Date: May 2024
Review Date: August 2026
Responsibility: Deputy Headteacher Pastoral

PUPIL SEARCH POLICY

1) Introduction

Epsom College in Malaysia is committed to safeguarding and promoting the welfare of the members of its community. Accordingly there may be occasions when it becomes necessary to search the person, the belongings or the room of a pupil. This policy sets out the circumstances in which such searches can be carried out and the means by which it should be done, in accordance with the Education and Inspections Act 2006 and DFE Guidance for Schools on Screening, Searching and Confiscation (February 2014 & July 2022).

The people in the school who are authorised to carry out any such search are members of the SLT, the Housemaster/mistress or Assistant Housemaster/mistress. In the case of a search there must be two members of staff and the student must be present. In exceptional circumstances the Deputy Headteacher Pastoral may authorise others to carry out such a search.

This policy would also apply on authorised school trips where school rules are in force.

In all circumstances the consent of the pupil to any search should be requested. A second adult witness should always be present.

Incident reports must be submitted to the Deputy Headteacher Pastoral about any such search, listing all the main details. Affected pupils' parents should always be contacted after any search, regardless of the outcome.

In the general course of school life, given pupils' good conduct overall and taking into account the very good relationships between pupils and staff, it is unlikely that searching pupils will be necessary. There are however some occasions when it might be; at those times, this policy should be followed.

A search can demonstrate innocence as much as guilt. This should always be made clear to the pupil.

2) Establishing Grounds for a Search

Authorised staff 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 or banned item.

The member of staff 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 (when there is immediate risk of harm to the student or others) 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.

This policy allows authorised 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.

College staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

3) Types of Search

Essentially there are two types of search: those with consent and those without consent.

a) Searching with Consent

- College staff can search pupils with their consent for any item which is banned by the school rules;
- the College is not required to have formal written consent from the pupil for this sort of search – it is enough for the member of staff to ask the pupil for him/her to turn out his/her pockets or if the member of staff can look in his/her room, desk or bag;
- 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.

b) Searching without Consent

- Items that can be searched for under these powers include knives, 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);
- authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for;
- these items together are all referred to as **prohibited items**;
- the search should always be carried out in the presence of another adult witness, if at all possible a member of staff of the same sex of the child.

4) Confiscation

Authorised 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.

5) Searching a Pupil's Person

- an authorised member of staff carrying out an inspection must be the same sex as the pupil being searched, ideally as should the second adult witness present during the search;
- there is a limited exception to the above rule. An authorised person can carry out a search of a pupil of the opposite sex without a witness present if they reasonably believe that there is a risk that serious harm will be caused to a person if you they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff;

- if a pupil is suspected of carrying a prohibited item he/she should be asked by an authorised member of staff, in the presence of a second adult witness, to turn out his/her pockets;
- staff should not touch pupils, but are allowed to ask them to remove any outer clothing in order to conduct the search (outer clothing refers to any item which is not immediately touching the skin);
- in the case of initial refusal to co-operate, the Deputy Headteacher or a member of the College's Senior Leadership Team (who would then lead the investigation) should contact parents/guardians, declare and justify suspicions, and ask them to persuade the pupil to submit to the request;
- in the case of continuing refusal to co-operate, and if appropriate, suspend and isolate the pupil in school and call the parents/guardians to attend. In the case of items of considerable value advise parents and pupil that the pupil and any personal belongings under suspicion of containing incriminating items might be removed to the police station;
- in the case of continuing refusal to co-operate, a member of the College's Senior Leadership Team might either take the pupil to the police, accompanied by parents, or send the pupil home, suspended pending further investigations;
- 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.

6) Searches of 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 tuck box, drawer, cupboard or car;
- for searches involving a low value item it is more appropriate to ask pupils to search their own property to see if the item has been misplaced;
- the College reserves the right, where there is reasonable suspicion of a disciplinary offence, to inspect and monitor the use of computers, mobile phones and other electronic devices and may confiscate these if they have been used inappropriately;
- in the case of initial refusal to co-operate, the Deputy Headteacher Pastoral or a member of the College's Senior Leadership should contact parents/guardians, declare and justify suspicions, and ask them to persuade the pupil to submit to the request;
- in the case of continuing refusal to co-operate, and if appropriate, suspend and isolate the pupil in school and call the parents/guardians to attend. If appropriate, and when the concern relates to items of considerable value advise parents and pupil that the pupil and any personal belongings under suspicion of containing incriminating items might be removed to the police station;
- in the case of continuing refusal to co-operate, the Deputy Headteacher Pastoral or a member of the College's Senior Leadership Team might either take the pupil to the police, accompanied by parents, or send the pupil home, suspended pending further investigations.
- if a pupil does not consent to a search, then it is only possible to search for those **prohibited items** listed earlier in this policy;
- any such search must be witnessed by a second adult and, ideally, the pupil;
- proper records should be kept;
- if there is suspicion about the contents of items of post that have been received by a pupil, the pupil should be asked to open the post in the presence of their Housemaster/mistress, Assistant Housemaster/mistress or Matron.

7) Searches of School Property

- Those authorised to carry out searches may search school property, such as a pupil's locker or desk, if they believe illegal drugs or weapons or stolen property to be stored there;

- prior consent can be sought, but individuals should be made aware that the school 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;
- forcible entry into locked school property is only justified in extreme circumstances and would also need the authorisation of the Deputy Headteacher Pastoral or another member of the College's Senior Leadership Team;
- parents or guardians only need to be informed of the search if prohibited items have been discovered;
- if an illegal item is found as a result of the search (e.g. drugs, a knife, a firearm), it should be handed to the Deputy Headteacher Pastoral who will contact the police.

8) School Trips

This policy on searches of pupils and their belongings applies at all times, irrespective of whether the pupil is at the school or on a non-residential, or residential, trip, outside Epsom College. There may therefore be occasion to carry out a search on a school trip.

If this occasion arises, the adult in charge of the trip should make an effort to contact the Deputy Headteacher Pastoral or a member of the College's Senior Leadership Team 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 and submitted to the Deputy Headteacher on their return to the College.

9) Procedure to Follow after the Search

A written incident report must be made of any search setting out the main details of the search, including the date, time, people present and the outcome.

The affected pupil's parents must also be contacted after any search, regardless of the outcome, but the College is not required to inform parents before a search takes place or to seek their consent to search their child.

Complaints about screening or searching should be dealt with by following the College's normal Complaints Procedure.

10) Dealing with any Items Confiscated during a Search

If an illegal item is found as a result of the search it should be handed to the police. In other cases the following procedures should be followed:

- An authorised person 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 person conducting a search finds alcohol, tobacco or cigarette papers or fireworks they should dispose of it and not return it to the pupil;

- 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 other substances which are not believed to be controlled drugs these can be confiscated where a member of staff believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above;
- 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;
- 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 an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of;
- 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.

In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.

Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should treat it as such. With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, College staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

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 UK Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device: '*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 break the school rules'*.

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 College discipline) or whether the material is of such seriousness that it requires the involvement of the police.