



## Searching and Confiscation Guidelines

<b>Date approved</b>	September 2023	<b>Approved by</b>	Executive Headteacher
<b>Review cycle</b>	1 year	<b>Signature</b>	
<b>Date for review</b>	July 2024	<b>Author</b>	Director of Attendance and Safeguarding

### Aims

- To help keep pupils and the wider school community safe
- To ensure there is a consistent approach across all Respect Collaboration of Schools
- To ensure the rights and dignity of pupils are safeguarded
- To align the Respect Collaboration of Schools practice with current guidance and legislation

### Principles

The Respect Collaboration of Schools holds the strong belief that all pupils and staff need to feel safe and valued. In order to maintain a caring and safe environment where pupils can learn there. The Respect Collaboration of Schools work closely with a varied and wide range of pupils, some of which are victims themselves. This will occasionally necessitate that appropriate checks are carried out to ensure that harmful or dangerous items are not brought into school or removed from school.

We are committed to equality and will not focus on any pupils or groups of pupils based on any factor other than potential risk.

Our approach to Searching and Confiscation is wholly and fully grounded in our aim to keep pupils, colleagues and stakeholders as safe as reasonably practicable whilst on site

Appendix 1	Record of Search and Confiscation Confidential Pupil Information – Isolated incident.
Appendix 2	Searching, screening and confiscation, advice for headteachers, school staff and governing bodies. January 2018
Appendix 3	Record of Search and Confiscation

	Confidential Pupil Information – ongoing for risk assessment.
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Advice is regularly updated by the Department of Education – ***Searching, screening and confiscation – July 2022***

### **What the law allows:**

- Schools can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) 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 screening.
- Any member of school staff can screen pupils.

### **Schools' obligations under the European Convention on Human Rights (ECHR)**

- 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 public body) must be justified and proportionate.
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

There are two types of search:

### **SEARCHING WITH CONSENT**

#### **School staff can search pupils with the pupil's consent for any item.**

Parental consent is not required for this search; however, they should be informed as soon as reasonably possible and the reasons and circumstances around the search.

The member of school staff has the right to ask the pupil to turn out his or her pockets or look in their bag. School staff should always conduct this search with another member of staff present and in as private and respectful a manner as possible.

Prior to this kind of search, staff must have discussed it with a member of the school leadership team and ensure there are thorough logs/incident reports completed.

If there is a refusal then staff can apply an appropriate disciplinary sanction. Reference should be made to the behaviour policy. If concern remains then the member of staff should make reference to the next section 'searching without consent'.

## **SEARCHING WITHOUT CONSENT**

Head teachers and staff authorised by them have the power to search pupils and/or their belongings – include desks and lockers, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item:

Prohibited items are:

- knives or items that could be used as weapons e.g. screwdrivers
- alcohol, illegal drugs, legal drugs, tobacco and related products which should not be in their possession
- stolen items
- tobacco and cigarette papers
- pornographic images
- fireworks
- 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 banned by the school rules which has been identified in the rules as an item which may be searched for.

This list should not be considered exhaustive. Prohibited items could include a range of articles that could be considered a risk to pupils, staff, the community/stakeholders

## **SCREENING**

Any member of staff may require pupils to be screened by either a walk through or hand-held detector, even if they do not suspect them of having a weapon and without having the consent of the pupil. Pupils with specific risk assessments may be screened regularly

## **CONDUCTING A SEARCH**

**Prior to any search authorised members of staff should follow these guidelines:**

- You should have reasonable grounds for suspecting that a pupil is in possession of a prohibited item e.g. risk assessment, intelligence
- Alternative strategies should be considered before doing a search for example utilising CCTV footage.
- Make every possible effort to discuss the concerns with a member of the school leadership team before carrying out the search
- Where possible, or appropriate, pupil needs to be made aware of procedures

- The member of staff must be the same sex as the pupil being searched
- Another member of staff must be present to act as a witness. Where at all possible this should be a member of staff of the same sex as the pupil (but this is not essential).
- A private space should be used for the search.
- The member of staff conducting the search may **NOT** require the pupil to remove any clothing other than outer clothing. Outer clothing is defined as clothing that is not worn directly next to the skin or immediately over an item of clothing that is being worn as underwear. However, boots, shoes, hats, coats, jackets etc. **ARE** classed as outer clothing.
- Pupils can also be asked to empty bags etc.
- The pupil should be asked to remove outer clothing and turn out pockets. Bags/purses should be opened and contents shown
- A log of the search must be kept – this must be saved in the pupils individual electronic file
- If a member of staff still has reasonable grounds to suspect that a pupil is concealing a weapon, illegal drugs, articles that have been or could be used to commit an offence then a police officer is the only person able to conduct a more intimate search, 101 should be called as well as parents.

## **After the search**

### **With consent search:**

- The member of staff can use their discretion to confiscate, retain and/or destroy any item found see below guidance for dealing with retained items. It is sometimes useful to take a picture of the items for logging purposes
- The member of staff should discuss their findings with a member of school leadership team and the outcome recorded
- Thorough logs should be completed and parent/carers informed as soon as possible – logs must be saved on the pupils individual electronic file
- The pupil should be aware of the staff concerns and be clear of any outcomes.
- An individual pupil risk assessment should be put in place if required or the existing risk assessment be reviewed after discussion with senior staff.

### **Without consent search:**

- The member of staff conducting the search can retain anything they have reasonable grounds for suspecting is a prohibited item or may be evidence in relation to an offence. See below guidance for dealing with retained items. It is sometimes useful to take a picture of the items for logging purposes.
- The member of staff can retain any item they have reasonable grounds to believe may be used to harm themselves, others or used to damage property.

## **GUIDANCE ON DEALING WITH RETAINED ITEMS**

**The following guidance is useful but not extensive and the member of staff retaining any item/s after a search should always speak to a senior member of staff and record their actions.**

- Alcohol – schools can dispose of this – it should not be returned to the pupil.
- Controlled drugs or suspected controlled drugs – advice from the Police – this will usually be a Police Officer collecting the item/s. Ensure they are labelled and kept in a secure place prior to collection.
- Other substances e.g. legal highs – these should be disposed of.
- Stolen or suspected stolen items – these should be delivered to the Police – they may also be returned to their owner if there is good reason to do so.
- Tobacco or tobacco related products – these may be disposed of – they should not be returned to the pupil.
- Fireworks should be disposed of – they should not be returned to the pupil.
- Pornographic images – the image may be disposed of unless its possession constitutes a specific offence. If this is the case it should be delivered to the Police. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the Police.
- Weapons or items which are evidence of an offence having been or going to be committed – these should be passed to the Police
- Items which may be used as weapons – should be retained – discussion with senior member of staff

## **FURTHER INFORMATION**

- On occasion other agencies and/or parents/carers share intelligence relating to heightened risk of some pupils being in possession of a 'prohibited item/s' – Senior and/or Middle Leaders will carry out an individual risk assessment for these pupils. Depending on the risk, a reasonable and proportionate control measure could be regular screening prior to arriving at/entering school.
- Staff authorised to conduct searches will receive guidance and/or training on the school approach
- Further guidance can be found in appendix 3 in the full guidance on Searching, screening and confiscation from the Dfe



**Record of Search and Confiscation  
Confidential Pupil Information**

To be completed following a search and potential carried out under the school's "Confiscation and Searching" guidelines.

<b>Pupil Name:</b>	<b>School:</b>
<b>Reason for Search:</b> (delete as appropriate) <ul style="list-style-type: none"> <li>• One-off incident</li> <li>• First search as part of plan or Risk Assessment where a search is carried out as part of RA/plan then this will be recorded on Appendix 2</li> <li>• Where routine search led to confiscation of item</li> </ul>	<b>Date and time of search:</b>
<b>Where did the search take place:</b>	<b>Search carried out:</b> (delete as appropriate) <ul style="list-style-type: none"> <li>• With consent</li> <li>• Without consent</li> </ul>
<b>Search carried out by:</b>  <b>Name:</b> ..... <b>Signed:</b> ..... <b>Date:</b> .....  <b>Name:</b> ..... <b>Signed:</b> ..... <b>Date:</b> .....  I confirm that this search was carried out in line with the School's Confiscation and Search Guidelines.	
<b>Where items were found as part of this search, please record.</b>	<b>Items found</b>
<b>Other points to note:</b>	
<b>Actions taken – including retention and disposal of items/referrals to police or other agencies/information shared with parents/review of RA, etc:</b>	

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Department  
for Education