

# Smith's Wood Primary Academy



## Searching and Confiscation Policy

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<b>Approved on:</b>	
<b>Signed on behalf of Governing Body:</b>	
<b>Role:</b>	
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## **Introduction**

The purpose of this policy/practice guidance is to state clearly that the deliberate and intentional bringing in and use of weapons on our school site will not be tolerated. The use of such weapons on site would create unacceptable risks of bullying, injury and death and is extremely intimidating and frightening for pupils and adults alike.

## **Purpose and aim**

At Smith's Wood Primary Academy, the purpose of this policy/practice guidance is to set out clearly the preventative actions in place to prevent the use of any weapons on our site. This policy/practice guidance will also show the direct actions a school will take around the use of weapons on site taking into account the full context around each and every incident.

At Smith's Wood Primary Academy, we are committed to the safety and well-being of all of our pupils, staff and parents and will always take immediate action to reduce the risk of harm to any individual on our school site.

## **What is a weapon?**

For the purpose of this Policy a "weapon" is:

- a firearm of any description, including starting pistols, air guns and any type of replica or toy gun, pellet guns or BB guns;
- knives, including all variations of bladed objects i.e., pocket knives, craft knives, scissors etc;
- explosives, including fireworks, aerosol sprays, lighters, matches;
- laser pens or other objects, even if manufactured for a non-violent purpose but has a potentially violent use i.e., the purpose of keeping or carrying the object is for use, or threat of use, as a weapon;
- Num chukkas, death stars and other martial arts objects;
- Screwdrivers, hammers, chisels and any tool that could be offensively used;
- Razor, razor blades or chains.

## **Preventative Strategies**

### **Recognition**

It is important to develop appropriate strategies in order to prevent the issue of weapon misuse or any contextual issues around the misuse of weapons such as children having them to 'feel safe' from peers or gangs.

Firstly, and most importantly for Smith's Wood Primary Academy is recognition that incidents where children bring weapons onto site may happen intentionally as well as unintentionally even with the most stringent of policies. In these cases, the immediate actions taken by staff must be prompt and consistent and therefore ALL staff must know and understand this policy and the expectations of keeping children safe.

In any circumstance where this occurs it is important that senior leaders take forward any learning from such incidents to improve policy, revise training and improve practice.

### **Creating a safeguarding culture**

In order for pupils and staff to feel safe it is necessary that everyone agrees to and works within the school's ethos and culture of vigilance and positively contributes to the sharing of information where

there may be risk. By creating a strong culture of safeguarding within school all individuals accessing the site should feel safe to raise concerns, seek support and for a seamless and consistent response to incidents to be followed.

In order to create this environment, the whole workforce and pupils should receive appropriate learning and training around the expectations upon them in the event that a weapon may be brought onto site. This includes, how to raise the alarm, procedures for lockdown, use of social media and critical incident response.

Staff and pupils should feel able to contribute to this learning/training to understand what to do in a number of potentially different circumstances.

### **Effective use of the curriculum**

Having an effective curriculum in place via SMSC/PSHE or RSE should support pupils in understanding the risks around the use of weapons, the legal implications of carrying weapons and the school's response to such incidents. A curriculum that allows strong discussion around the use of weapons may act preventatively to allow pupils to think twice about the consequences of carrying a weapon and equally may create opportunities for pupils to share useful intelligence around peer on peer abuse, gang related behaviours and contextual issues in the local area that may impact on the increased use of weapons. Any such intelligence shared would need to be passed on to the appropriate agencies such as police and social care.

### **Working with parents**

Parents need to be aware of the school's stringent policy around weapons and support the decision made by senior leaders in the event of an incident. Parents should always be vigilant of the behaviours of their own children and seek support and intervention when necessary. If parents believe that their child may be carrying a weapon they should inform the school immediately and the police in order to protect not only their child but other children and adults. By sharing the information immediate intervention can be offered and a plan of support and services could be put in place without an incident occurring. By continuing good communication between home and school a positive safety plan could be created to manage the safety and the well-being of any child who may need it.

### **Working with partnership agencies/signposting services**

Multi agency working can consolidate school procedures. By accessing advice, support and guidance when required, effective decisions can be made in collaboration to improve outcomes for children who may be at risk of harm. Seeking advice and guidance can act as a preventative measure so that the right course of action is taken at the earliest opportunity. It is important that signposting is also available to pupils in the event that they don't feel confident raising an issue to staff or a peer. Our child and family support workers will be able to provide details with support services on a wide range of issues so young people can seek their own solutions should they wish to. In the same way external services or support programmes could be brought in to talk to young people about specific issues in support of the prevention of peer on peer abuse.

### **Searching, Confiscation and Screening**

#### **Searching**

School staff can search a pupil for any item if the pupil agrees.

The Principal and staff authorised by her 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.

### **Confiscating**

School staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline.

### **Searching with consent**

School staff can search pupils with their consent for any item. 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 and for the pupil to agree.

Smith's Wood Primary Academy make clear in our school behaviour policy, the weapons and searching 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 (see Refusing a request).

A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, an appropriate disciplinary sanction will apply.

### **Searching without consent**

#### **What can be searched for? (for the purposes of this policy)**

- Knives or weapons;
- 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;
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

#### **Who can search?**

A Principal, or a member of school staff authorised by the Principal.

#### **Under what circumstances?**

You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and/or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

#### **When can you search?**

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches. Where it is practicable to summon a staff member of the same sex as the pupil and a witness, the teachers wishing to conduct a search must do so.

### **Authorising members of staff**

The principal will decide who to authorise to use these powers. There is no requirement to provide authorisation in writing. Staff can refuse to undertake a search.

### **Training for school staff**

When designating a member of staff to undertake searches under these powers, the principal will consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

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

School 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 member of staff 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.

In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search will bear in mind that a pupil's expectation of privacy increases, as they get older.

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 which are later found not to be illegal or stolen.

School staff may consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

### **Taking action in the event of a weapon on site**

If it has been identified that a weapon is on site and the appropriate searching and confiscating has occurred, then a full and thorough investigation must happen into what has occurred. If it can be proven that a weapon was brought on site with intent to harm, then immediate action should occur including contacting the police and parents/carers immediately. The pupil should be isolated immediately.

If the weapon has been identified because it has been used to harm e.g. another pupil or member of staff, school will instigate its critical incident management protocols immediately inclusive of lock down procedures, secure and isolate the student and weapon if possible and again contact the police immediately.

If the context of the situation is not so easily identified, then a full and thorough investigation is required to establish the next course of action.

## **Gathering the facts**

In all circumstances, staff need to speak to all the pupils involved separately, gain a statement of facts from them and use consistent language and open questions for each account. The easiest way to do this is not to have a line of questioning but to ask the pupils to tell you what happened. Only interrupt the pupil from this to gain clarity with open questions, 'where, when, why, who'. (What happened? Who observed the incident? What was seen? What was heard? Did anyone intervene?) A full and clear record of exactly what the pupil has said in their own language should be made (and no individual interpretation of the facts made which could impact on the disclosure) and stored.

## **Consider intent**

From the information gathered the next step would be to consider intent. Did the pupil intend to bring a weapon onto the school site in order to harm someone in a deliberate act or did the young person bring the weapon on site as a form of defence or for their own safety? Both situations are of equal concern, however one shows a deliberate attempt of harm and both circumstances may have different outcomes.

## **Deciding on the next course of action**

From the outcome of the investigation the Principal will decide on the level of risk the pupil poses in school. If the risk is clear and the intent is obvious then a suspension and a disciplinary hearing may follow or the decision to permanently exclude may be made following the necessary protocols. However, depending on the intent, the age of the child and also the circumstances surrounding the incident or the contextual issues it may be a suspension is given followed by a risk assessment/safety plan put in place following the pupil's return to school.

## **Returning to school/safety planning**

Safety planning is a positive way of supporting a child who may benefit from a planned approach to support or intervention following an incident where a weapon has been brought to school. Safety plans support the child by considering the behaviour behind the use of a weapon and plan ways to manage any identified risks/triggers and seek support from adults and peers. They are inclusive of parents and staff and are a planned intervention to support young people in feeling secure in school/setting, helping young people identify behaviours that may leave them feeling anxious or at risk and have strategies that they can apply to keep themselves feeling safe. The language of safety planning is more positive than risk assessment and can give security to the child that a joined up approach is being followed by all in school.

## **Review of Circumstances**

Following any incident of harm, it is necessary for the school/setting to consider if anything could have been done differently.

## **This policy /practice guidance has been heavily supported by the following key documents:**

- **Searching, screening and confiscation: advice for headteachers, school staff and governing bodies, January 2018**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6744](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6744)

DFE: Keeping Children Safe in Education. September 2021

Child Protection Policy

Behaviour Policy