



SCREENING, SEARCHING AND CONFISCATION POLICY

Lead Deputy Principal

Reviewed by Staff March 2019

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Full Review Autumn 2027

Links to Other Policies

Behaviour Policy
Safeguarding Policy
Complaints Policy



1. Introduction

- 1.1 This Policy is based on recent guidance from the Department for Education issued in July 2022.
- 1.2 The Collegiate fully recognises the responsibility it has, as outlined in the Keeping Children Safe in Education 2022 guidance, to safeguard and promote the welfare of children. This policy applies to all staff, volunteers and contractors, paid and unpaid, working in the school including governors. The processes described in this policy are in line with The Education Act 1996, The Education Regulations 2014, The Schools (Specification and Disposal of Articles) Regulations 2012 and the Department for Education Screening, Searching & Confiscation Advice & Guidance 2022.
- 1.2 Where this Policy refers to prohibited items this includes:
 - knives or weapons
 - alcohol
 - illegal drugs and/or associated paraphernalia
 - stolen items
 - tobacco and cigarette papers
 - vape pens
 - fireworks including fire crackers and other dangerous/noxious items
 - 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)
- 1.3 This is a whole school policy and applies to all students. Care and consideration will be given to the age of the child when following the guidance in this policy.
- 1.4 Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs.
- 1.5 The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed in paragraph 1.2. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.
- 1.6 If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) should then consider the circumstances of the student who has been searched to assess the incident against potential wider safeguarding concerns
- 1.7 Before screening or conducting a search of a student, it is vital that schools consider their obligations under the European Convention on Human Rights. Under Article 8, students have a right to respect for their private life. In the context of these rights and obligations, this means that students 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.

- 1.8 When exercising our powers, we will consider the age and needs of students being searched or screened. This includes the individual needs or learning difficulties of students with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a student has a disability
- 1.9 Riddlesdown is subject to the same smoke free legislation as other premises. The Collegiate is a smoke-free site.
- 1.10 For the purpose of this policy the boundaries of the Collegiate include car parks, playgrounds and playing fields. Any incident that occurs outside of the Collegiate premises while on Collegiate business, including educational visits, should also be handled with reference to this Policy.

2. Screening

- 2.1 Screening is the use of a walk-through or hand held metal detector (arch or wand) to scan all students for weapons before they enter the school premises or to search for prohibited items that are suspected of having been hidden on someone's person.
- 2.2 The Board of Governors has delegated the power to organise screening of students, in accordance with the DfE 2022 guidance - *Screening, Searching and Confiscation*.
- 2.3 Before any screening is carried out the Principal must inform all parents that the Collegiate conducts screening as part of the Behaviour Policy. Parents will also be informed that co-operation with this by parents and students is required by the Collegiate.
- 2.4 Any screening authorised by the Principal will only be occasional. There will be a random selection of students - such as a class or year group.
- 2.5 No physical body searching is allowed. The Board of Governors have agreed that students can be screened without their consent and without any suspicion that they are carrying knives or illegal weapons if a walk-through or hand-held metal detector is used.
- 2.6 The Principal is empowered to call in external security experts to carry out the search, but a senior member of staff must be present throughout.
- 2.7 If a suspicious object is detected the member of staff in attendance will ask the student to hand the item over. If the student refuses, the student will be taken to the Deputy Principal, who will determine whether the student will be searched with or without his/her consent, or what alternative action will be taken. In such a case the Collegiate may refuse to allow the student on the premises, with the resulting absence being recorded as unauthorised.

3. Searching

- 3.1 DfE advice explains the Collegiate's powers of screening and searching students. In particular it explains the use of the power to search students without consent. It also explains the powers the Collegiate has to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to:

- There is **no need to have parental consent** to search through a student's mobile phone. Staff must not search through a student's phone if there is suspicion of pornographic material, instead the phone should be confiscated and given to the police.
- 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- 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 Collegiate rules, i.e. vape pens
- Any decision to use reasonable force must be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the student harming themselves or others, damaging property or causing disorder

3.2 Searching with consent

- Staff can search a student for any item if the student agrees (the ability to give consent may be influenced by the child's age or other factors).
- Staff are not required to have formal written consent from parents/carers for this sort of search.
- The Collegiate is not required to inform parents/carers before a search takes place or to seek their consent to search their child.
- If a member of staff suspects a student has a banned item in his/her possession, students should comply if asked to hand over an item or whether the staff member can look in the student's bag or locker. If the student refuses, the member of staff can apply an appropriate punishment as set out in the Collegiate behaviour policy.
 - A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, the Collegiate will apply an appropriate disciplinary sanction.
- The Collegiate would normally seek to inform the individual's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about searching should be dealt with through the normal school complaints procedure.

3.3 Searching without consent

The Principal and any staff authorised by the Principal have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. There is no requirement to provide authorisation in writing.

- 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 be suspicious.

- Any member of staff can carry out a search if he or she reasonably believes there is a risk that serious harm will be caused to a person if the search is not conducted immediately and another member of staff cannot be summoned.
- In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student's expectation of privacy increases as they get older.
- If there is some suspicion but not imminent danger, The Collegiate will contact the police should a student refuse to be searched and the member of staff decides there are reasonable grounds for suspicion.
- The powers allow Collegiate staff to 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.
- CCTV footage may be used in order to make a decision as to whether to conduct a search for an item.

3.4 During a search

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

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

A member of staff may search a student's outer clothing, pockets, possessions, desks or lockers. 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. Metal detecting 'wands' may be used as part of any search process.

If a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

3.5 After a search

Once a search has been completed, the member of staff responsible for the search must record on CPOMS, detailing the following:

- date, time and location of the search
- who conducted the search and any other adults that were present
- what was being searched for
- the reason for conducting the search
- what items, if any, were found

Parents/carers must be informed of any search that takes place and the outcome of any

search as soon as is practically possible.

4. Confiscation

Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary sanction, where reasonable to do so.

- Staff must 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 thought to be a weapon it must be passed to the police.
- Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.
- The member of staff carrying out a search can seize anything found as a result of a 'without consent' search if 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.
- Controlled drugs must be delivered to the police as soon as possible.
- Mobile phones must be switched off and left in lockers. If confiscated by a member of staff, they must be handed in to Student Services and locked in the safe for parents to collect.
- Other substances which are not believed to be controlled drugs will be confiscated where the member of staff 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.
- Stolen items 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 member of staff thinks that there is a good reason to do so. It would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).
- Where a member of staff finds tobacco or cigarette papers, or fireworks they may retain or dispose of them but should not be returned to the student.
- If a member of staff finds a pornographic image, they may dispose of the image unless 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. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
- Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it may be disposed of or delivered to the police.
- Where a member of staff finds an item which is banned under the Collegiate 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.
- Where the member of staff conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- The member of staff will follow guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device i.e. if there is any suspicion 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 Collegiate rules.
- If inappropriate material is found on the electronic device it is up to the member of staff to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of Collegiate rules) or whether the material is of such seriousness that it requires the involvement of the police.
- All staff are aware of behaviours linked to sexting put a child in danger. Our approach to sexting is reflected in the Child Protection policy.

5. Responding to Media Enquiries

- 5.1 The person responsible for dealing with media enquiries will be the Principal.
- 5.2 The Collegiate will give a short concise statement about the incident. The incident will not be covered over the phone or face to face with an interviewer. The Collegiate will not be drawn into further discussion regarding the incident. Names of students, staff or administrators will not be disclosed or discussed at any point. Staff dealing with the incident must avoid discussion of the incident ‘off the record’. If the Principal is not available no other member of staff will speak to the media.