



# **Bridgeview Special School Searching, Screening and Confiscation Policy**



1	Summary	<b>Searching, Screening and Confiscation Policy</b>			
2	Responsible person	Maria Hope			
3	Accountable SLT member	Maria Hope			
4	Applies to	<input checked="" type="checkbox"/> All staff <input type="checkbox"/> Support staff <input type="checkbox"/> Teaching staff			
5	Who has overseen development of this policy	SLT Behaviour Team			
6	Who has been consulted and recommended policy for approval	Staff Team Govonors			
7	Approved by and date				
8	Version number	2			
9	Available on	Every	<input type="checkbox"/> Y <input type="checkbox"/> N	Trust website Academy website SharePoint	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
10	Related documents (if applicable)	Behaviour and Relationship Policy Safeguarding Policy Restrictive Physical Intervention Policy			
11	Disseminated to	<input checked="" type="checkbox"/> Trustees/governors <input checked="" type="checkbox"/> All staff <input type="checkbox"/> Support staff <input type="checkbox"/> Teaching staff			
12	Date of implementation (when shared)				
13	Consulted with recognised trade unions	<input type="checkbox"/> Y <input type="checkbox"/> N			



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## 1. Introduction



## **1.1 Core purpose of Bridgeview Special School**

Bridgeview is committed to inclusive education and securing the greatest possible access to learning and achievement for all pupils with SEMH, communication and interaction difficulties and challenging behaviour. We put our relationships with the children at the centre of everything we do, alongside the belief that pupils' behaviour can be modified, managed and improved to enable them to engage with learning. Bridgeview offers a calm, highly structured and consistent environment with firm boundaries and guidance. Staff assess individual pupil's needs and through working in partnership with the pupil, their parents, their school and other agencies, identify and implement strategies to assist in reducing barriers to learning and improving behaviour. The fundamental aim is to enable pupils to function safely and successfully within their intended setting. To ensure the safety of all school stakeholders we uphold an educational but zero tolerance approach to offensive weapons.

## **1.2 Context**

Knife crime and the use of weapons is a challenge that affects all of society, and to tackle it both the Police and schools must work together with all agencies in a coordinated, wide-reaching and long-term effort, working with young people and the communities vulnerable to serious violence.

Evidence shows that, significant harm and a substantial number of crimes are committed where a young person is known to have been in possession of an offensive weapon. Although most of these offences have been committed outside of School, it would be reasonable to assume that those persons were in possession of the offensive weapons during school hours and therefore, the potential for violent incidents is very real due to the vulnerability of the pupils at Bridgeview

## **2. Scope of the Policy**

### **a. The aims of the Screening Policy**



- To ensure suitable policies and procedures are in place for managing the possession of offensive weapons.
- Uphold legislation and work collaboratively with parents, external agencies and the police.
- Educate pupils around the dangers of possessing and handling weapons in and outside of school through the delivery of workshops delivered by Humberside Police, external agencies and teachers.
- Take appropriate action and sanctions to ensure the rest of the school and community understand the severity of the incident.

### **b. Responsibilities**

All staff are responsible for:

- Applying school policy at all times throughout the school day to maintain order and uphold a calm safe school environment.
- Sharing good practice and effective strategies in debriefs, shaping and improving practice throughout the school.
- Modelling the behaviour expected of the students.
- Educating pupils around the dangers of possessing and handling weapons.
- Safeguarding everybody on site.
- Ensuring that any threats and concerns are taken seriously and reported immediately.

All pupils are responsible for:

- Ensuring they refrain from bringing any prohibited item outlined in this policy on to site.
- Refrain from making threats of violence or reference to offensive weapon use.

All parents/guardians are responsible for:

- Ensuring pupils are educated around the dangers of possessing and handling offensive weapon.
- Ensure their child doesn't bring prohibited items onto school site.

## **3.Implementation of the policy**

### **Bridgeview approach to ensure a weapon free site.**



### 3.1 Security Arches

In order to safeguard the welfare of everybody on our school sites, we operate security arches on key entrances. These are metal detecting devices, used to reduce the risk of bladed articles or offensive weapons being brought on to site. As everyday working practice pupils and staff will both pass through these arches on arrival to the school site and upon departure.

Procedure for use:

- On arrival possessions will be handed to staff e.g. Mobile phones or personal devices.
- The young person will pass through the arch as they walk through the school entrance. If the arch detects an item it will alert staff by beeping and flashing.
- Staff will ask the pupil if they have anything to hand in, whilst also asking the person to remove any outdoor clothing and shoes.
- The young person will then be asked to walk through the arch again.
- If the arch alerts again, a common-sense approach will be adopted. If there is suspicion the young person possesses an item of concern they will be referred for further screening.

### 3.2 Screening Pupils

Where it is believed that a pupil has in their possession an item that could cause harm to themselves or others or which breaks the SPECIAL SCHOOL expectations then the pupil may be searched. This includes having a mobile phone on their person. Other items that may breach the SPECIAL SCHOOL expectations are cigarettes, alcohol, energy drinks, foods or items such as sweets which may be a disruption. Most searches would be conducted with the permission of the pupil, however, where there are reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item.

The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item, this would take place with two members of staff in attendance. At least one of these people would be the same sex as the pupil. When searches are carried out at Bridgeview, staff must pay particular attention to their own personal safety. Searches will be recorded using the Record of Search

*Searching with consent Schools' common law powers to search:*

- *School staff can search pupils with their consent for any item. Also note:*



- Schools are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.
- Schools should make clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is.

Reasons might include that they: • are in possession of a prohibited item; • do not understand the instruction; • are unaware of what a search may involve; or • have had a previous distressing experience of being searched. 20. If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or a behavior and pastoral member of staff who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils. 22. If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified, but not to search for items which are identified only in the school rules. See guidance on the Use of reasonable force in schools. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder. 8 23. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves. 7 Section 550ZB(5) of the Education Act 1996. 8 Section 93(1) of the Education and Inspections Act 2006. 11 During a search Where 24. An appropriate location for the search should be found. Where possible, this

### **DFE, Searching, screening and confiscation - January July 22 Confiscation**

Where items that are found as a result of a search will usually be confiscated and any items brought onto the school site in contravention of the school expectations will be confiscated. These will either be passed to the police (knives, illegal drugs or will be disposed of (alcohol, tobacco) or may be retained and returned to a parent at a later date (mobile phones). Where mobile phones are the issues data may be examined by members of staff if they 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. This data may then be deleted or the phone may be passed to the police. Data will not be deleted if it is suspected a crime has been committed, the device will be passed to the police. 10 All school staff should be aware that behaviours linked to sexting put a child in danger.

*The power to seize and confiscate items What the law allows:*



- *Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.*
- *The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.*
- *Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully. **DFE, Searching, screening and confiscation – July 22***

### 3.3 Confiscation, screening and power to search:

Current legislation (education and Inspections Act 2006 and Education Act 1996) gives staff the legal provision to confiscate, retain and dispose of items from pupils as a punishment so long as it is reasonable to do so and the power to search for prohibited items. The law protects staff from damage to and loss of any confiscated items provided staff have acted lawfully. The power to search without consent is given for:

- Weapons/knives
  - Alcohol
  - Illegal drugs
  - Stolen property
- Tobacco and cigarette papers
- Fireworks
  - Pornographic images
- Any article that is likely to be used to commit offence, cause injury or damage to property
- Any item banned by the school rules

Sanctions for the discovery of these items will depend upon the items themselves. E.g. weapons and knives must be handed over to the Police, but in all cases Parents/Carers will be informed. Transport would be informed if offensive weapons are found or suspected. Staff also have the power to use reasonable force when conducting such a search without consent for the items listed above with the exception of the last item. Staff are also empowered to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property and to maintain good order discipline in the classroom.

### 3.4 GUIDANCE FOR DISCOVERING A PUPIL WITH A WEAPON





- The Police should always be informed immediately of any incidents involving offensive weapons brought onto the school site. Transport will also be updated regarding the incident with future transport arrangements requiring review.
- Pupils found in possession of/concealing offensive weapons removed from the school premises due to the vulnerable nature of the pupils at Bridgeview the school has a zero-tolerance stance. Parents/Carers will be asked to collect the pupil.
- The Violent Crime Reduction Act 2006, gives Schools new powers to search pupils and seize weapons.
  - Schools are able to use blanket 'non-contact' or minimal contact screening for weapons without needing consent or grounds of suspicion that a pupil is carrying a weapon, school staff will then be able to use the new powers to carry out a 'hands on' search without consent.
- A weapon confiscated should be surrendered to the Police as soon as possible.
- The Police can enter and search a School for an offensive weapon. The Head Teacher's permission is clearly desirable, though not a legal requirement, where, for example if the situation is urgent.

#### 5.4 RISK ASSESSMENT FOR INDIVIDUAL KNOWN FOR CARRYING WEAPONS

Formal Risk Assessments are required to be in place for individuals known to be habitual Offensive Weapons carriers (including knives) or with a known history of violence. These risk assessments are undertaken on admission to the school or after an incident involving an offensive weapon inside or outside of school.

#### 5.5 GUIDANCE FOR STAFF INVOLVEMENT WHERE A WEAPON IS SUSPECTED

- Due to the vulnerability of the pupils at Bridgeview the Senior Member of Staff on duty and Head Teacher must be informed of any incident involving a weapon.
- The Senior Member of Staff should give their evaluation of the seriousness of the incident (ie. in progress, threat to life, or weapon secure for collection only) and make their own judgement on the nature and immediacy of the response required.
- There may also be some exceptional circumstances where the Senior Member of Staff, who have been made aware that a weapon may be on School premises, decide that they need to take action and minimize risk. Where possible, members of staff should not confront a person suspected of possessing a weapon in the presence of other pupils. Preferably two or more members of appropriately authorised and trained should divert the person to a safe, secure place.



- Members of staff are not under any obligation to search a person themselves. In making any decision to do so, a risk assessment approach should be adopted and it should be noted that such immediate preventive action could either prevent a potentially dangerous situation escalating or could, conversely, inflame the situation.
  - It is considered inappropriate for short-term, volunteer, domestic and site staff or other staff to be expected to search pupils. Designated and trained staff should always be called to assess and manage any situation where an offensive weapon is suspected.
  - Where there are reasonable grounds to suspect that a pupil might have in their possession an offensive weapon, knife or blade, it might be appropriate for the Head Teacher or an authorised and trained member of staff, to conduct a search of that pupil or his possessions with or without the pupil's consent. Such a search may only be carried out where the member of staff and pupil are on school premises or are elsewhere and the member of staff has lawful control or charge of the pupil.
  - A member of staff carrying out a search:
    1. May not require a pupil to remove any clothing other than outer clothing ie. any item of clothing not being worn wholly next to the skin or immediately over a garment being worn as underwear.
    2. Must be of the same sex as the pupil and may carry out the search only in the presence of another member of staff.
    3. A pupil's possessions (including any goods over which he/she appears to have control) may not be searched except in his presence and another member of staff.
    4. If in the course of a search, the member of staff finds anything he/she suspects of falling within the knives and offensive weapon category or any other thing he/she suspects is evidence in relation to an offence, they must seize and retain it.
    5. Where the person suspected of carrying a weapon is not a registered pupil at the School, or where an incident involving a pupil takes place outside the School premises and where the pupil is not under the control/charge of the school, a search should only be undertaken by a Police Officer. Police will be called to the site.

#### 5.6 POST INCIDENT

- Consideration needs to be taken of what is needed to manage the situation immediately post-incident to ensure the safety of pupils, staff and members of the public.
  - All incidents should be reported and investigated in line with school guidelines.
  - A review of the risk assessment(s) and consideration of the disciplinary process for the person found carrying an offensive weapon or knife should take place.



- Support for the staff/pupils involved in the incident should be available if required.
- Transport will be suspended for 5 days to review the incident and assess the level of risk in transport.
- A meeting will be organised with parent/carer and pupil to discuss next steps.

## Appendix

### LINKS TO RELEVANT LEGISLATION

- Knives Act 1997  
(<http://www.legislation.gov.uk/ukpga/1997/21/contents>)
- Offensive Weapons Act 1996  
(<http://www.legislation.gov.uk/ukpga/1996/26/contents>)
- Violent Crime Reduction Act 2006  
(<http://www.legislation.gov.uk/ukpga/2006/38/contents>)
- Education and Inspections Act 2006(<http://www.legislation.gov.uk/ukpga/2006/40/contents>)



**LEGISLATION** It is an offence under section 139A of the Criminal Justice Act 2003 (as inserted by section 4 of the Offensive Weapons Act 2019) to carry an offensive weapon or knife on School premises. It is amended under the Violent Crime Reduction Act 2006 to prohibit the sale of knives, axes and certain blades to people under the age of 18. It is also an offence to carry an offensive weapon or knife in a public place unless a person has a good reason or lawful authority for having the article with him. Sections 110 and 111 of the Serious Organised Crime and Police Act 2005 amend the powers of arrest available under the Police and Criminal Evidence Act (PACE) 1984 and are based on the severity of the offence. The Violent Crime Reduction Act 2006, which makes provision for members of staff to search pupils, came into force on 21 May 2007. Part 7 of the Education and Inspections Act 2006 (which came into force on 1 April 2007), sets out the responsibilities of schools in relation to discipline and specifically deals with the powers of school staff to use reasonable force and defence where confiscation from pupils is lawful. The DfE believes that the exercising of these powers is unlikely to infringe any of the Convention rights within (the meaning of) the Human Rights Act 1998 and that any proportionate interference would be capable of being justified for the purposes of keeping pupils and staff safe at school. A person who could prove that he had a good reason or authority for carrying a knife eg. an officer cadet, would have a general defence under the Offensive Weapons Act 1996. In addition, there are a number of special exceptions, which permit the carrying of knives: For use at work (eg. knives needed in school kitchens)

- For educational purposes (eg. tools needed for National Curriculum Technology)
- For religious reasons (eg. a Sikh's Kirpan)
- As part of a national costume (eg. Scottish highland dress)

**DEFINITION OF AN OFFENSIVE WEAPON OR KNIFE** Offensive weapons are defined in the Prevention of Crime Act 1953, as 'any article made or adapted for causing injury to the person; or intended by the person having it with him/her for such use by him/her'. Sections 139 and 139A of the Criminal Justice Act 1988 refer to any article which has a blade or point is sharply pointed, except for a folding pocket-knife. A folding pocket-knife is one which has a cutting edge or no more than 3 inches in length and which must be readily foldable at all times. Schools are advised that, although not covered under legislation, Bridgeview bans persons carrying folding pocket-knives.



### Record of search

<b>Pupil searched</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Who conducted the search?</b>	<b>Where prohibited items found? If so what?</b>	<b>Is any follow-up action required as a consequence of the search?</b>




Appendix A

Searching and Screening Risk Assessment

<b>Pupil name</b>		<b>Date</b>	
<b>Year group</b>		<b>Class</b>	

<b>Coproduction of risk assessment</b>			
<b>Person</b>	<b>Name</b>	<b>Attended meeting/sent information</b>	<b>Searching, screening policy has been shared Yes/No</b>
Pupil			
Parent/Carer			
Mainstream staff			
Whitehouse teacher			
Social worker			



Youth offending worker			
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<b>Reason for searching and screening risk assessment</b> <i>Including dates, frequency and locations of incidents, victims (if any)</i>

<b>Thoughts, feelings and suggestions of all parties</b>
Pupil:
Parents/carers
School:
Social care:

<b>Arrangements for searching and screening</b> <i>Including how the search is to be done, timings, where in school, staffing</i>		
Details of search	Timings and where in school	Staffing

	Name	Signature	Date
<b>Pupil</b>			
<b>Parent/carers</b>			
<b>School</b>			

Appendix B