



Denefield School

Search & Confiscation Policy

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Review cycle	Triennial
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Type of policy	Statutory
Policy owner	Headteacher
Location of policy	Website



Search and confiscation policy

Status: Statutory

1. Purpose

This policy outlines guidance for authorised staff on searching students and the retention and disposal of items that have been confiscated in accordance with Department for Education guidance, the school's behaviour and discipline policy and the anti-bullying policy.

This policy applies whenever students are in the care of the school, including on school trips or in training settings. All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). Authorised members of staff have the power to confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.

This policy can be made available in large print or other accessible format if required.

2. Aims

The central aim of this policy is to support staff in undertaking their duty to promote and maintain an orderly environment and to enable the School to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and disposed of safely and lawfully. This policy also aims to clarify the circumstances in which searches will take place, what will happen to items confiscated by staff.

3. Who/what was consulted:

Senior Leadership Team, Department for Education: [Searching, screening and confiscation \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644222/Searching_screening_and_confiscation_publication.pdf) January 2018.

4. Prohibited items

The following items are universally prohibited from all schools:

- knives or weapons
- alcohol
- illegal drugs
- 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, or
 - to cause personal injury to, or damage to the property of, any person (including the student).

In addition, students at Denefield may be searched if it is suspected that they are in possession of the following:

- training knives or other visually threatening implements, as detailed by the Drugs and Substances policy
- cigarettes, cigars, e-cigarettes or smoking paraphernalia
- laser pens
- fake ID
- items that may cause harm or disruption
- a mobile phone or other electronic device that is suspected to have been used in contravention of school rules or to cause harm to any person (including the student).

This list is not exhaustive, but indicates the type of item students may not have in their possession at school.

Students must not have such items in their possession on school premises or at any time when they are under the supervision of school staff (for example on a school trip).

5. Searching students with consent

The school is not required to have formal written consent from the student for a search with consent – it is enough for the member of staff to ask the student to turn out their pockets or to look in the student’s bags and for the student to agree.

Any search of a student or their possessions will be carried out in the presence of the student and another member of staff. Where a student is searched, the searcher and if at all possible the second member of staff present will be the same gender as the student.

In exceptional circumstances and where it is believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a student of the opposite sex and / or in the absence of a witness. In these cases, the member of staff carrying out the search will inform another member of staff and record the event as soon as practicably possible.

If a member of staff suspects a student has a banned item in their possession and the student refuses to agree to turn out their pockets or have their bags searched, an

appropriate consequence may be applied in accordance with Denefield's behaviour and discipline policy.

6. Searching students without consent

The law states the following items may be searched for without the consent of the student:

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The headteacher and any member of staff authorised by the headteacher may search a student without their consent. The headteacher has authorised all teaching staff to carry out searches and retain or dispose of items in accordance with this policy, however unless there is an immediate need to search for an item, searches will only be carried out by a member of the senior leadership team, a head of house, a deputy head of house or a student manager.

When students travel to residential trips either in the UK or overseas, they will be required as a condition of participating in the trip to confirm their consent in writing to any search that may be considered necessary by an authorised member of staff during the period in which students are on the trip.

If it is believed that a student has a prohibited item, it may be appropriate for a member of staff to carry out a search. The person conducting the search may not require the student to remove any clothing other than outer clothing.

- 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers, bags and pencil cases.

The member of staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to suspect that the student is concealing a prohibited item.

Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a student or their possessions will be carried out in the presence of the student and another member of staff. Where a student is searched, the searcher

and if at all possible the second member of staff present will be the same gender as the student.

In exceptional circumstances and where it is believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of a student of the opposite sex and / or in the absence of a witness. In these cases, the member of staff carrying out the search will inform the headteacher and record the event as soon as practicably possible.

Where the headteacher, or staff authorised by the headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

School staff may search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules. Further information is provided in the Use of Reasonable Force policy.

7. Confiscating items

7.1 Confiscated items following a search with consent

Staff may confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so, as circumscribed by Section 91 of the Education and Inspections Act 2006, where it is reasonable to do so.

In addition to the items listed under section 4, prohibited items, items that may be confiscated by school staff include items of clothing, jewellery or technology (e.g. mobile phones) that are in contravention of school rules and uniform policy.

The member 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. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police. The member of staff must report to a member of the senior leadership team before taking any action.

7.2 Confiscated items following a search without consent

The law says that

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that the school can dispose of alcohol as they think appropriate but this should not include returning it to the student. In this case the member of staff must report it to a member of the senior leadership team.
- Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so. The member of staff must report to a member of the senior leadership team before taking any action.
- 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'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student. The member of staff must report to a member of the senior leadership team before taking any action.
- If a member of staff finds a pornographic image they must report to a member of the senior leadership team before taking any action who 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 practicable. Less extreme pornographic images will be discussed with the School's Designated Person for Child Protection.
- Where an article that has been (or 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. The member of staff must report to a member of the senior leadership team before taking any action.
- Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

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

It is the decision of the headteacher or designated staff to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article. With regard to stolen items, the school will not involve the police concerning low value items such as pencil cases. However, it may be judged appropriate to contact the police if the items are valuable (mobile phones/laptops) or illegal (alcohol/fireworks).

8. Electronic devices

Student use of mobile phones is prohibited on the school site. If a student is seen with a mobile phone it will be confiscated and parents will be contacted to collect it from school during school opening hours. Mobile phones are permitted to be brought to school but should be switched off and in the student's bag.

Where a member of staff confiscates an electronic device that is prohibited by the school rules or that they reasonably suspect has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. If the member of staff finds pornographic images or content that may be used to cause harm or commit a crime they must report to a member of the senior leadership team before taking any action.

Member of staff may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. There is no legal need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

In determining a 'good reason' to examine or erase the data or files the staff member should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

Students may be asked to unlock their mobile phone or other device where there are reasonable grounds to suspect that it may be used to cause harm, disrupt teaching or break the school rules. If a student refuses to agree to unlock their phone an appropriate consequence may be applied in accordance with Denefield's behaviour and discipline policy in reference to refusing to follow staff instructions.

If a mobile phone has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a

child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

School staff should be aware that behaviours linked to sexting put a child in danger. Where sexting has occurred or is suspected, mobile phones or equivalent devices may be confiscated and data erased. The decision to erase data will normally be made by member of the senior leadership team.

9. Informing parents and carers

There is no legal requirement for schools to inform parents and carers prior to or following a search and no requirement to record such searches. However, school staff will inform parents and carers following any search where practicable and will keep a record of the search on the student's file. Where alcohol, illegal drugs or potentially harmful substances are found it is likely that advice will be sought from external agencies such as the police and Children's Services.

10. Related policies

Anti-bullying policy

Behaviour & discipline policy

Drugs & substances policy

Use of reasonable force policy

Appendix

Search record



Date: _____

Name of student: _____

TG: _____

Staff conducting search: _____ and _____
(staff should be the same gender as the student where possible)

The student gave their consent to be searched (circle): YES NO

Reason for search

Result of search (what was searched and what was found)

Reported to member of SLT (name) _____

Parents contacted by: _____ Date and time: _____

Logged on CPOMS (circle): YES NO, not necessary

Follow up actions (if needed)