



# Schools for Every Child

## Search and Confiscate Policy

*We are an education Trust that is committed to running dynamic, ever-improving schools. We work to make sure that every child feels they belong in their school where they feel safe and inspired by learning. For us, learning is an adventure. It is a privilege and a responsibility for all who work with us to ensure that the journey through school is exciting, challenging, caring and enriching, and that every child experiences joy, wonder, calm and success.*

Approval Level	CEO
Author	
Approval Date	September 2023
Trust/Template/School level	Trust
Review cycle	Annual

*“The purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance”. (DfE)*

### Approval History

Committee Approval	Status	Next Review Date
N/A	Review in progress <b>Live Policy</b>	September 2024

### Staff can search a pupil with their consent:

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 member of school staff 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 to 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: o Commit an offence to cause personal injury or damage to property • Mobile phones / electronic devices

**Banned:** • Toys / possession from home • Unauthorised (by a APDR plan) fidget toys • Any other item as deemed by the headteacher that may cause disruption to the good order of the school / safety of others

### Certain staff can search a pupil without their consent:

Staff can only undertake this type of search if they have 'reasonable grounds' for suspecting a pupil may have a **prohibited** item in their possession.

It's up to the staff 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 you to suspect they're concealing a prohibited item

Prohibited items are listed above.

### Who can carry out the search?

Only the headteacher or a member of school staff authorised by them can search without consent (the Deputy head will authorise staff in the absence of the head)

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 and/or search without a witness present if: • There's a risk that **serious harm** will be caused to a person if they don't conduct the search immediately, and • It isn't reasonably practicable to summon another member of staff Carrying out searches.

### 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).

• 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 conduct the search immediately, and • It isn't reasonably practicable to summon another member of staff

We may allocate trays/ lockers to pupils on the condition that they consent to having these searched for any item whether or not they're present.

### **Use of force**

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

### **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 that is 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 which are evidence of 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, deliver these to the police as soon as possible. If we are not sure of the legal status of a substance but we have reason to believe it may be a controlled drug, then 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:**

If during a search we find an electronic device, we may examine its data or files – and delete files – if we have a good reason to do so as:

- The device is prohibited by school rules, and
- You reasonably suspect it has been, or is likely to be, used to:

- o 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
- Break the school rules

### **Evidence related to an offence:**

If we have reason to believe that the device contains evidence in relation to an offence, we must give the device 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.

There's no requirement to make or keep a record of a search. However, we aim to log these on our MIS

### **The law:**

These are the main laws relating to searching, screening and confiscation.

- Education Act 1996 This Act defines the statutory search powers for schools.
- Education and Inspections Act 2006 This law covers behaviour and disciplinary policies for all maintained schools, pupil referral units and non-maintained special schools.
- Education (Independent School Standards) (England) Regulations 2014 These Regulations cover the behaviour and disciplinary policies for independent schools, academy schools and alternative provision academies.
- The Schools (Specification and Disposal of Articles) Regulations 2012 These Regulations cover the searching of pupils without consent, and disposal of items in maintained schools.
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 These Regulations cover the searching of pupils without consent in academy schools and alternative provision academies.
- Health and Safety at Work etc Act 1974 Schools have responsibilities to staff, pupils and visitors under this Act, which covers workplace health and safety