



Durham Cathedral Schools Foundation

Searching a Pupil Room or Property Policy

1. Policy aims

- 1.1 Durham Cathedral Schools Foundation (DCSF) is committed to providing all of its pupils with spaces where they can study, store their belongings safely, and spend time with friends. For boarders, the Chorister School or Durham School are also their home during term time, and their sense of safety, comfort and privacy is therefore a particular priority. DCSF is committed to ensuring that pupils' rooms and private property are cared for and safe, that the personal privacy and dignity of boarders in particular is protected, and that any intrusion into pupils' privacy happens only when strictly necessary.
- 1.2 Therefore, any member of staff carrying out any type of search on a pupil's room or property will act strictly in accordance with this policy.
- 1.3 The Foundation commits in this policy to observing the principles of the Equality Act 2010 and does not discriminate on any grounds.

2. Relationship to Guidelines, Procedures and Legal Requirements

- 2.1 Under the Children Act 1989 it is stated that 'A person who does not have parental responsibility but has the care of the child may do what is reasonable in all circumstances of a case for the purpose of safeguarding or promoting the child's welfare'.
- 2.2 The Education and Inspections Act 2006 and the Apprenticeships, Skills, Children and Learning Act 2009 gave schools extra powers to search pupils and confiscate certain items. These powers were clarified in the Department for Education's January 2018 advice on 'Searching, screening and confiscation'. These are in addition to common law power to search pupils and confiscate items. These Acts and advice have been taken into account when providing the policy statements below.

3. Procedure for searching rooms, storage areas, pockets and bags

- 3.1 Checks for cleanliness, hygiene, and general state of repair will be carried out on individual rooms on a regular basis, and further checks may take place in cases where there is suspicion or allegation of either theft of another pupil's property, or storage of illegal or prohibited items.
- 3.2 In the event of a search being deemed appropriate, pupils will initially be asked for their permission and assistance in the search of their rooms and property, and asked to accompany the staff undertaking the search, of which there should be two members present.
- 3.3 As part of any search of a pupil's room or belongings, the pupil may be asked to turn out his/her pockets, bag, drawers or other areas of storage within his/her room.

In conducting a search, staff will not:

- touch or search the pupil's person, which, for this purpose, extends to outer clothing and pockets;
 - require the pupil to remove any clothing other than outer clothing.
- 3.4 Pupils will have access to lockable storage facilities provided within their room for the secure protection of money and possessions. DCSF reserves the right to ask a pupil to provide access to this secure area during the search of the room.
 - 3.5 The extent of any search should be proportionate to the likelihood of the item being found there, and unnecessary intrusion into other pupils' rooms should be limited.
 - 3.6 If a pupil cannot be contacted, all efforts will be made to ensure that staff wait for contact to be made, or the pupil to return prior to a search being undertaken.
 - 3.7 If a pupil does not consent to a search, DCSF's Behaviour Policy should be followed. Appropriate sanctions may be applied.
 - 3.8 If there are reasonable grounds for suspecting that a pupil is in possession of a prohibited item, DCSF reserves the right to conduct a search without the pupil's prior knowledge or consent. Prohibited items include:
 - knives or weapons, alcohol, illegal drugs and stolen items; and
 - tobacco and cigarette papers, fireworks and pornographic images; and
 - 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; and
 - any item banned by the school rules which has been identified in the rules as an item which may be searched for.

- 3.9 If a search is conducted without a pupil's consent, the members of staff present must be the same sex as the pupil being searched.
- 3.10 A member of staff of any sex may conduct a search with or without a witness present only where they reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.
- 3.11 DCSF will contact the pupil's parents after any search has taken place, with the exception of planned routine searches, regardless of the outcome. A record will also be kept of any searches and the outcome of them.
- 3.12 Any member of staff who confiscates any illegal or prohibited item, or any item they consider harmful or detrimental to school discipline, that a pupil has in his/her possession and retains it for any period, or disposes of it, will not be liable in any proceedings in respect of the confiscation, retention or disposal or any consequential damage or loss.
- 3.13 If the property is stolen, illegal or dangerous, DCSF should return it to the rightful owner, or to a parent, or hand it to the Police. Alcohol, tobacco or cigarette papers, fireworks, and pornographic images may be disposed of by DCSF; they should not be returned to the pupil. In all other cases, property must be returned to the pupil.

4. Procedure for searching electronic devices

- 4.1 In the event of a search of an electronic device being deemed appropriate, pupils will initially be asked for their permission and assistance in the search of their device, and asked to be present while the device is searched. There should be two members of staff present for any search.
- 4.2 If a pupil cannot be contacted, all efforts will be made to ensure that staff wait for contact to be made, or the pupil to return prior to a search being undertaken.
- 4.3 If a pupil does not consent to a search, DCSF's Behaviour Policy should be followed. Appropriate sanctions may be applied.
- 4.4 A member of staff may conduct a search of an electronic device without a witness present only where they reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.
- 4.5 DCSF will contact the pupil's parents after any search has taken place, with the exception of planned routine searches, regardless of the outcome. A record will also be kept of any searches and the outcome of them.

- 4.6 Staff may examine any data or files on any electronic device that is prohibited by the school rules, or that staff reasonably suspect has been, or is likely to be, used to commit an offence or cause personal injury or damage to property.
- 4.7 In this case, staff may delete data or files if they think there is a good reason to do so, unless they are going to give the device to the Police. In determining a 'good reason' to examine or erase data or files, the staff member should 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.
- 4.8 Staff must not intentionally view any youth-produced sexual imagery found on electronic devices unless there is good and clear reason to do so.
- 4.9 In the case of youth-produced sexual imagery, if DCSF decides that other agencies do not need to be involved, then in most cases, the pupil should be:
- asked to delete the imagery and to confirm that s/he has deleted it;
 - given a deadline for deletion across all devices, online storage or social media sites;
 - reminded that possession of youth-produced sexual imagery is illegal; and
 - informed that if they refuse to, or it is later discovered that they did not delete the imagery, they are continuing to commit a criminal offence and the Police may become involved.

5. Responsibilities

Responsibility for the overall *Searching a Pupil's Room or Property Policy* lies with the Pastoral Lead, Durham School.

6. Links to other policies and documents

This policy is linked to the following:

- Safeguarding Policy
- Behaviour Policy
- Student Bring Your Own Device Policy
- Acceptable Use Agreement Governing the Use of Own Device and/or DCSF's IT equipment and facilities [Durham School]
- Acceptable Use Agreement [The Chorister School]

7. Oversight

Oversight of the *Searching a Pupil's Room or Property Policy* is undertaken by the Governors' Education Committee and the policy will be reviewed at least once in every three-year period.

**Policy last reviewed by
Jennifer M Burns, Deputy Head [Pastoral]
August 2015
June 2018
June 2021**

**Harriet Thompson, Pastoral Lead
March 2022**