



**Schools for
Every Child**

Search and Confiscate Guidance

Screening pupils.

The school can require pupils to undergo screening by a walk-through or hand-held metal detector, even if you don't suspect them of having weapons, and without their consent. If a pupil refuses to be screened, the school may refuse to have them on the premises. This will be treated as an unauthorised absence.

Any school staff member can search a pupil for any item with their consent.

They do not need written consent—staff can ask the pupil to turn out their pockets or let them look in their bag or locker, and if the pupil agrees, this can go ahead. If we suspect the pupil has a banned item in their possession and they refuse a search, the school will apply an appropriate punishment.

What counts as a banned/ prohibited item?

Prohibited & Banned: Knives or weapons/ anything that could be used to harm others (decided by the teacher- scissors, needles etc.) · Alcohol · Illegal drugs · Stolen items / suspected stolen items · Tobacco and cigarette papers · Fireworks · Pornographic images · Any article that the member of staff reasonably suspects has been, or is likely to be, used to: Commit an offence to cause personal injury or damage to property · Mobile phones / electronic devices

Banned: · Toys/possession from home · Unauthorised (by a bespoke plan) fidget toys · Any other item as deemed by the headteacher or CEO that may disrupt the good order of the school/safety of others

Specific staff can search a pupil without their consent:

Staff can only undertake this search if they have 'reasonable grounds' for suspecting a pupil may have a **prohibited** item in their possession and they have the authority of the headteacher (or their proxy) to do so.

It's up to the headteacher to decide what 'reasonable grounds' might be. For example, they may: · Hear other pupils talking about the prohibited item or notice a pupil behaving in a way that causes them to suspect they're concealing a prohibited item.

Prohibited items are listed above.

Who can search?

Only the headteacher or a school staff member authorised by the headteacher (or their proxy) can search without consent.

The searcher must be the same sex as the pupil being searched, and another staff member must be present (if possible, they should be the same sex as well).

However, staff can search an opposite-sex pupil without a witness present if there's a risk that **serious harm** will be caused to a person if they don't search immediately and it isn't reasonably practicable to summon another member of staff.

Clothing

The searcher may not require the pupil to remove any clothing other than outer clothing (i.e. clothing not worn next to the skin or immediately over underwear).

Intimate searches can only be conducted by a person with more extensive powers (e.g. a police officer). If the police search a pupil, the headteacher must remain in the room (or their proxy) and always protect the pupil's interests. Before the police search a pupil, the headteacher must contact the trust solicitors.

Bags/coat pockets (etc.) These can only be searched in the presence of the pupil and another member of staff, except if there's a risk that serious harm will be caused to a person if they don't search immediately and it isn't reasonably practicable to summon another member of staff

We may allocate trays/ lockers to pupils if they consent to having these searched for any item, whether or not they're present.

Use of force

Staff can use reasonable force when searching for prohibited items (see the section above for a list).

https://assets.publishing.service.gov.uk/media/5a819959ed915d74e6233224/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf

Confiscation

The school will confiscate items under certain circumstances. The school will confiscate, retain or dispose of a pupil's property as a disciplinary penalty where reasonable to do so. Any banned or prohibited item can be confiscated. Any item not listed on the banned list can also be confiscated if it poses a risk to good order or the safety of others.

Weapons or items that prove an offence: Pass these on to the police as soon as possible. Alcohol, tobacco and cigarette papers, fireworks: Either retain or dispose of these, but don't return them to the pupil.

Controlled substances:

In most cases, we deliver these to the police as soon as possible. If we are not sure of a substance's legal status but have reason to believe it may be a controlled drug, we treat it as such.

Pornographic images:

Dispose of the images unless we have reasonable grounds to suspect that their possession constitutes a specific offence (i.e., it is extreme or child pornography).

Search and confiscate electronic devices:

Suppose we find an electronic device during a search. In that case, we may examine its data or files – and delete files – if we have a good reason to do so:

- The device is prohibited by school rules
- We reasonably suspect it has been, or is likely to be, used to Commit an offence to cause personal injury or damage to property.
- A 'good reason' to examine devices or erase data or files is if we reasonably suspect that data or files on the device in question have been, or could be, used to cause harm, disrupt teaching or break the school rules.

Evidence related to an offence:

If we have reason to believe that the device contains evidence related to an offence, we must give it to the police as soon as reasonably practicable. If you search the device and find data or files related to the offence, don't delete these before handing the device over.

Reporting searches to parents

We don't need to inform parents before a search takes place, and we don't need their consent to search their child.

We will inform them if any of the following are found:

- Alcohol
- Illegal drugs
- Potentially harmful substances

Internal records.

We will log searches on the school MIS.

The law:

The primary laws relating to searching, screening, and confiscation in educational institutions are crucial for maintaining a safe and conducive learning environment. These laws are outlined as follows:

The Education Act 1996 defines the statutory search powers for schools, providing a clear framework for conducting searches.

The Education and Inspections Act 2006 covers behaviour and disciplinary policies for all maintained schools, pupil referral units, and non-maintained special schools. This Act ensures that these institutions have robust policies to manage student behaviour effectively.

The Education (Independent School Standards) (England) Regulations 2014 address the behaviour and disciplinary policies for independent schools, academy schools, and alternative provision academies. These Regulations ensure that independent educational institutions maintain high standards of discipline.

The Schools (Specification and Disposal of Articles) Regulations 2012 pertain to searching pupils without consent and disposing of items in maintained schools. This regulation empowers schools to conduct searches and manage confiscated items appropriately.

The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 cover searching pupils without consent in academy schools and alternative provision

academies. These Regulations ensure that academies have explicit and publicised measures for managing searches and confiscations.

The Health and Safety at Work etc. Act 1974 imposes responsibilities on schools to ensure the health and safety of staff, pupils, and visitors. This Act encompasses all workplace health and safety aspects, ensuring that schools provide a safe environment.