



PRIDE IN EXCELLENCE

## SEARCHING AND CONFISCATION POLICY

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2

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## SEARCHING AND CONFISCATION POLICY

Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure pupil and staff welfare is protected and helps schools establish an environment where everyone is safe.

Schools and their staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance 'Working together to safeguard children'. 'Keeping children safe in education' makes clear that all school staff have a responsibility to provide a safe environment in which pupils can learn.

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed or any other item that the school rules identify as an item which may be searched for.

### Prohibited items

Prohibited items include:

Knives or weapons

Alcohol

Illegal drugs

Stolen items

Tobacco and cigarette papers including vapes

Fireworks

Pornographic images

Any item that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence or to cause personal injury to, or damage the property of, any person (including themselves)

## Banned items

Banned items include:

Legal highs

Aerosol cans

Paint thinners

Non-prescribed hypodermic needles

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

The school's searching and confiscation policy should be communicated to all members of the school community to ensure expectations are transparent to all pupils, parents and staff, and provide reassurance that any searching of a pupil will be implemented consistently, proportionately and fairly, in line with the school's policy.

When exercising their powers, schools must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

**Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search.** The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's policy.

The designated safeguarding lead 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 as listed. The staff member should also involve the designated safeguarding lead without delay if they believe that a search has revealed a safeguarding risk. If the designated safeguarding lead finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately. The designated safeguarding lead should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. The authorised member of staff should always seek the co-operation of the pupil before conducting a search.

If the pupil is not willing to co-operate with the search, the member of staff should consider why this is.

Reasons might include that they:

- are in possession of a prohibited item;

- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly. During this time the pupil should be supervised and kept away from other pupils.

### During a search

#### Where

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 lawful control or charge of the pupil, for example on a school trip.

#### Who

The law states 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.

#### The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers. The person conducting the search **must not require the pupil to remove any clothing** other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed in paragraph 3 and any items identified in the school rules for which a search can be made. The member of staff's power to search outlined above **does not** enable them to conduct a strip search.

Any search by a member of staff for a prohibited item listed and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members should follow the school policy in these cases.

Schools are encouraged to include in the record of each search:

- 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; and
- what follow-up action was taken as a consequence of the search.

### **Informing parents**

Schools should reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should always be informed of any search for a prohibited item that 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. Schools should consider that 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 should be dealt with through the normal school complaints procedure.

### **Confiscation**

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;
- is prohibited, or identified in the school rules for which a search can be made; or
- is evidence in relation to an offence.

### **Prohibited or illegal items**

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful. Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil. If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be taken to the police. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

### **Electronic devices**

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected

criminal behaviour. As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk. Staff may examine any data or files on an electronic device they have confiscated as a result of a search if there is good reason to do so. If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead as the most appropriate person to advise on the school's response.

### Further information

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1091132/Searching\\_\\_Screening\\_and\\_Confiscation\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091132/Searching__Screening_and_Confiscation_guidance_July_2022.pdf)

Other relevant departmental advice and statutory guidance

- Behaviour in Schools guidance
- Schools and College security guidance
- Equality Act 2010 and schools guidance
- Keeping children safe in education guidance
- Use of reasonable force in schools guidance
- Working together to safeguard children guidance
- DfE and ACPO drug advice for schools

Other advice

- Sharing nudes and semi-nudes: advice for education settings working with children and young people
- Police and Criminal Evidence Act 1984 (PACE) codes of practice