

**FIVE RIVERS Multi Academy Trust**



**Five Rivers Multi Academy Trust  
Banned Items Policy**

Policy start date: January 2017  
Reviewed: January 2021 JC (amendments made)  
Next review due: January 2022



## Introduction

Five Rivers Multi Academy Trust recognises that there is a broad range of items which, if brought into an academy, or if in the possession of a young person, could compromise the health and safety of pupils, staff or visitors to the academy.

Five Rivers Multi Academy Trust has a duty under section 175 of the Education Act 2002 which requires it to make arrangements to ensure that its functions are carried out with a view to safeguarding and promoting the welfare of children.

This Policy is intended to explain the academies' powers in the screening and searching of pupils so that academy staff have the confidence to use them. In particular, it explains the use of the power to search pupils without consent. It also explains the powers each academy has to seize and then confiscate, items found during a search. It includes statutory guidance to which academies must adhere.

This policy has been drawn up in accordance with:

- DfE Guidance Screening, Searching and Confiscation (Jan 2018);
- DfE Behaviour and Discipline in Schools (Jan 2016);
- DfE Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units.

## Prohibited Items

The DfE Guidance 'Screening, Searching and Confiscation Advice' (2014) is the foundation for this policy and it identifies prohibited items as:

- knives or weapons \*
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- 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 to, or damage to the property of, any person (including the pupil).

### Note \*

- \* 'Knife' includes any bladed article including: craft knife, Stanley knife, Swiss Army knife, fishing knife, razor, kitchen knife or any bladed item.



- \* 'Weapon' refers to any gun, including: air rifle, BB gun, toy gun, pellet gun, crossbow, taser, blow pipe, knuckleduster or any similar item and includes any item made for the purpose of assault or defence.

In addition to the prohibited items identified above and detailed in the DfE 'Screening Searching and Confiscation Advice', there are a number of other items which could cause harm, distress or injury to pupils or persons.

Five Rivers Multi Academy Trust considers that the following items are also prohibited and should not be brought into any of its academies:

- chains
- catapults
- lighters or matches
- tools (scissors, screwdriver, hammer, nails etc.)
- pepper sprays and gas canisters
- any item fashioned to cause injury i.e. a sharpened stick, shard of glass etc.
- laser pens
- dangerous chemicals (acids, hair dyes, bleaches, nail varnish remover etc.)
- aerosols (including deodorant and hair spray)
- e-cigarettes
- stink bombs
- solvents
- needles
- offensive material - racist, homophobic, extremist material (in any medium including on a mobile phone or other device)

This is not an exhaustive list and the Principal / Headteacher may consider other items as inappropriate if they believe that possession of the item is with intent to cause harm, distress or injury to another.

## Searching

All screening, searching or confiscation will be carried out by a designated staff representative of each academy (it is the Principal/Headteachers responsibility to determine who carries out searches) and in accordance with the DfE Screening Searching and Confiscations advice 2018.

DfE 'Searching, screening and confiscation' Jan 2018 states that:



- Principals/Headteachers and staff authorised by them have statutory power to search students or their possessions **WITHOUT CONSENT** where they have reasonable grounds for suspecting that the student may have **A PROHIBITED ITEM**.
- The search must be done by either the Principal/Headteacher or staff authorised by him/her.
- The extent of the search may include: only outer clothing (coats/jackets, hats, shoes, boots, gloves and scarves) and possessions/goods over which the student has or appears to have control (desk, locker and bag).
- The student and a witness must be present when possessions are searched, unless serious harm will be caused if the search is not conducted immediately.
- The person searching a student must be the same sex as the student being searched and **THERE MUST BE A WITNESS** present.
- The exception to this is if staff reasonably believe that serious harm will be caused if a search is not conducted immediately.

## **A SEARCH WITHOUT CONSENT CAN TAKE PLACE ONLY IF A STUDENT IS SUSPECTED OF HAVING A PROHIBITED ITEM IN THEIR POSSESSION.**

A personal search can involve the removal of outer clothing and the searching of pockets; but not an intimate search going further than that. Only a person with more extensive powers (e.g. a police officer) can do an intimate search.

### **Note**

Academy staff can search a pupil for **ANY ITEM** if the pupil **GIVES CONSENT**.

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



## The power to search without consent

Searches will be conducted privately and in such a way as to minimise potential embarrassment or distress. When a person is suspected of concealing a prohibited item every effort will be made to persuade the person to hand over the item voluntarily, and in the presence of a second adult witness. Where the individual refuses and the item is believed to be illegal/prohibited, staff will:

- explain why the search is necessary;
- instruct the student to support this process by **GIVING CONSENT** to the search;
- if the student **REFUSES TO GIVE CONSENT**, remind again why the search is necessary and that the search will take place whether or not consent is given.

If a lack of cooperation persists and the search includes outer clothing, inform the student that parents/carers and, if necessary, the police, will be contacted to facilitate the search. If the search includes the student's bag, the search can take place with the student present.

Following a search, whether anything is found or not, a record must be made and parents informed.

## Taking Possession of Prohibited Items

The law permits academy staff to take temporary possession of any prohibited item found as a result of a search or found by other means if the item is considered harmful to the academy environment.

In taking temporary possession and disposing of suspected illegal drugs and other illegal items (weapons, pornography and stolen goods), staff will:

- ensure that a second adult witness is present throughout;
- seal the sample in a plastic bag if appropriate, and include details of the date and time of the seizure/find and witness(es) present;
- store the item safely within the academy;
- without delay notify the police, who will be asked to collect it and then store or dispose of the item.

Where a student is identified, the police will be required to follow set internal procedures.



- Ensure that full details of the incident, including notes of any discussions with the students, are recorded. These should include date, time, place and people present. The police incident reference number should also be included.
- Police may advise on analysis and formal identification. If formal action is to be taken against a student, the police will make arrangements for them to attend a local police station accompanied by an appropriate adult for interview.
- Only in exceptional circumstances should arrest or interviews take place at school.
- An appropriate adult should always be present during interviews, preferably a parent/carer or duty social worker.

## Screening

Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the pupils

- Schools' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening
- Any member of school staff can screen pupils.
- If a pupil refuses to be screened, the school may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance
- If a pupil fails to comply, and the school does not let the pupil in, the school has not excluded the pupil and the pupil's absence should be treated as unauthorised. The pupil should comply with the rules and attend
- This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search without consent

## Telling parents and dealing with complaints

- Academies are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search, however it is politic to keep a record of a search even if nothing is found in order to demonstrate that a particular person or a particular group is not being targeted.



- Academies should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

## **Training for academy staff**

When designating a member of staff to undertake searches under the above powers, the Principal/Headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

## **Publication and Awareness**

This Policy will be actively promoted to parents, staff and students of Five Rivers Multi Academy Trust by the use of:

- academy websites;
- assemblies;
- annual reminder to Parents of the policy in a newsletter home;
- induction processes for new admissions and with particular regard to midyear admissions.

Each academy must maintain a robust and comprehensive risk management check of all legitimate items held for the purpose of pupils' education, e.g. craft knives/ scissors/ kitchen equipment/ science equipment/ chemicals/ tools etc. which are required for the academies' own teaching facilities. This includes classroom arrangements for maintaining a safe learning environment and for monitoring and checking items.

All dangerous chemicals and equipment held in an academy will be stored in accordance with the COSHH guidelines, including those for educational purpose and for the routine maintenance and cleaning of the school premises.