



PONY PARTNERSHIPS



Searching and Confiscation Guidelines

Name of Organisation: Pony Partnerships CIC.

Venue/address for which policy applies: All venues

Date of last review: 31st January 2023

Date of next review: 31st January 2024

Name of author: Danielle Mills

This policy relates to the following documents and policies:

- Behaviour policy

Pony Partnerships holds the strong belief that all learners and staff need to feel safe and valued. In order to maintain a caring and safe environment, there will occasionally be the need to ensure that harmful or dangerous items are not brought onto site or removed from site.

When working under contracts with schools, we should follow the law according to education providers as detailed by the Department of Education – Searching, screening and confiscation – January 2018

- Appendix 1: Record of Search and Confiscation. Confidential Learner Information – Isolated incident.
- Appendix 2: Record of Search and Confiscation Confidential Learner Information – ongoing for risk assessment.

What the law allows:

- Education providers can require learners 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 Learners.
- Education providers' statutory power to make rules on learner behaviour and their duty as an employer to manage the safety of staff, learners and visitors enables them to impose a requirement that learners undergo screening.
- Any member of education provider staff can screen learners.

Education providers' obligations under the European Convention on Human Rights (ECHR)

Under article 8 of the European Convention on Human Rights, learners have a right to respect for their private life. In the context of these particular powers, this means that learners have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute, it can be interfered with but any interference with this right by an education provider (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. An education provider exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist education providers in deciding how to exercise the searching powers in a lawful way.

There are two types of searches:

Neither of these searches allows staff to touch learners personally:

SEARCHING WITH CONSENT

Education provider staff can search learners with the learner's consent for any item.

Parental consent is not required for this search; however, they should be informed as soon as possible and the reasons and circumstances around the search.

The member of education provider staff has the right to ask the learner to turn out their pockets or look in their bag. Staff should always conduct this search with another member of staff present and in as private and respectful a manner as possible.

Prior to this kind of search, it is advisable for staff to have discussed it with a member of the leadership team and to ensure there are thorough logs/incident reports completed.

If there is a refusal, then staff can apply an appropriate disciplinary sanction. Reference should be made to the behaviour policy. If concern remains, then the member of staff should refer to the next section 'searching without consent.'

SEARCHING WITHOUT CONSENT

Senior leaders and staff authorised by them have the power to search learners and/or their belongings – include desks and lockers, without consent, where they have reasonable grounds for suspecting that the learner may have a prohibited item:

Prohibited items are:

- knives or items that could be used as weapons e.g., screwdrivers
- alcohol, illegal drugs, legal drugs, tobacco, and related products which should not be in their possession
- stolen items
- tobacco and cigarette papers
- pornographic images
- fireworks
- any article that the member of staff 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 learner
- any item banned by the education provider rules which has been identified in the rules as an item which may be searched for.

SCREENING

Any member of staff may require learners to be screened by either a walk through or hand-held detector, even if they do not suspect them of having a weapon and without having the consent of the learner.

CONDUCTING A SEARCH

Prior to any search authorised members of staff should follow these guidelines:

- You should have reasonable grounds for suspecting that a learner is in possession of a prohibited item.
- Alternative strategies should be considered before doing a search for example using CCTV footage.

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07505951793/info@ponypartnerships.com/www.ponypartnerships.com



- Make every effort to discuss the concerns with a member of the base leadership team before conducting the search
- Where possible, or appropriate, the learner needs to be made aware of procedures
- The member of staff must be the same sex as the learner being searched
- Another member of staff should be present to function as a witness. Where at all possible this should be a member of staff of the same sex as the learner (but this is not essential).
- A private space should be used for the search.
- The member of staff conducting the search may NOT require the learner to remove any clothing other than outer clothing. Outer clothing is defined as clothing that is not worn directly next to the skin or immediately over an item of clothing that is being worn as underwear. However, boots, shoes, hats etc. ARE classed as outer clothing.
- Learners can also be asked to empty bags etc.
- The learner should be asked to remove outer clothing and turn out pockets. Bags/purses should be opened, and contents shown
- A log of the search must be kept.
- If a member of staff still has reasonable grounds to suspect that a learner is concealing a weapon, illegal drugs, articles that have been or could be used to commit an offence then a police officer is the only person able to conduct a more intimate search, 101 should be called as well as parents.

After the search

With consent search:

- The member of staff can use their discretion to confiscate, retain and/or destroy any item found see below guidance for dealing with retained items. It is sometimes useful to take a picture of the items for logging purposes
- The member of staff should discuss their findings with a member of education provider leadership team.
- Thorough logs should be completed, and parent/carers informed as soon as possible.
- The learner should be aware of the staff concerns and be clear of any outcomes.
- An individual learner risk assessment should be put in place if required or the existing risk assessment be reviewed after discussion with senior staff.

Without consent search:

- The member of staff conducting the search can retain anything they have reasonable grounds for suspecting is a prohibited item or may be evidence in relation to an offence. See below guidance for dealing with retained items. It is sometimes useful to take a picture of the items for logging purposes.
- The member of staff can retain any item they have reasonable grounds to believe may be used to harm themselves, others or used to damage property.

GUIDANCE ON DEALING WITH RETAINED ITEMS

The following guidance is useful but not extensive and the member of staff retaining any item/s after a search should always speak to a senior member of staff and record their actions.

- Alcohol – education providers can dispose of this – it should not be returned to the learner.

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- Controlled drugs or suspected controlled drugs – advice from the Police – this will usually be a Police Officer collecting the item/s. Ensure they are labelled and kept in a secure place prior to collection.
- Other substances e.g., legal highs – these should be disposed of.
- Stolen or suspected stolen items – these should be delivered to the Police – they may also be returned to their owner if there is good reason to do so.
- Tobacco or tobacco related products – these may be disposed of – they should not be returned to the learner.
- Fireworks should be disposed of – they should not be returned to the learner.
- Pornographic images – the image may be disposed of unless its possession constitutes a specific offence. If this is the case it should be delivered to the Police. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the Police.
- Weapons or items which are evidence of an offence having been or going to be committed – these should be passed to the Police
- Items which may be used as weapons – should be retained – discussion with senior member of staff

FURTHER INFORMATION

- Staff authorised to conduct searches will receive guidance and training on the education provider approach
- Further guidance can be found in appendix 3 in the full guidance on Searching, screening and confiscation from the DfE

Appendix 1

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Record of Search and Confiscation Confidential Client Information

To be completed following a search and potential conducted under the Pony Partnerships' "Confiscation and Searching" guidelines as part of commissioned school contracts

Client Name:	Base:
Reason for Search: (delete as appropriate) <ul style="list-style-type: none"> • One-off incident • First search as part of plan or Risk Assessment where a search is conducted as part of RA/plan then this will be recorded on Appendix 2 • Where routine search led to confiscation of item 	Date and time of search:
Where did the search take place?	Search conducted: (delete as appropriate) <ul style="list-style-type: none"> • With consent • Without consent
Search conducted by: Name: Signed: Date: Name: Signed: Date: I confirm that this search was conducted in line with the Confiscation and Search Guidelines.	
Where items were found as part of this search, please record.	Items found
Other points to note:	
Actions taken – including retention and disposal of items/referrals to police or other agencies/information shared with parents/review of RA, etc:	

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