



# LEVI ALTERNATIVE PROVISION SEARCH POLICY

*Policy approved by: Management Committee*

*Date reviewed: September 2023*

*Next review date: September 2024 (annually)*

Staff are reminded to ensure that pupils are safeguarded at all times, and should consider the impact to a pupil's dignity or reputation if they are unduly searched or suspected of possessing prohibited items.

Searches can play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's social care services.

Inform the Designated Safeguarding Lead, or their deputy of any searching incidents that you believe revealed a safeguarding risk.

### **Search Without Consent**

The Centre Manager and staff authorised by the Centre Manager have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item (sections [550ZA](#) and [550ZB](#) of the Education Act 1996, and paragraph 10 in the guidance). Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- tobacco and cigarette papers
- fireworks
- pornographic images
- stolen items
- any object that the 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.

The staff member conducting the search must be the **same sex** as the pupil being searched and there must be a witness (also a staff member). Additional staff should be the same sex as the pupil being searched.

### **Establishing grounds for a search**

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 item.

The powers allow school 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 that are later found not to be illegal or stolen.

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips or during individual tuition off site.

### **Guidance for carrying out a search - What the law allows**

- The power to search without consent enables a personal search, may involve 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.
- A pupil's possessions can only be searched in the presence of the pupil and another member of staff.
- Staff can conduct a pat-down search of students starting from the jacket hood down to the ankle avoiding the chest, abdominal and genital areas.
- Staff can use a wand to complete the search by waving it over all areas without it touching the student.
- If staff continue to suspect a student concealing a prohibited item, the student can be sent home and asked to return with parents.

### **Pupils who refuse to cooperate**

Students refusing to allow an authorised member of staff to conduct a search will not be permitted to enter the premises.

### **Informing Parents**

Parents are informed that students are searched as part of the school safeguarding policy and procedures. There is no requirement for the centre to inform parents before each individual search. Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the pupil or the school.

### **Only police can conduct a strip search**

School staff are **not** allowed to carry out strip searches, including the Centre Manager and authorised staff. Only police who have been asked to come to the school may decide whether a search is necessary and carry it out. The police can only carry out a search if they:

- Think this is necessary to remove an item related to a criminal offence, **and**
- Reasonably consider the pupil might have concealed such an item

### **Call the police into school as a last resort**

Always put the best interest of the child first. This means that before you decide to call the police into school you should first:

- Make sure that you've exhausted other approaches

- Carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search
- The police officers conducting a strip search **must** be the same sex as the pupil • There **must** be at least 2 people present other than the pupil, including the 'appropriate adult' (see the box on the right for a definition). The search may only take place without an appropriate adult if:
  - It's an urgent case where there is risk of serious harm to the pupil or others ○ The pupil explicitly states that they don't want an appropriate adult present for the search, and the appropriate adult agrees and signs a record of the pupil's decision
- The appropriate adult should be the same sex as the pupil, unless they specifically request someone else

### **Remember your duty of care at all times**

Your role is to advocate for pupils' wellbeing at all times. A strip search can be highly distressing for the pupil, and for staff and other pupils affected.

The police **cannot** overrule your safeguarding duty, for example by requesting that the appropriate adult leave the room when they talk to the pupil. Make sure that your staff know this.

Read about the process the police must follow on page 13 of the DfE's searching, screening and confiscation guidance so you understand it and can uphold the best interests of pupils at all times.

### **Support the pupil after the search**

Always put safeguarding at the centre when supporting the pupil, regardless of whether or not a prohibited item is found.