



Chair's signature...Mrs Elizabeth Surtees

Head's signature.....Mark Tipple-Johnson

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# Searching and Confiscation Policy

## **Background**

This policy is based on the Department for Education advice for Headteachers, school staff and governing bodies 'Searching, screening and confiscation' DfE January 2018.

## **Objectives of this policy**

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

## **Searching**

The law allows school staff to search a pupil for any item if the pupil agrees.  
The Headteacher, Deputy Headteacher, Inclusion Manager, Assistant Headteacher and Business Manager have been authorised by the headteacher and have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- o Knives or weapons
  - o Alcohol
  - o Illegal drugs
  - o Stolen items
  - o Tobacco and cigarette papers
  - o Fireworks
  - o Pornographic images
  - o 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 the property of, any person (including the pupil).
- The Headteacher and authorised staff can also search for any item banned in other policies, for example, mobile phones.

## **Confiscation**

School staff can seize any prohibited item found as a result of a search. They can also seize any item they consider harmful or detrimental to school discipline.

### **Searching without consent:**

- Consent does not need to be sought when staff are searching for one or more of the prohibited items outlined above. In these situations, only the Headteacher, or staff with the Headteacher's authorisation, may carry out the search.
- In these circumstances, the staff member must be the same sex as the pupil being searched and there must be a witness (also a staff member) who, if possible, should be the same sex as the pupil being searched.
- A search of a pupil of the opposite sex should only take place if the member of staff has reason to believe that 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 practical to summon another member of staff.

### **Guidance to the Headteacher**

- The Headteacher can decide who is authorised to use these powers of searching. There is no requirement to provide authorisation in writing.
- Staff can refuse to undertake a search.
- Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.
- When designating a member of staff to undertake searches under these powers, the Headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

### **Location of a Search**

- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

### **During the Search**

- The member of staff conducting the search may not require the pupil to remove any clothing other than outer clothing (i.e. clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear; outer clothing does include hats, shoes, gloves and scarves)
- A pupil's possessions (i.e. any goods over which the pupil has or appears to have control – this includes trays, lockers and bags) 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 practical to summon another member of staff.
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for the prohibited items. This will be in line with our Physical Intervention Policy.

## After the search

Schools' general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

Members of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search, so long as it is reasonable in the circumstances. Before any decision is made they must make the Leadership Team aware of the circumstances and their proposed action.

Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

A person carrying out a 'without consent' search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

- o Where a person conducting a search finds alcohol, they may retain or dispose of it. Alcohol should not be returned to the pupil

- o Where they find controlled drugs, these must be delivered to the police as soon as possible.

- o Where they find other substances which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'.

- o Where they find stolen items, these must be delivered to the police as soon as reasonably practical, but may be returned to the owner if the person thinks that there is a good reason to do so.

- o Where a member of staff finds tobacco or cigarette papers, they may retain or dispose of them. These items should not be returned to the pupil.

- o Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.

- o 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 child pornography) in which case it must be delivered to the police as soon as reasonably practical.

- o Where an article that has been/ is likely to be used to commit an offence or to cause personal injury or damage to property is found, it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

- o Where a member of staff finds an item which is concerning and not appropriate to the age of the child they should contact the leadership team

- o Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

## **Telling Parents and Dealing with Complaints**

The school is not required to inform parents before a search takes place or to seek their consent to search their child.

There is no legal requirement to make or keep a record of a search.

The school will inform the individual's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about searching should be dealt with through the normal school complaints procedure.