



# The Kingswinford School

## **Electronic Devices - Searching & Deletion (September 2017)**

### **Responsibilities**

The Headteacher has authorised the following members of staff to carry out searches for and of electronic devices and the deletion of data / files on those devices –

Tom Macdonald – Head Teacher  
David Stanton – Deputy Head Teacher  
Sue Rogers – Deputy Head Teacher  
Andy Jones - Assistant Head Teacher  
Leyla Palmer – Assistant Head Teacher

The Headteacher may authorise other staff members, in writing, in advance of any search they may undertake, subject to appropriate training.

Members of staff should be made aware of the school's policy on "Electronic devices – searching and deletion"

- at induction
- at regular updating sessions on the school's e-safety policy

Members of staff authorised by the Headteacher to carry out searches for and of electronic devices and to access and delete data / files from those devices should receive training that is specific and relevant to this role.

Specific training is required for those staff who may need to judge whether material that is accessed is inappropriate or illegal.



## Policies

### Search

**The school Behaviour Policy refers to the policy regarding searches with and without consent for the wide range of items covered within the Education Act 2011 and lists examples of such items.** 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 in the mobile phone contract. This is referred to in the schools Behaviour for Learning Policy and the student mobile phone contract.

If pupils / students breach these roles -

The sanctions for breaking these rules can be found in the student mobile phone contract.

Authorised staff (defined in the responsibilities section above) 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 pupil'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 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 procedure for searching electronic devices will be dealt with on an individual basis dependent upon the situation. This could involve pupils, parents and in extreme situations involve police. With any search the authorised person will be accompanied by another member of staff to act as a witness.

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. Any further intrusive examination of personal data may leave the school open to legal challenge.



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.

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

The responsible person, Dave Stanton, 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 E-Safety Committee at regular intervals, at least on an annual basis.

This policy will be reviewed by the head teacher and governors annually and in response to changes in guidance and evidence gained from the records.

This policy has been written by and will be reviewed by -

**David Stanton**  
**Deputy Head Teacher and Child Protection Officer**  
**September 2017**