), advise parents and pupil that the police might be contacted and asked into the School to make the search;
- In the case of continuing refusal to cooperate, a member of SMT to call the police so that they might make the search at School. If for some reason the police cannot immediately attend and the search is deemed urgent, then the



pupil should attend while a member of staff, with a member of the SMT as witness, makes the search. Forcible entry is only to be used if reasonable grounds exist to search for illegal drugs (Misuse of Drugs Act 1971) or weapons, and then only on school property, not personal property;

- A pupil's room and belongings to be searched only when there are clear grounds for suspecting something is untoward; unless impractical, the reasons to be explained to the pupil, In most circumstances the pupil to be present during the search;
- All searches to be undertaken by a minimum of 2 members of staff;
- Wherever possible the pupil to be asked to make available the required area (such as a drawer) and to remove contents;
- Parents to be informed.

RECORDING THE RESULTS OF PERSONAL AND / OR PROPERTY SEARCHES

When a search has taken place the following items should be noted and kept on the relevant pupil's file:

- The reason for the search taking place;
- The date and time of the search;
- The results of the search;
- All staff involved;
- Other agencies involved;
- The outcome (including any disciplinary action taken in respect of that pupil).

Corporal Punishment

The School bans the use of Corporal Punishment by pupils and staff.

The Review Procedure

Applicable to: Pupils and parents.

Aims: To allow pupils and their parents to request a review of a decision by the school to expel or ask a pupil to leave to ensure the review is conducted fairly.



Important Note: These procedures are non-contractual in nature. They have been prepared for the information and guidance of all who may become concerned in a review hearing following expulsion or the required removal of a pupil.

Applying for a Review

1. Parents/Guardians may apply for a review of a decision by the school to expel or require removal or for the review of a complaint, using the Request for a Review Form (Appendix A). This form is available from the School Office and must be returned to the Head within five school days of receipt of the written notification of the decision in question.
2. Unless there are exceptional circumstances, the review hearing will take place within 10 working days of receipt of the request for review and may be sooner if convenient to all parties.
3. Each member of the Review Panel will be supplied with a copy of any relevant documents, including records concerning the pupil's conduct and copies of all correspondence relating to the case. The parents shall be entitled to copies of all those documents save any which, in the opinion of the Head, should not be disclosed for the protection of the pupil or other pupils or members of staff and in accordance with the requirements of the Data Protection Act.

The Review Panel

Selection of the Review Panel may be made by the Board of Directors. To hear a complaint, the Review Panel may be joined by an independent member, not a Director, and having no connection with the school.

The Review Hearing

- 1) This will take place at the school premises;
- 2) Those present at the review hearing will normally be:
 - Members of the Review Panel;
 - The Head;
 - The person making the complaint;
 - Secretary or one of the School Leads.



The person making the complaint may be accompanied. That person will attend to provide support, and not to represent the complainant(s).

- 3) The proceedings will be chaired by one member of the Review Panel. They will be conducted in an informal manner and all statements made at the hearing will be unsworn. The proceedings will not be tape-recorded but the Secretary will be asked to keep a minute of the main points that arise. All present will be entitled, should they wish, to write their own notes. The hearing shall be directed at all times by the Chair of the panel who will conduct the hearing in such a manner as to ensure that all those present have the opportunity of asking questions and making comments. The requirements of natural justice will apply.
- 4) All those attending the hearing are expected to show courtesy, restraint and good manners. The Chair may in his/her discretion adjourn or terminate the hearing. If the hearing is terminated the original decision will stand. All parties should treat the matters discussed in confidence.
- 5) In relation to each of the points raised by the complaint, the Panel will consider whether correct procedures were followed in handling the formal complaint and whether the Head's decision was appropriate.
- 6) If the Head considers it necessary in the interests of the individual or of the school that the identity of any person should be withheld, the Chair of the Panel may require that the name of that person and the reasons for withholding it be written down and shown to the Review Panel. The Chair in his/her discretion may direct that the person be identified.
- 7) When the Chair of the Panel decides that all issues have been sufficiently discussed, he/she will close the hearing and the four members of the Review Panel will meet in private to consider the case and to reach a decision.
- 8) The decision of the Review Panel will be final and a copy of any findings and recommendations will be notified to the parents and Head, the Chair of Directors and, where relevant, the person complained about, by the Chair of the Review Panel by letter, e-mail or telephone within three school days of the hearing.
- 9) A copy of any findings and/or recommendations will be provided to the complainant and, where relevant, to the person complained about, and will be available for inspection at the school premises by the Chair of Directors and Head.



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The school undertakes to keep all correspondence, statements and records relating to individual formal complaints confidential, except where the Secretary of State or a body conducting an inspection requests access to them under Section 162A of the Education Act 2002.



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Appendix A

REQUEST FOR A REVIEW

To:

Name of Pupil:

Names of those with Parental responsibility:

Address of Parents/Guardian:

Telephone numbers:

(daytime)

(evening)

I/We, having parental responsibility for the above-named pupil, request that a sub-committee of the Board of Directors carries out a review of the decision to require removal of or to expel the pupil / of a complaint. *

I/We have received with this form a copy of the Policy Statement on Review Procedures and we agree to abide by its terms.

I/We also agree that the proceedings are and will remain confidential and that this review will be final, subject to such (if any) legal rights as may exist.

The grounds upon which we ask for a review and the matters which we wish to discuss (and to ask the sub-committee to take into account) are set out in the attached letter.



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I/We understand that we may be accompanied at the Review Hearing. I/We also understand that that person attends only to provide support and not to act as a representative.

(Two signatures are required where practicable)

First signature:

Full Name:

Relationship to Pupil:

Date:

Second signature:

Full Name:

Relationship to Pupil:

Date: