

# NEWSTEAD WOOD SCHOOL

Avebury Road, Orpington, Kent BR6 9SA



## Electronic Devices Policy - Searching & Deletion

<b>Review Body:</b>	Headteacher
<b>Leadership Group Responsibility:</b>	Deputy Headteacher
<b>Type of Policy:</b>	Statutory
<b>Review Period:</b>	Annually
<b>Reviewed:</b>	September 2024
<b>Next Review:</b>	September 2025

This policy refers only to the searching for and of electronic devices and the deletion of data / files on those devices.

Students are allowed to bring mobile phones or other personal electronic devices to school and use them only within the rules laid down by the school. See Mobile Devices Policy and Acceptable Usage Agreement

If students breach these rules a sanction will be applied in line with the Behaviour Policy.

Staff authorised to search students are all members of the Leadership Group and Heads of Year. Any searches will be carried out in the student's presence and usually with another member of staff present.

Authorised staff have the right to search for such electronic devices where they 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.

Searching with consent - Authorised staff may search with the student's consent for any item.

Searching without consent - Authorised staff may only search without the pupil's consent for anything which is either 'prohibited' (as defined in Section 550AA of the Education Act 1996) or appears in the school rules as an item which is banned and may be searched for.

### **In carrying out the search:**

The authorised member of staff must have reasonable grounds for suspecting that a student is in possession of a prohibited item i.e. an item banned by the school rules and which can be searched for.

The authorised member of staff should take reasonable steps to check the ownership of the mobile phone / personal electronic device before carrying out a search.

The authorised member of staff should take care that, where possible, searches should not take place in public places e.g. an occupied classroom, which might be considered as exploiting the student being searched.

The authorised member of staff carrying out the search must be the same gender as the student being searched; and there must be a witness (also a staff member) and, if at all possible, they too should be the same gender as the student being searched.

There is a limited exception to this rule: Authorised staff can carry out a search of a student of the opposite gender including 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.**

#### **Extent of the search:**

**The person conducting the search may not require the student to remove any clothing other than outer clothing.**

Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear (outer clothing includes hats; shoes; boots; coat; blazer; jacket; gloves and scarves).

'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.

A student's possessions can only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

**The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.**

**Use of Force – force cannot be used to search without consent for items banned under the school rules regardless of whether the rules say an item can be searched for.**

#### **Electronic devices**

An authorised member of staff finding an electronic device may access and examine any data or files on the device if they think there is a good reason to do so

The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident.

**If inappropriate material is found on the device it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. Examples of illegal activity would include:**

- **child sexual abuse images (including images of one child held by another child)**
- **adult material which potentially breaches the Obscene Publications Act**
- **criminally racist material**
- **other criminal conduct, activity or materials**

### **Deletion of Data**

Following an examination of an electronic device, if the authorised member of staff has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

If inappropriate material is found on the device, it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a possible criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

A record should be kept of the reasons for the deletion of data / files.

### **Care of Confiscated Devices**

School staff are reminded of the need to ensure the safe keeping of confiscated devices, to avoid the risk of compensation claims for damage / loss of such devices.

### **Audit / Monitoring / Reporting / Review**

The Deputy Head will ensure that full records are kept of incidents involving the searching for and of mobile phones and electronic devices and the deletion of data / files.

These records will be reviewed by the Safeguarding Governor at regular intervals.

This policy will be reviewed by the Headteacher and governors annually and in response to changes in guidance.