

# The Statutory Power to Search:

## including a list of prohibited items

### (Annex of the School Acceptable Conduct/Behaviour Policy)



**1 The right of the headteacher to search for items deemed as prohibited: in line and to be read in conjunction with** *The Department for Education's searching, screening and confiscation guidance, (updated version) September 2022* and *Police and Criminal Evidence Act Code A and C*.

1.1 Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have 'reasonable grounds' to suspect that the pupil may have a prohibited item (listed below under definitions) or any other item that the school rules identify as an item which may be searched for (DfE 2022)

## 2. What can be searched and how and when?

2.1. Searches can include outer clothing, pockets, bags, and storage locations such as lockers, desks and draws. Searches should be conducted in the presence of another adult, unless there is an immediate risk of harm. Searches beyond this remit (strip search or search of undergarments) must be conducted by trained Police Officers under the Police and Criminal Evidence Act Code A and C.

2.2 Except in cases of urgency, where there may be a *reasonably assumed risk* of harm, staff should inform the parent of the intention to search and \*they can request to be present. The school must always inform the parent and Headteacher on the completion of any search.

2.3. Authorised staff members may examine any data or files on an electronic device that they have confiscated if they have good reason to do so. Staff should reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching
- Commit an offence

2.4 **Staff authorised to search:** All School Leadership Team members or, where permission is granted by the headteacher in advance, class teachers. No other staff are automatically authorised to search unless there is a risk of immediate harm.

2.5 On completion, the reason for the search, what was searched for, and the outcome must be recorded on the school CPOMS, alongside who was present during the search.

## \*Definitions:

- **List of prohibited items:**

Knives and weapons\*, alcohol, cigarettes or vaping paraphernalia, illegal drugs, stolen items, mobile devices for communication or image-capturing devices, pornographic items, materials of a racist nature or that may incite hatred.

- Or

\*Any item that may be used to commit an offence or cause injury or is listed as prohibited in other school policies/rules.