



SEARCH, CONFISCATION AND SCREENING POLICY.

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Purpose

This policy is based on the Department for Education's guidance and advice for schools on 'Searching, Screening and Confiscation' DfE July 2022. This publication is intended to explain the screening, searching and confiscating powers a school has, ensuring that headteachers and members of staff have the confidence to use these powers and schools are a calm, safe and supportive environment to learn and work.

Policy Objectives

- To outline the policy and legal powers the school has for searching pupils.
- To outline the powers the school has to seize and then confiscate items found during a search.

Searching

The Headteacher, and specifically authorised staff, have a statutory power to search pupils or their possessions, without consent, where there are reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are items such as:

- knives or weapons including imitation ones.
- alcohol
- illegal drugs and drug paraphernalia (e.g. cannabis grinder, cigarette papers)
- psychoactive substances
- stolen items
- tobacco and smoking paraphernalia (e.g. lighters, matches cigarette papers)
- Vapes and vaping paraphernalia (e.g. vape liquids)
- fireworks
- pornographic images
- any article that the 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 to the property of, any person (including the pupil).
- Any item on the school's banned list.

The Headteacher and authorised staff can also search for any item banned by the school and which has been identified, in the rules, as an item which may be searched for and confiscated. Such items include, but are not limited to:

- music speakers
- Hoodies
- Hats/items used to cover faces or to adorn uniform
- Aerosols
- Jewellery (other than a pair of small stud earrings)

A full list of items banned by the school is contained within the Behaviour Policy.

Schools' common law powers to search:

Under article 8 of the European Convention on Human Rights, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute; it can be interfered with but, any interference with this right by a school (or any other public body), must be justified and proportionate.

Searching with consent

Authorised school staff can search pupils, with their consent, for any item. Staff are not required to have formal written consent from the pupil for this sort of search – it is enough for the staff member to ask the pupil to turn out his or her pockets or to ask to look in a bag or locker and for the pupil to agree.

Searching without consent

Where a pupil is suspected of having a prohibited or banned item in his/her possession/s, authorised staff will instruct the pupil to turn out his/her pockets, bags, pencil case, lunch box, etc.

NB 'Possession' means any item belonging (or appearing to belong) to the pupil. 'Possessions' means any goods over which the pupil has, or appears to have control, and which could contain a prohibited or banned item.

Refusal to cooperate with a search will result in the presumption the pupil has a prohibited or banned item and sanctions being set in line with school's Behaviour Policy.

Lockers and drawers

School has the power to search lockers/desks/drawers for any item, providing the pupil agrees. If a pupil does not consent to a search (or withdraws consent in writing), a search for any prohibited item can be conducted. A pupil's possessions can only be searched in the presence of the pupil 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.

During the search

For the protection of all, searches will be conducted, in pairs, by staff who are authorised to undertake such duties by the Headteacher. At least one of the staff team will be of the same sex as the child; if possible, both members of staff will be of the same sex as the child. The only exception to this is where authorised staff reasonably believe there is imminent risk of serious harm to the pupil/others and a search must be conducted immediately by the authorised staff member available. In such instances, where it is not reasonably practicable to summon another authorised member of staff, the search will be carried out by the member of staff available regardless of their sex and in the absence of a colleague.

Searches without consent can only be carried out on school premises or where authorised staff have lawful control or charge of the pupil e.g. on a school trip or during a school activity off site. The searches will be undertaken discreetly, away from the general school population, to ensure the dignity of all. Searches of a pupil's possessions will be done in the presence of the pupil.

Under no circumstances will a pupil ever be asked to remove items of clothing worn next to the skin or immediately over underwear. Authorised staff can instruct a pupil to remove outer clothing only; this includes coats, jackets, blazers, hats, gloves, scarves and footwear.

Authorised staff can use such force as is reasonable given the circumstances, when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for items banned under the school rules.

Staff members will only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The staff member must decide, in each particular case, what constitutes reasonable grounds for suspicion and must confirm this with the Headteacher, Deputy Headteacher or the Designated Safeguarding Lead before undertaking the search. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

Confiscation

Authorised staff can seize any prohibited or banned item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to safety or school discipline.

After the search

Authorised members of staff must confiscate, and log prohibited or banned items. Such items must be handed to the Headteacher who will decide on the next course of action. Under no circumstances will prohibited items be returned to a pupil. The Headteacher may dispose of/destroy prohibited items. Any prohibited item, believed to be a weapon, will be passed to police. Any confiscated item, believed to have been stolen, can be returned to its rightful owner or passed to police.

If authorised staff find pornographic material that constitutes a specified offence, (i.e. it is extreme or child pornography) it must be handed to police as soon as reasonably practicable. Where illegal pornography is suspected to be held on a pupil's mobile device, police will be informed; authorised staff will not search for, view, download, disseminate or delete such material as, to do so, would constitute an offence.

Authorised staff have a defence to any complaint, or other action, brought against them. The law protects authorised staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Authorised staff carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Screening

The Headteacher and authorised staff can require pupils to undergo screening by a walkthrough or hand-held metal detector (arch or wand without physical contact), even if they do not suspect them of having a weapon, and without the consent of the pupils.

Schools' statutory power to make rules on pupil behaviour, and their duty as an employer to manage the safety of staff, pupils and visitors, enables them to impose a requirement that pupils undergo regular or periodic screening.

Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance. Therefore, if a pupil refuses to be screened, school may refuse to have the pupil on the premises.

If a pupil fails to comply to screening, and is then refused admittance, the school has not suspended or excluded the pupil; his/her absence will be recorded as unauthorised.

Sanctions

The discovery of any prohibited or banned items will result in sanctions being applied in line with the school's Behaviour Policy. The level of sanction will be decided by the Headteacher. The sanction may be, but is not limited to, one or more of the following:

- Loss of social time
- Detention
- Ban from defined areas
- Suspension
- Permanent Exclusion