



CONDUCTING A SEARCH – POLICY AND PROCEDURE

Last reviewed:	August 2024
Next review due:	August 2026
Reviewed by:	Head of Boarding Pastoral Director

1. Aims and scope

Trust and mutual respect are essential features of the ethos at d'Overbroeck's and of the interactions among members of our school community. It is nevertheless possible in any school that circumstances may arise where it is necessary to conduct a search for things which are banned under school rules or included in the DfE list of 'prohibited' items. Such a search would generally be motivated by the need to safeguard the health, safety and welfare of students and/or other members of the school community.

In practice, such searches happen very rarely. However, if and when they do, it is important that the search is done safely, sensitively and in accordance with the rights of students and the statutory powers of schools and school staff. The purpose of this document is to set out the circumstances in which a search may be conducted and the procedure which must be followed by staff when doing so.

This policy and procedure is written with reference to the guidance given by the DfE in the document entitled *Searching, screening and confiscation - Advice for schools*, July 2022.

2. What may be searched for?

- Any of the items that a student may have in his or her possession which appear in the DfE list of '[prohibited items](#)'. These include knives or weapons, alcohol, illegal drugs, stolen items, tobacco or vaping products, pornographic images, fireworks, and any article that is reasonably suspected of having been, or of being likely to be, used to commit an offence or to cause personal injury to, or damage to the property of, any person, including the student him/herself.
- Any items that a student may have in his or her possession which are banned under the school rules at d'Overbroeck's. This includes vaping products as well as tobacco products. Our Behaviour, Rules, Rewards and Sanctions policy (available from the [school website](#)) makes clear that any items which are banned under school rules including in the boarding houses, may be searched for.

'Possessions' means any goods over which the pupil has or appears to have control, including in pockets, bags, desks, lockers, electronic devices and, in the case of boarders, bedrooms including any drawers, cabinets, cupboards, etc, therein.

3. Searching with consent

Wherever possible, a search should be conducted with the student's consent. Where a student has given his or her consent, then any item may be searched for. Consent does not need to be given formally in writing: it is enough for staff to ask and for the student to give his or her consent verbally.

4. Searching without consent

- Searching a student without his or her consent should be avoided wherever possible. Schools do, however, have the power to search without consent for items listed in Section 2 above.
- To conduct a search without consent, staff must have reasonable grounds for suspecting that a student may be in possession of a 'prohibited' or a banned item.
- Under these circumstances, staff have the power to conduct the search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

5. Who may conduct a search?

A search may be conducted by the Principal or any other authorised members of staff. In the absence of the Principal, the following senior staff may conduct a search or authorise one to be conducted by other colleagues: Head of Senior School, Head of Sixth Form, Head of d'Overbroeck's International, Pastoral Director, and Head of Boarding.

6. Procedure for conducting a search

- Wherever possible, a search must be conducted in the presence of the student.
- In all cases, two members of staff must be present.
 - At least one member of staff conducting a room search should be of the same sex as the student. In the event this is not practicable, approval for the room search must be given by the Principal or Pastoral Director.
 - Where a personal search is involved, both members of staff must be the same sex as the student.

There is a limited exception to this rule: a member of staff can carry out a search of a student of the opposite sex and without a witness present, but only where s/he reasonably believes that 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 call another colleague.

- Whether conducted with or without consent, a search must always be conducted sensitively and with due regard to the student's dignity and right to privacy.
- As part of a personal search, a student must not be required to remove any clothing other than outer clothing. 'Outer clothing' means nothing that is worn next to the skin or immediately over a garment that is being worn as underwear. Outer clothing does, however, include hats, shoes, boots, gloves and scarves.
- Staff may confiscate any prohibited or banned item(s) found as a result of a search. They may also confiscate any item, however found, which they consider harmful or detrimental to school discipline.

- Any controlled drugs, and any items suspected of being controlled drugs, will normally be handed over to the police. The same will usually apply to any items believed to be stolen.

7. Where can a search be conducted?

A search may be conducted on school premises or outside of school premises where staff are in charge of students (for example, on a school trip). An appropriate location for a search should be found; where possible, this should be away from other students.

Statutory powers to search apply only in England but as every trip is an extension of school, the teacher of a trip outside England may conduct a search if they have first contacted the Principal or Pastoral Director/Designated Safeguarding Lead (DSL) (or the named SLT emergency contact, in the case of an educational visit out of hours) to discuss the nature of the request.

8. Electronic devices

- Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- A staff member may examine data or files on an electronic device they have confiscated as a result of a search if they believe that there is good reason to do so. However, the member of staff should have another colleague present where possible and, if the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude image), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the DSL (or deputy) as the most appropriate person to advise on the school's response.
- In determining if there is a 'good reason' to examine or erase the data or files the staff member conducting the search should reasonably suspect that the data or file(s) in question have been, or could be, used to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.
- If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.
- If the electronic device is to be returned to the student, in exceptional circumstances the school may dispose of the image or data if there is a good reason to do so. For example, if the data or files are not suspected to be evidence in relation to an offence, the school may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the student and/or the parent refuses to delete the data or files themselves

9. Written records

A written record must be made of any search, giving an explanation of the reasons for conducting the search, the circumstances in which it was conducted, the date and time of the search, who was present, what was searched, the outcome of the search and, where relevant, details of decisions made regarding any items of concern that may have been found and any sanctions applied. Records of all searches must be stored via the school's safeguarding reporting system and kept for future reference.

10. Informing parents

The policy at d'Overbroeck's is to share any concerns or relevant information with parents wherever possible, unless there is reason to believe that doing so could potentially be harmful to the student concerned.

There is no statutory requirement on schools to inform parents before a search takes place or to seek their consent to conduct the search. However, parents will normally be contacted after any search regardless of the outcome. Parents will always be informed of any search for a DfE prohibited item, the outcome of the search and action taken (including any sanctions applied) as soon as is practicable.

11. Access to students' rooms in boarding houses

Staff and contractors working for the school need to be able to access student rooms during the teaching day for cleaning and maintenance work, to conduct visits for prospective students and parents, etc. The school also reserves the right for the Head of House, boarding and other staff to have access to student rooms at other times where there is a need to do so.

If 'prohibited items' as defined above, items banned under school rules or items that clearly should not be in students' rooms are found on such occasions, the items will be confiscated and the matter will be dealt with in the same manner as if the item(s) were to be found in the course of a search.

12. Dealing with complaints

A complaint received from a parent about a search conducted on their child will be dealt with through the school's normal Complaints Procedure, which is available from the [school website](#).

13. How these search powers accord with the obligations of schools under the European Convention on Human Rights (ECHR)

- Under Article 8 of the ECHR, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.
- However, the right under Article 8 is not absolute. It can be interfered with; but any interference with this right by a school must be both justified and proportionate.
- The powers to search in the Education Act 2011 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has acted in accordance with Article 8.

This policy should be read in conjunction with the following d'Overbroeck's policies available from the [school website](#):

- Behaviour, rules, rewards and sanctions policy
- Boarding house rules
- Safeguarding and promoting the welfare of children
- Smoking policy
- Substance abuse policy

Government guidance:

[Searching, screening and confiscation - Advice for schools](#) (Department for Education, July 2022)

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