

Days Lane Primary School



Searching, Screening and Confiscation Policy

Days Lane Primary School



This is a core policy that forms part of the induction for all staff. It is a requirement that all members of staff have access to this policy and sign to say they have read and understood its contents.

Date written: January 2023

Date of last update: April 2023

Date agreed and ratified by Trustees:
April 2023

Date of next full review: April 2024

Policy Review

The content of this policy will be reviewed by the Senior Leadership Team and Trustees annually as per statutory requirements, or sooner if required, i.e. in the case of a mid-year update to guidance in Keeping Children Safe in Education or Searching, Screening and Confiscation – Advice for Schools.

[Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

CONTENTS

Section Number	Section Details	Page Number
1	Objectives of this policy	
2	Searching	
3	Confiscation	
4	Searches	
4.1	Searching a pupil with consent	
4.2	Searching a pupils without consent	
4.3	During the search	
5	Intimate search	
6	Electronic Devices	
7	Telling Parents and Dealing with Complaints	

1 Objectives of this policy

To outline the policy and legal powers the academy has for searching pupils. It also outlines the powers the academy has to seize and then confiscate items found during a search.

2. Searching

School staff can search any pupil for any item if the pupil agrees. The Headteacher, Deputy Head or other member of the Senior Leadership Team have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- 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 the property of, any person (including the pupil).
- The Headteacher and authorised staff can also search for any item banned by the school rules, which has been identified as an item which may be searched for.

3 Confiscation

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.

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, which they consider harmful or detrimental to school discipline.
- Senior leaders can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.
- Schools can dispose of alcohol and cigarettes as they think appropriate, but this does not include returning it to the pupil.
- Any offensive weapon, controlled drugs, stolen items (unless low value e.g. Pencil cases), pornographic images that are a specified offence (i.e. extreme or child pornography) must be passed to the police

4 Searches

4.1 Searching a pupil with consent

School staff can search pupils with their consent for any item:

- Formal written consent is not required from the pupils (such as asking the pupils to turn out his or her pockets, or if the teacher can look in a pupils' bag or locker and for the pupil to agree.
- If a member of staff suspects a pupil has a banned item in his/her bag they can instruct the pupil to turn out his/her pockets or bag.

- If a pupil refuses to consent to the search, the member of staff can apply an appropriate sanction as set out in the school's Behaviour policy.

4.2 Searching a pupil without consent:

This would only be considered in extreme circumstances as decided by the Headteacher:

- The Headteacher or a member of staff authorised by the Headteacher, can search without consent of child or their parent/carer, if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.
- A member of staff must be the same gender as the pupil being searched; and there must be a witness (also a member of staff) and, if at all possible, they should be the same gender as the pupil being searched.
- If you believe the child is at risk of serious harm if you do not search immediately then the search can be conducted on a child of the opposite gender and with or without a witness.
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupils, for example on school trip.

4.3 During the search

The law states:

- The person conducting the search may not request the pupils to remove clothing other than outer clothing
- 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.
- It does NOT enable or allow an intimate search going further than that, which only a person with more extensive powers (e.g. police officer) can do.
- 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.

5 Intimate searches

Current guidance allows a person with 'more extensive powers' such as a police officer to carry out an intimate search of a pupil, including a strip-search. Make sure that a member of staff or a family member is present to act as an 'Appropriate Adult'. The designated safeguarding lead is responsible for making sure that the Headteacher is aware of pupils' right to having an appropriate adult present. This is set out on page 162 of annex C of KCSIE. Staff should make sure they seek clarity about the actions to be taken by anyone conducting a search on a pupil, so they can uphold the best interests of the pupil at all times.

6 Electronic Devices

- If it is suspected that an electronic device has been or is likely to be used to commit an offence, cause personal injury, offence or invade another's privacy, or damage property, then data or files on the device can be examined.
- This can be done under the powers of 'without consent' search if it is reasonably suspected to be used to commit an offence, invade another's privacy, cause personal injury, or damage to property.
- If inappropriate material is found on a pupil's device, the Designated Safeguarding Lead will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- Any 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 must not be deleted and must be given to the police as soon as reasonably possible.
- The school may delete files or data if they believe there is good reason (e.g. it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

7 Telling Parents and Dealing with Complaints

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search, however, the school will keep records in line with the school Child Protection Policy.
- The school will inform the individual pupil'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