



# Searching and Confiscation Policy

## POLICY STATEMENT

The purpose of this policy is to ensure that all members of the College are aware of their rights and responsibilities under the law, to ensure that all members of the College act in the best interests of the child, and to safeguard pupils against the negative physical and emotional consequences of inappropriate sexual conduct.

## LEGISLATION AND GUIDANCE

- Equality Act (2010)
- Contraception and Sexual Health Legal and ethical Aspects (MOSA, January 2019)
- Contraception and Sexual Health Practical Aspects (MOSA, January 2019)
- NMS 2022

## RELATED COLLEGE POLICIES

- Safeguarding and Protecting Children Policy
- PSHE Policy (Upper School)

## LEGAL FRAMEWORK

### *Age of consent*

The age of consent for any form of sexual activity is 16. The age of consent is the same regardless of the gender or sexual orientation of a person and whether the sexual activity is between people of the same or different gender.

It is an offence for anyone to have any sexual activity with a person under the age of 16. However, Home Office guidance is clear that there is no intention to prosecute teenagers under the age of 16 where both mutually agree and where they are of a similar age.

It is an offence for a person aged 18 or over to have any sexual activity with a person under the age of 18 if the older person holds a position of trust (for example a teacher or social worker) as such sexual activity is an abuse of the position of trust.

The Sexual Offences Act 2003 provides specific legal protection for children under the age of 13, who cannot legally give their consent to any form of sexual activity. There is a maximum sentence of life imprisonment for rape, assault by penetration, and causing or inciting a child to engage in sexual activity.

### *Contraception*



Health professionals in the UK may provide contraceptive advice and treatment to young people under 16 if, in their clinical judgement, they believe it is in the young person's best medical interests and the young person is able to give what is considered to be informed consent.

The various sexual offences laws in force in the UK do not affect the ability of professionals to provide confidential sexual health advice, information or treatment. Each specifically states that it is not an offence to provide information, advice and/or treatment if it is in order to protect the young person's sexual health, physical safety or emotional wellbeing.

### *Pregnancy*

Pregnancy and maternity are protected characteristics under the Equality Act 2010. As such, discrimination on the basis of these characteristics is illegal.

## **EDUCATION**

In the Prep School, in Year 7, the pupils are taught about sexual reproduction, including pregnancy as part of their Science curriculum. In PSHE, RSE education starts in Year 4, 5 & 6 where a spiralling curriculum is taught to educate the pupils about puberty and the physical and emotional changes that occur. They are also taught about the NSPCC 'Pants Rule' about their rights to the ownership of their own bodies. These lessons are taught in single sex groups. In Year 7 & 8, healthy relationships and an introduction to consent is taught in their mainstream PSHE lessons. Year 8 also learn about basic contraception (condoms) and an introduction to STIs.

In Block II, sex education is taught in Years 9, 10 and 11 as part of the PSHE curriculum. This topic is taught in the Lent term for Year 9 and 11, partly in the Michaelmas and in the Lent term for Year 10. In Year 9 pupils learn about bodies and boundaries (anatomy, FGM, consent and sexual assault). Year 10 learn about sex and safety (intercourse, contraception and STIs). Year 11 learn about pregnancy and parenthood (unplanned pregnancy and the available options). Sex education is inclusive of all sexes, genders and sexual orientations.

Teachers are encouraged to answer factual questions accurately, whilst being mindful of the maturity of their audience. Questions of a personal nature should not be asked or answered by PSHE staff. If pupils have questions that refer to themselves or their friends, they should be referred to the Health Centre where they can obtain confidential advice from trained medical professionals.

Parents of children under the age of 16 have the right to withdraw their child from sex education and are informed of this in writing by the HoD of PSHE in the Upper School and by the HoD of PSHE in the Prep School. Pupils who have been withdrawn from sex education are sent to the library and registered by the library staff.

For further information, please see the College's [RSE Policy](#).

## **CONTRACEPTION AND UNPLANNED PREGNANCY**



Condoms are provided by the Health Centre, free of charge. Pupils are taught how to use condoms and the pros and cons of various barrier and hormonal methods of contraception as part of their PSHE education. Teaching staff should not give personalised contraceptive advice when asked, but should instead refer pupils to the Health Centre or encourage them to visit their family physician.

The Health Centre will provide contraceptive advice to any child that meets the criteria set out in the Fraser Guidelines (1985).

The Health Centre is part of the C-Card Scheme, meaning our nurses are trained to give young people under 20 confidential and easily accessible advice about sexual health and contraception, and can also provide free condoms.

The Health Centre is currently unable to provide emergency contraception, but the school nurses will refer any pupil requiring emergency contraception to Pembroke Road Surgery or their family GP or make them aware of the other routes available such as local pharmacies. The Health Centre may also refer pupils to sexual health clinics.

Pupils who experience an unplanned pregnancy should likewise be referred to the Health Centre who can signpost relevant services. Pupils must not feel pressured into any particular decision, but should be presented with all of their options by the school nurses.

## **DISCLOSURES AND SAFEGUARDING**

Disclosures should be dealt with in accordance with the College's Safeguarding and Protecting Children Policy. This means that, if a pupil is deemed to be at risk, this information must be shared with the Designated Safeguarding Lead (DSL) and recorded on CPOMS. Staff should listen with care, reassurance, seriousness and sincerity. Staff may find it helpful to remember the '5 R's' -

### **Recognise → Respond → Reassure → Refer → Record**

If a member of staff has reason to suspect that a pupil is engaging in sexual activity under the age of consent they must notify the DSL.

For further information, please see the College's Safeguarding and Protecting Children Policy.



## **CONFIDENTIALITY IN RELATION TO THE HEALTH CENTRE**

Young people under the age of 13 are deemed not to be capable of informed consent. In such instances where it is clear that a child under 13 is having, or is planning to have sex, there must be a discussion with First Response (this need not involve naming the child in the first instance). The discussion must be documented. Referral to social services may or may not follow. The guidelines warn doctors to be aware of the risk of sexual abuse, citing the fact that it is unusual for 11- and 12-year-olds to be having sex.

Under the Sexual Offences Act of 2003, in England and Wales, a person cannot legally consent to sex before their sixteenth birthday, whatever their sexual orientation. The Act makes it an offence for anyone to engage in sexual activity with a girl under the age of 16 but doctors, having a duty of confidentiality to their young patients, would need strong justification to share the information, especially if (as is usually the case), the girl was having consensual sex with a boy who was not much older.

However, if it seems likely that a girl under 16 is being abused or exploited and remains vulnerable, doctors and nurses must take every action to protect her. This might include informing her parents, the police or local child protection teams. Good practice would be to always record the age of a girl's partner in the medical records.

## **RULES**

Pupils, including those over the age of consent, may not engage in any form of sexual activity whilst under the auspices of the school (e.g. on school property, on school trips or during school-run events). Pupils caught breaking this rule may be subject to sanctions, which will be decided on a case-by-case basis.

Accessing sexual health services, including contraception and emergency contraception, is not against school rules and will not, under any circumstances, result in the use of sanctions.

Behaviour of a sexual nature which exploits, threatens, demeans or otherwise harms a member of the College (including sharing of sexual images) will incur severe punishment and may result in permanent exclusion, even if no laws are broken.

## **REASONABLE ACCOMMODATIONS**

The College will make any and all reasonable accommodations to enable pregnant pupils or those with young children to continue with their education. This might include, but is not limited to, sending schoolwork home for pupils to complete in their own time and allowing pupils to submit assignments electronically.



## **MONITOR AND REVIEW**

This policy will be reviewed annually and at other times in the intervening period as necessary.