



RADLEY

Search Policy

December 2023

Search

This policy aims to take into account several documents which impinge upon this matter:

- Article 8 of the European Convention on Human Rights
- The Children Act 1989 s.3 (5) (acting reasonably to promote child's welfare),
- Education Act 1996 , Section 550ZA
- DfE guidance from July 2022 - Searching, screening and confiscation, Advice for Head teachers, school staff and governing bodies (Appendix)
- Boarding Schools' Association briefing paper (no.15) Conducting A Search - of a pupil's room, belongings or person. (Appendix)

1. The Warden delegates authorisation for conducting a search to the Sub-Warden.
2. Where possible, the Sub-Warden will be present when a search is carried out. A searches should be made with a second adult (witness) present, unless safeguarding concerns demand otherwise.
3. Any searches will only be made where there is reasonable suspicion that unauthorised illegal or stolen items are being held and will be lawful.
4. Any searches will/should be proportionate to the value or "risk factor" of the item(s) in question.
5. The extent of any search will/should be proportionate to the likelihood of the item(s) being found.
6. Details of all searches and outcome should be noted and kept on file (copy Sub-Warden, BJH).
7. Any search of a pupil's person or personal property (clothing, bags, cases, pencil cases etc.) should only be conducted with the pupil's consent. Refusal by a pupil to allow a search will be referred to the Sub-Warden.

Searches of school property.

1. Consent should be sought whenever possible, but it is not a pre-requisite and pupils should be informed of this.
2. Refusal of consent:
 - a. Every effort should be made to persuade a boy to consent to a search - not least to clear his name. His parents may be contacted to help persuade him where no consent is given.
 - b. Disciplinary measures proportionate to the circumstances (i.e. see sanctions linked to smoking, drugs and alcohol for example) will be taken if no consent is given, and that may mean calling the police.

3. Searches of school property may take place in the boy's absence and locked storage may be forcibly opened where there is a strong suspicion of unauthorised or illegal items. The boy will be informed of any search that has taken place.
4. The boy's parents will be informed of any search that takes place.
5. If the matter is considered serious enough, the police may be called.
6. Confiscated items
 - a. unauthorised item will be returned to parents.
 - b. illegal item handed over to police.
7. Digital searches (e.g. hard disks, mobile phones, cameras) will be subject to the same principles.

Searches of Electronic devices

The data or files on an electronic device may be searched if there is a good reason to do so (i.e. 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).

The examination of electronic devices will, where possible, be undertaken by the senior IT technician. The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident.

If inappropriate material is found on the device the matter will be referred to the Sub-Warden to decide whether the material should be deleted, retained as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. Examples of illegal activity would include:

- child sexual abuse images (including images of one child held by another child)
- adult material which potentially breaches the Obscene Publications Act
- criminally racist material
- other criminal conduct, activity or materials

The college will also consider their duty of care responsibility in relation to those staff who may access disturbing images or other inappropriate material whilst undertaking a search.

Deletion of Data

Following an examination of an electronic device, if the authorised member of staff 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. (i.e. 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).

Care of Confiscated Items

School staff are reminded of the need to ensure the safekeeping of confiscated items (particularly electronic devices).

Audit / Monitoring / Reporting / Review

The Sub Warden will ensure that full records are kept of incidents involving a search and these records will be reviewed annually. This policy will be reviewed by the Warden and Council in response to changes in guidance and evidence gained from the records.

Appendix

- DfE guidance from July 2022: [Searching, screening and confiscation, Advice for Head teachers, school staff and governing bodies](#) can be found in the Boarding Resource Folder (Staff Department/Socials/Reference Material)