

BRYANSTON

SEARCH AND CONFISCATION POLICY

Any search of a pupil's room and/or possessions will only be undertaken when there is reasonable cause. Wherever possible, the pupil and an adult witness will also be present and the member of staff will seek the pupil's consent for the search to take place, explaining the reasons for it.

The Department for Education guidance says that members of staff can search a pupil and/or his/her possessions if the pupil agrees.

Furthermore, the Headmaster, and staff authorised by the Headmaster, have a statutory power to search pupils or their possessions without consent in situations in which they have reasonable grounds for suspecting that a pupil may have a prohibited item. Prohibited items include:

- knives or weapons (including imitation guns)
- alcohol
- illegal substances (and also legal substances such as psychoactive substances, including those previously known as 'legal highs' or nitrous oxide)
- tobacco, matches, lighters, other items used for smoking and also vaping
- fireworks (and explosives)
- pornographic material (including images which are stored electronically)
- any article that a member of staff reasonably suspects has been or is likely to be used to commit an offence or to cause personal injury or damage to property of any person including the pupil.
- stolen items.

The School also has the right to search for any item banned by the School rules (or contained in the Behaviour Policy or associated documents). In most cases, Housemasters/Housemistresses will be the people conducting the searches. However, it may also be necessary for other staff (including those involved with offsite trips) to conduct searches. Records of searches should be kept, and those conducting searches should notify the Housemaster/Housemistress or the Second Master as soon as possible, if he is not already aware of the incident.

School staff may seize any prohibited or banned item found as a result of a search. School staff may also seize any item, however found, which they consider harmful or detrimental to school discipline. The School has appropriate protocols to deal with issues relating to the retention or disposal of prohibited items (e.g. drugs, alcohol, knives, etc).

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device (including mobile phones and laptops), has been seized by a member of staff who has been formally authorised by the Headmaster, that staff member can examine data or files, and delete these, where there is good reason to do so. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

The School reserves the right to confiscate an electronic device if it is suspected that the device contains text/images which could have been used in cyberbullying, or contains pornographic material, or it is used in contravention of the School's Mobile Phone Policy. In such circumstances, the electronic device may be searched at school or may be sent away for further investigation/clarification.

In the case of electronic devices that:

- are prohibited (or their use restricted) within the Bryanston policy framework
- are reasonably suspected to have been, or likely to be, used to commit an offence, cause personal injury to any person or cause damage to property
- are used to disrupt teaching
- breach the Behaviour Policy

then staff can examine any data on the device, and delete data found, where there is good reason to do so. Consent is not required from the pupil or their parents.

Where staff have reasonable grounds to suspect the device contains evidence of an offence, they must hand it over to the police without deleting any data (including child or extreme pornography).

There may be occasions when staff will need to confiscate property on a temporary basis (whether identified by search or by chance). This may include “prohibited” items, “banned” items or other items. For example, this might include music equipment which is being played loudly, outer garments of clothing which are against the School rules, etc. Staff need to be aware of issues relating to the chain of custody of such items, which should not be left in an insecure place (or removed from the premises). Such items should be conveyed to the Housemaster/Housemistress as soon as possible. As far as mobile phones are concerned, members of staff may remove a mobile phone during a class if a mobile phone causes a disturbance and then return it to the pupil at the end of the class. Hsms should be informed and, if appropriate, a punishment issued. Confiscation of a mobile phone for a period of longer than a lesson should only take place in exceptional circumstances, or it is used in contravention of the School’s Mobile Phone Policy.

The School has the right to authorise the use of ‘sniffer’ dogs to search for illegal substances as part of its Drugs Policy. This may include pupils (in accordance with the Education Act 2011), personal belongings, the boarding houses and the estate.

Housemasters/Housemistresses (and their nominated assistants, including Matrons, Residents and House Team members) may, acting in loco parentis, need to confiscate/temporarily remove items from pupils in the Boarding House, either relating to issues of school discipline or to the smooth running of the Boarding House. A record of this will be kept in House.

This document should be read in conjunction with the following school policies:

- Bryanston School Rules and Regulations
- Bryanston School Behaviour Policy
- Bryanston School Use of Reasonable Force Policy
- Bryanston School Illegal Drugs and Substance Abuse Policy
- Bryanston School Alcohol Policy
- Bryanston School Smoking Policy
- Bryanston School Anti-Bullying Policy
- Bryanston School Cyberbullying Policy

Reference also may be made to:

- Behaviour and discipline in schools: Advice for headteachers and school staff January 2016 (Department for Education) and also to
- Screening, searching and confiscation: Advice for headteachers, school staff and governing bodies – January 2018 (Department for Education).

Reviewed: September 2019
Reviewer: Second Master, Head of Pastoral and Housemasters/Housemistresses
Next Review: September 2020
Author: Second Master

