



Searching and Confiscation Policy

Heathlands School



Policy Review

This policy will be reviewed in full by the Governing Board.

The policy was agreed by the Pupil Welfare and Curriculum Committee on 13.6.23

Next Review due June 2025.

Signature Date
Co-Headteacher

Signature Date
Governor

Statement of intent

Heathlands appreciates that pupils have the right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected.

Nevertheless, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose pupils or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which pupils can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

Where the text uses the word 'must', the person in question is legally required to do something.

Where the text uses the word 'parent', it should be read as inclusive of carers and any other person with parental responsibility.

What legislation does this policy refer to?

- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012

This policy operates in conjunction with the following school policies:

- **Behaviour Policy**
- **Child Protection Policy**
- **Anti-bullying policy**
- **Reducing the need for RPI**
- **Complaints Procedures Policy**
- **Surveillance and CCTV Policy**

Searching.

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

The co-heads, deputy head, assistant head and pastoral lead can authorise to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item or any other item that the school rules identify as an item which may be searched for.

The list of prohibited items is:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- 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 property of; any person (including the pupil).
- an article specified in regulations
- tobacco and cigarette papers
- fireworks
- pornographic images.

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children’s social care services. See Keeping children safe in education and Working together to safeguard children.

The school’s behaviour policy outlines the prohibited items for which a search can be made. The school’s behaviour policy is communicated to all members of the school community to ensure expectations are transparent to all pupils, parents and staff, and provide reassurance that any searching of a pupil will be implemented consistently, proportionately and fairly, in line with the school’s policy.

When conducting a search Heathlands staff will consider the age and needs of pupils being searched or screened.

Staff permitted to conduct searches are:

- Lesley Reeves Costi
- Sarah Shields
- Jason Hazrati
- Sara Head
- Naomi Jarrett
- Neal Caws
- Thomas Tharby
- Lena Reading

The co heads will oversee the school’s practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained.

Before searching.

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed.

The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item
- do not understand the instruction
- are unaware of what a search may involve
- have had a previous distressing experience of being searched.

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Co heads.

If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items, but not to search for items which are identified in the school rules. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

The law states the member of staff conducting the search must be of the same sex as the pupil being searched. **There must be another member of staff present as a witness to the search. The witness can be of either gender.**

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search must not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn next to the skin or

immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed and any items identified in the school rules for which a search can be made.

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.

The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

Before calling police into school, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

The process the police must follow during a strip search

Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult. If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only if the pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record should be made of the pupil's decision and signed by the appropriate adult

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.

After-care following a strip search.

Pupils should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).

Safeguarding should be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. School staff should give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency and consider preventative approaches.

After a search

Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in Part 1 of Keeping children safe in education. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

If a pupil is found to be in possession of a prohibited item the pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

Recording searches

Any search by a member of staff for a prohibited item and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required.

Schools are encouraged to include in the record of each search:

- the date, time and location of the search
- which pupil was searched
 - who conducted the search and any other adults or pupils present
- what was being searched for
- the reason for searching
- what items, if any, were found
- what follow-up action was taken as a consequence of the search.

Informing parents

Parents should always be informed of any search that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

Any complaints about searching, screening or confiscation will be dealt with through the normal school complaints procedure.

Confiscation.

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils
- is prohibited, or identified in the school rules for which a search can be made
- is evidence in relation to an offence.

Prohibited or illegal items.

Controlled drugs must be delivered to the police as soon as possible.

Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil.

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 an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable.

Where a member of staff finds stolen items, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner.

Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible.

Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable.

If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

Electronic devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search.

If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.

In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence

Enforcement

All staff members are expected to act in accordance with this policy.

Any breach of this policy will be dealt with in line with the schools Disciplinary policy and procedures.

Monitoring and review

This policy will be reviewed on a two year cycle by the Co headteachers.

Any changes to this policy will be communicated to all members of staff, pupils and parents.

Further information

Other relevant departmental advice and statutory guidance

- Behaviour in Schools guidance
- Schools and College security guidance
- Equality Act 2010 and schools guidance
- Keeping children safe in education guidance
- Use of reasonable force in schools guidance
- Working together to safeguard children guidance
- DfE and ACPO drug advice for schools

Other advice

- Sharing nudes and semi-nudes: advice for education settings working with children and young people
- Police and Criminal Evidence Act 1984 (PACE) codes of practice