

Searching for weapons

The Violent Crime Reduction Act 2006 contains new measures to tackle the problem of young people carrying weapons, including the small number of pupils who may bring weapons to school. New powers for teachers to search pupils for knives and offensive weapons on suspicion came into force on 31 May 2007 and are as follows.

- Members of staff have the power to search a pupil or his or her possessions (eg his or her bag) if they suspect the pupil may be carrying an offensive weapon.
- The search should be carried out by the headteacher or someone who has been authorised by the head to carry out the search.
- A pupil's possessions may only be searched in his or her presence and in the presence of an additional person over the age of 18. Both the person doing the search and the additional person must be the same sex as the pupil. Strip searches are not permitted.
- School staff can already search a pupil, with their consent, as part of their authority to discipline. The new statutory search power allows schools to search without consent.

ATL's view

We consider it appropriate for ATL members to be involved only with consensual searches of a pupil's possessions, and in the examination of the contents of a pupil's pockets should he or she voluntarily turn over the contents of their pockets to be searched.

However, even with consensual searches, ATL has major reservations about the risk of being attacked by an individual (who may have no previous or known record or history of violence) and the potentially serious consequences of such an attack.

We are concerned that searching individuals or large groups of pupils based only on the suspicion that they have a weapon in their possession could give rise to difficulties such as:

- the potential for allegations of physical, and possibly sexual, assault
- accusations that the staff member has planted the weapon on the pupil
- the risk of becoming injured if coming in to contact with a needle or blade when carrying out the search
- the negative impact on the pupil-teacher relationship.

ATL is further concerned that, in carrying out such searches, it introduces an element to the role of teachers that could be perceived as 'policing'. Headteachers should call the police, or be allowed to commission the searches from outside experts or specialist staff who have school security as part of their job role.

ATL's advice to members is that they should not undertake non-consensual searches. School policies should be clear on this issue and provide staff with clarity as to expectations as well as support and assurance.

Guidance on searching pupils for weapons has now been published by the Department for Children, Schools and Families (DCSF) and can be downloaded from: www.teachernet.gov.uk.

Developing a policy

The guidance states that if a headteacher of an independent school plans to use the power to screen or search, they should draw up a policy taking into consideration the views of staff and the governing body, and this should be supported by a health and safety risk assessment.

ATL school representatives should play a full role in the development of the policy, using the advice contained in this factsheet.

FE institutions and independent schools

Although the DCSF guidance is aimed primarily at maintained schools, including pupil referral units, it should also be helpful to independent schools and FE institutions (including sixth form colleges).

An FE college can make it a condition on enrolment for students over compulsory school age that they consent to being searched, with or without suspicion.

Similarly, although pupils over compulsory school age in school sixth forms can be searched on suspicion and without consent, a school can also make consent to being searched, with or without suspicion, a condition of enrolment for its sixth formers.



Need advice?

Your first point of contact is your ATL rep in your school or college. Your local ATL branch is also available to help with queries, or you can contact ATL's member advisers on **020 7930 6441**, email: info@atl.org.uk or write to 7 Northumberland Street, London WC2N 5RD. Don't forget you can also get lots of help and advice, as well as download copies of other ATL advice sheets, on our website at www.atl.org.uk

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