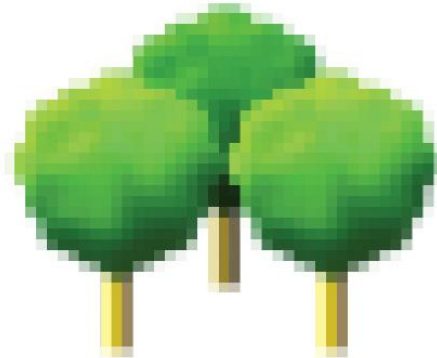


Stokes Wood Primary School



Stokes Wood
Primary School

What we do today, matters tomorrow.

Searching and Confiscation Policy

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| Ratified by Governing Body: | NAME | | Signature | Date |

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Background

This policy is based on the Department for Education's guidance and advice for schools on ['Searching, Screening and Confiscation'](#) DfE July 2022. This publication is intended to explain the screening, searching and confiscating powers a school has, ensuring that headteachers and members of staff have the confidence to use these powers and schools are a calm, safe and supportive environment to learn and work.

Policy Objectives

- To outline the policy and legal powers the school has for searching pupils.
- To outline the powers the school has to seize and then confiscate items found during a search.

Searching

Searching can play a critical role in ensuring that Stokes Wood Primary School is a safe environment 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 Headteacher and staff are authorised to have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed below, or any other item that the school deems or identifies as an item which may be searched for.

The list of prohibited items is:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- E-Cigarettes / Vapes
- Fireworks
- Pornographic images
- Mobile Phones/devices
- 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).

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents, if appropriate.

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.

When exercising their powers, Stokes Wood Primary School will consider the age and needs of pupils being searched. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

The role of the Headteacher, the Designated Safeguarding Lead and Authorised Members of Staff

Only the headteacher, a member of the Senior Leadership Team (SLT) 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, as set out in the Searching section on page 2.

The Headteacher will oversee the school's practice of searching to ensure that a culture of safe, proportionate, and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy).

The designated safeguarding lead (or deputy) will be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. The staff member will involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the headteacher, SLT, designated safeguarding lead (or deputy) find 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](#)). They should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Before Searching

Before screening or conducting a search of a pupil, the school will consider their obligations under the [European Convention on Human Rights](#). Under Article 8. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy. The powers to search in the Education Act 1996 are compatible with Article 8.

Authorised staff can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions

The 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 or
- 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 to misbehaviour consistently and fairly.

During a Search

Where

An appropriate location for the search should be found. Where possible, this will 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.

Who

Searches will only be carried out by a member of staff who has been authorised to do so by the headteacher, or by the headteacher themselves. Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the pupil, and there will be another member of staff present as a witness to the search.

In exceptional circumstances, an authorised member of staff of a different sex to the pupil can carry out a search without another member of staff as a witness, if the authorised member of staff carrying out the search reasonably believes there is risk that:

- serious harm will be caused to a person if the search is not carried out as a matter of urgency and
- In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil; or
- It is not reasonably practicable for the search to be carried out in the presence of another member of staff

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the headteacher or the designated safeguarding lead (or deputy) who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

The Extent of the Search

A member of staff may search a pupil's outer clothing, possessions, desks, draws or lockers. Staff will not search pupil's pockets but will ask pupils to remove the belongings in their pockets. Consideration will be given to clothing worn for religious reasons.

The person conducting the search will not require the pupil to remove any clothing, other than outer clothing e.g. a coat. 'Outer clothing' means any item of clothing that is not worn wholly 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, draws, lockers and bags. 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.

After a Search

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

Where this may be the case, staff will follow the school's child protection policy and speak to the Headteacher, SLT or Designated Safeguarding Lead (or deputy) as set out in Part 1 of the Keeping Children Safe in Education document. They will then consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

Recording Searches

Any search by a member of staff for a prohibited item, listed on page 2, should be recorded in the school's safeguarding reporting system – CPOMS - 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. The member of staff recording the incident on CPOMS will need to include the following after 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 result of the search

Informing Parents/Carers

Parents/Carers should always be informed of any search for a prohibited item, listed above (Page 2), 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 should 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 that it:

- poses a risk to staff or pupils
- is a prohibited item, as outlined on page 2
- is evidence in relation to an offence.

Prohibited or Illegal Items

Controlled drugs will be delivered to the police as soon as possible, unless there is a good reason not to do so. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they will treat it as such and deliver them to the police. Other substances which are not believed to be controlled will also be delivered to the police.

Where a person conducting a search finds alcohol, tobacco, e-cigarettes, vapes, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate, but will 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 will be delivered to the police as soon as reasonably practicable.

Members of staff will never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff will never copy, print, share, store or save such images.

Where a member of staff finds stolen items, these will 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, or retain or dispose of it if returning them to their owner is not practicable.

The member of staff will consider all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff will consider the following:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items, such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by the school;
- whether retaining or returning the item to the owner may place any person at risk of harm and
- whether the item can be disposed of safely.

Any weapons or items which are evidence of a suspected offence will 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, will be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of.

Electronic Items

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 will 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.

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 will never intentionally view the image, and will 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 will confiscate the device, avoid looking at the device and refer the incident to the Headteacher, SLT or Designated Safeguarding Lead (or deputy) as the most appropriate person to advise on the school's response. Where reports of this nature are made, Stokes Wood Primary School will follow the principles as set out in the Keeping Children Safe in Education document.

The UK Council for Internet Safety will also provide the school with guidance on how to support school staff and Designated Safeguarding Leads with regard to sharing nude and semi-nude images: advice for education settings working with children and young people.

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

Policy review

The Governing Body of our school will review the Searching and Confiscation Policy every two years or sooner if the relevant guidance changes.