



**British Academy**  
School Marrakech  
— Belong Achieve Become —

**SEARCH AND CONFISCATION  
POLICY**

**BASM 40**

## **1. SEARCH AND CONFISCATION POLICY**

All staff at the BASM have a duty of care to all pupils which balances the need to safeguard all pupils by confiscating harmful, illegal, or disruptive items, with the safeguarding needs and wellbeing of the same pupils suspected of possessing these items.

It is the duty of all staff to make sure that they make decisions in the best interests of the child. This applies to decisions to search pupils and confiscate items. Under Article 16 of the United Nations Convention on Children's rights, 'No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.'

Any 'interference' with this right by the school must be justified and proportionate. Staff will only search a pupil if they have good reason to, considering that, for the pupil, it could infringe upon their privacy, honour, reputation, and general wellbeing. For example:

- Physical loss of privacy when clothes, bags, or possessions are searched.
- Loss of a sense of security, if they feel they are being monitored and searched without reason.
- The impact to a pupil's dignity or reputation if they are unduly searched or suspected of possessing prohibited items.

Staff need to be especially vigilant about, possible biases affecting decisions to carry out or escalate searches, as well as considering the age and needs of the pupils being searched or screened. This includes pupils with individual learning needs. Where reasonable adjustments may be required.

The Head authorises teaching staff, to carry out a search, when they have reasonable grounds to suspect that the pupil may have a prohibited item as listed below or any other item that the school rules identify as an item which may be searched for. The list of prohibited items is:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- any article a member of staff reasonably suspects has been or is likely to be used to commit an offence, to cause personal injury to, or damage to the property of any person (including the pupil).
- tobacco and cigarette papers.
- fireworks
- Pornographic images

## **2. BEFORE A SEARCH**

The authorised member of staff should:

- Assess how urgent the search is and consider the risk to other pupils and staff.
- Explain to the pupil why they are being searched, how, where the search will happen, and give them the opportunity to ask questions about it.

- Seek the pupil's co-operation

### **If a pupil refuses to cooperate**

If the pupil is not willing to cooperate, staff should consider why, this may include that they.

- are in possession of a prohibited item.
- do not understand the instruction.
- are unaware of what a search might involve.
- have had previous distressing experience of being searched.

### **If the pupil still refuses to cooperate**

If a child refuses to cooperate, and you do not consider that the search is urgent on safety grounds, then inform the Head or DSL. Do not sanction them. During this time, the pupil should be supervised somewhere away from other pupils.

However authorised staff can use reasonable force to search for prohibited items, not other items banned at the BASM if this will prevent the pupil from harming themselves or others, damaging property or causing disorder.

### **During a search**

- An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has been given charge of a pupil in loco parentis i.e., on a school trip.

The member of staff conducting the search:

- Must be of the same sex as the pupil being searched.
- There must be another member of staff present as a witness to the search.

An exception to this rule which allows a member of staff to search a pupil of the opposite sex and/or without a witness present is if BOTH a & b apply:

a) The member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; AND

b) In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is of the same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search under these circumstances, they must immediately report this to the Head using the Safeguarding and Child Protection policies with reference to the low-level concern function as a means of self-reporting.

### **Searching a pupil's clothes**

Search the pupil in an appropriate location that offers privacy from other pupils. Authorised staff can search a pupil's pockets and require pupils to remove outer clothing

(gloves, scarf, shoes, blazer) i.e., clothes that are not worn directly next to the skin or over underwear.

Be sensitive to whether a pupil is wearing outer clothing for religious reasons when you conduct a search. For example, you must not require a female pupil to remove a headscarf she's wearing for religious reasons if your witness is male.

### **Searching a pupil's possessions**

Authorised staff can search pupils' lockers, desks, and bags in the presence of the pupil and another member of staff if there is a reasonable reason for doing so. In cases where there's a risk of harm and where it's not reasonably practicable to summon another member of staff, the authorised member of staff may conduct a search. They must then self-report.

### **3. STRIP SEARCH**

No member of staff including the Head is allowed to carry out, or threaten to carry out a strip search, under any circumstances. To do so will lead to disciplinary action. Always put the best interest of the child first. Only the Head or DSL may involve the police, and before they do, they must first:

- Ensure all other approaches have been exhausted.
- Called the pupils parents into school.
- Considered the risks to the pupil's mental and physical wellbeing.

The police will conduct any search in compliance with Moroccan Law.

If the police become involved, the Head and DSL still have a duty of care to the pupil. They should advocate for the pupil, remembering any search will be highly distressing for the pupil concerned and for staff and other pupils affected.

### **4. SUPPORT THE PUPIL AFTER ANY SEARCH**

The wellbeing and safeguarding of a pupil that has been searched must be our central focus. An underlying reason for a search, may be because a child is being coerced into carrying things into school which they do not want to e.g., drugs.

The pupil who has been searched must have the opportunity to express their view, explain what has happened, given time to explain and disclose, if necessary, any broader safeguarding concerns.

If a prohibited item is found:

- Consider if it is a safeguarding matter and / or a police matter.
- Involve other relevant staff and treat the pupil as potentially vulnerable.

If a prohibited item is not found:

- Take a safeguarding approach to supporting the pupil to cope with the experience of being searched.
- Consider the wider safeguarding issues that may have informed the decision to request a search in the first place.

## **How to record searches**

A safeguarding report should be made for:

- Any searches for prohibited items
- Any search conducted by police officers.

The record should include:

- The date, time, and location of the search
- Which pupil was searched.
- Who conducted the search and any other adults or pupils present.
- What was being searched for.
- The reason for searching.
- What items, if any, were found
- What follow-up action was taken because of the search.

## **What you can confiscate**

Authorised staff can confiscate any item they find that they have reasonable grounds for suspecting:

- Poses a risk to staff or pupils.
- Is a prohibited or banned item.
- Is evidence in relation to an offence.

## **Searching and confiscating electronic devices**

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so. You should reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching.
- Commit an offence.

## **If you discover pornographic material**

If you discover inappropriate images, video, or other material, you should dispose of them unless you have reasonable grounds to suspect that their possession is related to a specific illegal offense. In this case, do not destroy the material. Instead, hand the material, or device containing the material, over to the police as soon as possible.

If you suspect you may find an indecent image or video of a child on a device, avoid viewing it and never copy, share, or save it.

Refer the incident to the DSL or Head.

## **5. INFORMING PARENTS**


Parents should always be informed of any search for a prohibited item has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school

has taken, including any sanctions applied. In some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.

Any complaints about searching, screening or confiscation are dealt with through the normal school complaints procedure.

The DSL Lead or DDSLs should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. The staff member should also involve the DSL without delay if they believe that a search has revealed a safeguarding risk.

SIGNED BY: HEAD

Head's Signature..... 

RATIFIED BY: ADVISORY BOARD OF GOVERNORS

Advisory Board Member's Signature:..... 

REVIEWED: March 2022 REVIEWED: March 2023. NEXT REVIEW DATE: March 2024

British Academy School Marrakech