



**DISCOVERY**  
EDUCATIONAL TRUST

## **Searching, Screening and Confiscation Policy**

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## 1. Introduction

The Discovery Educational Trust (DET) Trust Board (TB), Local School Committees (LSC) and all staff recognise that Schools and their staff are an important part of the wider safeguarding system for children. This system is described in various pieces of statutory guidance and, accordingly, this Policy has regard to [Keeping Children Safe in Education \(KCSiE\) \(2022\)](#), [Working Together to Safeguard Children](#), [Searching, screening and confiscation - advice for schools](#) (July 2022), [Behaviour in Schools – Advice for headteachers and school staff](#) (September 2022) and [Use of reasonable force - advice for headteachers, staff and governing bodies](#) (July 2013). Using searching, screening and confiscation powers appropriately is an important way to ensure that pupil and staff welfare is protected, and helps Schools to establish an environment where everyone is safe.

This Policy relates to the searching for, retention and disposal of items that have been confiscated in accordance with the School rules, the School Behaviour Policy, the School Anti-Bullying Policy, the DET Use of Reasonable Force Policy and the DET Safeguarding and Child Protection Policy.

This Policy applies wherever pupils are in the care of the School, including on school trips or in training sessions.

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. Please also refer to the Staff Code of Conduct, the School Behaviour Policy, the School Anti-Bullying Policy, the DET Safeguarding and Child Protection Policy, the DET Procedure for Dealing with Safeguarding Allegations Against Adults in School and the DET Use of Reasonable Force Policy.

This Policy applies to all pupils at DET Schools, including Early Years Foundation Stage (EYFS) and Sixth Form. Care and consideration of the child's age is given when following the guidance in this Policy. DET and its Schools acknowledge their legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs (SEN) in accordance with the Equality Act 2010.

For these purposes, "staff" is defined as any person working at the School, whether under a contract of employment, contract for services or otherwise than under a contract whether paid or unpaid, whatever their position, role, or responsibilities. Staff includes (but is not limited to) teachers, contractors (including peripatetic teachers), teaching assistants and support, coaches, part-time staff, graduate/language assistants, sports coaches, all Associate/Support Staff, temporary supply, agency staff and casual workers, exam invigilators, work experience students and volunteers.

Before screening or conducting a search of a pupil, DET Schools must have due regard for their obligations under the European Convention on Human Rights. 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 right under Article 8 is not absolute; it can be interfered with, but any interference with the right by a DET 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.”*

*Searching, Screening and Confiscation: Advice for schools (Department for Education July 2022).*

## **2. Searching (by School Staff)**

The TB has authorised the following staff to carry out searches and to retain or dispose of items in accordance with this Policy:

- All members of Senior Leadership Teams (SLTs);
- All members of Safeguarding Teams;

Additionally, the following DET staff are authorised to carry out searches and to retain or dispose of items in accordance with this Policy:

- Chief Executive Officer (CEO);
- Trust Development Leads (TDLs).

Searches are conducted in such a manner as to minimise embarrassment or distress. The authorised staff member conducting the search must be the same sex as the pupil being searched, and there must be a witness (also an authorised member of staff). Refer Section 5. below - Procedure for Searching.

HTs and authorised staff 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 or any other item that has been banned by the School in its Behaviour Policy and is identified as an item that may be searched for.

The HTs oversee the School’s practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained.

The HTs ensure that those members of staff, who are authorised to undertake searches on pupils, are appropriately trained in how to lawfully and safely search a pupil, who is not cooperating. All staff authorised to search a pupil must understand their rights and the rights of the pupil being searched.

## **3. Prohibited and Banned Items**

The following are “prohibited items” under section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) regulations 2012:

- knives or weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco and cigarette papers;
- fireworks;
- pornographic images;
- any article that a member of staff reasonably suspects has been, or is likely to be, used:
  - to commit an offence;
  - to cause personal injury to, or damage to the property of, the School, staff, pupils, or any person (including the pupil).

DET and its Schools also ban other items, including chewing gum, drug paraphernalia, cigarettes, electronic cigarettes or e-cigarettes, personal vaporizers (PVs) and electronic nicotine delivery systems (ENDSs) battery-operated devices that mimic tobacco smoking, that are reasonably believed to be likely to cause harm, offence, e.g. any item of a racist nature, or disruption. This means that pupils must not have these items in their possession on School premises, or at any time when they are in the lawful charge and control of the School.

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 child criminal exploitation. A search may play a vital role in identifying pupils, who may benefit from Early Help or a referral to Local Authority (LA) children’s social care. The Designated Safeguarding Lead (DSL) (or Deputy DSL in their absence) must be involved as soon as practicable in such cases, in accordance with the DET Safeguarding and Child Protection Policy and local School safeguarding procedures.

#### **4. Screening**

DET and its Schools undertake screening of pupils as a means of providing reassurance to all pupils, staff and parents/carers that they are taking measures to create a calm, safe and supportive environment.

The HTs and authorised staff can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon, and without the consent of the pupils. Schools’ statutory power to make rules on pupil behaviour, and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.

If a pupil refuses to be screened, Schools may refuse to have the pupil on School premises. Health and Safety legislation requires a School to be managed in a way, which does not expose pupils or staff to risks to their health and safety, and this would include making reasonable rules as a condition of admittance.

If a pupil fails to comply, and the School does not let the pupil on site, the School has not excluded the pupil, and the pupil’s absence is treated as unauthorised.

Furthermore, a pupil refusing to be screened raises the same kind of issue as when a pupil refuses to stay in a detention, or refuses to stop any other unacceptable behaviour when instructed to do so by a member of staff. In such circumstances, Schools can apply an appropriate sanction, but staff must also seek the advice of the HT or DSL (or Deputy DSL in their absence), who may have more information on the pupil context to explain the pupil's refusal to cooperate.

## **5. Procedure for Searching**

If it is believed that a pupil has a banned or prohibited item (as detailed in Section 3 above), it may be appropriate for a member of staff to carry out a search of:

- a pupil's outer clothing; and/or
- School property, e.g. pupils' lockers or desks; and/or
- personal property, e.g. pockets, bags, pencil case.

“Outer clothing” means clothing not worn next to the skin or immediately over a garment that is being worn as underwear. “Outer clothing” includes hats, shoes, boots, blazer, gloves and scarves. Members of staff must be sensitive to outer clothing that may be worn for religious reasons when conducting a search.

Searches are conducted in such a manner as to minimise embarrassment or distress. The staff member conducting the search must be the same sex as the pupil being searched, and there must be a witness (also a member of staff), and, if at all possible, the witness must also be the same sex as the pupil being searched.

There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only if the staff member reasonably believes that there is a risk of serious harm being caused to a person if they do not conduct the search immediately, and where it is not reasonably practicable to summon another member of staff. In such situations, the member of staff conducting the search must be mindful that a pupil's expectation of privacy increases as they get older.

A metal detector may be used to assist with a search.

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

## **6. Searching with Consent**

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The School staff referenced in Section 2 above can, therefore, search for any item with pupil consent, but must ensure that the pupil understands the reason for the search, and how it will be conducted, so that the pupil agreement is informed. The pupil must be given ample opportunity to ask questions. In seeking consent to search, the pupil's age, any disability, or special needs the pupil may have, are considered.

Searches are conducted in such a manner as to minimise embarrassment or distress. Therefore, where possible, the search must be undertaken away from other pupils.

Written consent is not required; it is enough for a member of staff to request that pockets be turned out, a bag emptied, a locker or other personal property opened, and for the pupil to agree.

## **7. Searching without Consent**

The School staff referenced in Section 2 above can search without the consent of the pupil, where they have reasonable grounds for suspecting that the pupil may have a prohibited or banned item. Reasonable grounds depend on circumstances, but could be, for example, hearing pupils talking about such an item, or noticing a pupil behaving in a way that causes them to suspect that a pupil is concealing a prohibited or banned item.

Searches are conducted in such a manner as to minimise embarrassment or distress. The authorised staff member conducting the search must be the same sex as the pupil being searched, and there must be a witness (also an authorised member of staff).

There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only if the staff member reasonably believes that there is a risk of serious harm being caused to a person if they do not conduct the search immediately, and where it is not reasonably practicable to summon another member of staff. In such situations, the member of staff conducting the search must be mindful that a pupil's expectation of privacy increases as they get older.

When a search is conducted without a witness, the member of staff conducting the search must immediately report this to a member of SLT or a member of the Safeguarding Team, and ensure that a record of the search is produced and retained.

Where the authorised member of staff finds anything that they have reasonable grounds to suspect is a prohibited or banned item, they may seize, retain and dispose of that item as set out in Section 10 below. They can also confiscate any item, however found, which they consider harmful or detrimental to the School, its pupils, staff and local community.

These powers allow authorised staff to search, regardless of whether the pupil is found, after the search, to have a prohibited or banned item. This includes circumstances where a member of staff may suspect a pupil of having items such as illegal drugs or stolen property, which are later found not to be illegal or stolen. Staff may wish to consider utilising CCTV footage in order to decide as to whether to conduct a search for an item.

A pupil refusing to cooperate with such a search raises the same kind of issue as when a pupil refuses to stay in a detention, or refuses to stop any other unacceptable behaviour when instructed to do so by a member of staff. In such circumstances, Schools can apply an appropriate sanction, but staff must also seek the advice of the HT or DSL (or Deputy DSL in

their absence), who may have more information on the pupil context to explain the pupil's refusal to cooperate.

Where the pupil refuses to cooperate, the member of authorised staff must assess if 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 banned items as per the School Behaviour Policy. The member of staff must consider whether conducting the search prevents the pupil harming themselves or others, damaging property or from causing disorder. Refer to the DET Use of Reasonable Force Policy.

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 pupil. Where possible, the search must be undertaken away from other pupils.

## **8. Strip Searching**

A strip search is a search involving the removal of more than outer clothing (refer Section 5 above).

Strip searches on School premises can only be undertaken 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](#). Whilst the decision to undertake a strip search, and its conduct, are police matters, DET School staff retain a duty of care to DET pupil(s) being searched and must advocate for pupil wellbeing at all times.

Before calling police into School, staff 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 consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and 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 inform the parents/carers of the pupil suspected of concealing an item in advance of the search, even if the parent/carer is not acting as the Appropriate Adult (refer below). Parents/carers are always informed by a staff member once a strip search has taken place. Schools must keep records of strip searches that have been conducted on School premises and monitor them for any trends that emerge.

For monitoring purposes, details of all strip searches conducted on DET School premises are reportable to the CEO immediately, and to the Chair of the TB thereafter.

### **Appropriate Adult**



The role of the Appropriate Adult is to safeguard the rights, entitlements and welfare of children (and vulnerable adults) in police custody. The Appropriate Adult must not be a police officer or someone otherwise associated with the police.

Examples of an Appropriate Adult include, but are not limited to, a parent/carer, relative, social worker, teacher (or, if the person is in the care of a LA or voluntary organisation, a person representing that authority or organisation). Note that an Appropriate Adult is not required when a pupil is eighteen or above.

For DET and its Schools, the Appropriate Adult is either a parent/carer of the pupil to be searched or an authorised member of staff as detailed in Section 2 above.

### **The Process that Police must follow when Conducting 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/carer would like to be the Appropriate Adult, the School facilitates 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 can 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 must be made of the pupil's decision, and this must be signed by the Appropriate Adult. The presence of more than two people, other than an Appropriate Adult, is permitted only in the most exceptional circumstances.

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 are not routinely carried out if there is no reason to consider that such items are concealed.

### **After Care following a Strip Search**

Pupils are given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but is always accompanied by a safeguarding process managed by DET and its Schools, which focus attention on the pupil's wellbeing and involves relevant staff, such as the DSL (or Deputy DSL in their absence).

Safeguarding is 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 are provided with an opportunity to express their views regarding the strip search and the events surrounding it. School staff must, especially, consider 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 are found as a result of any search, Schools 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 must follow the DET Safeguarding and Child Protection Policy and speak to the DSL (or Deputy DSL in their absence) as detailed in Part 1 of KCSiE. The DSL (or Deputy DSL in their absence) consider if pastoral support, an Early Help intervention or a referral to children's social care is appropriate.

If any prohibited items are found during the search, the member of staff follows the confiscation guidance set out in Section 10 below.

If a pupil is found to be in possession of a prohibited item listed in Section 3 above, the staff member alerts the DSL (or Deputy DSL in their absence), and the pupil is sanctioned in line with the School's Behaviour Policy to ensure consistency of approach.

## **9. Searching Electronic Devices**

Please notify the DSL (or Deputy DSL in their absence) and the School Network Manager.

Data and files on any electronic device (including iPad, chrome books, tablets, laptops or mobile phones) may be examined if the person conducting the search believes that there is good reason to do so, for example, if the data file could be, or has been, used to cause harm, disrupt teaching or break school rules, including carrying out cyber-bullying. Examples of data and files are images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour, but this list is not exhaustive.

The device is confiscated, and the data or files are retained as evidence of a breach of the School's Behaviour Policy, the School's Anti-Bullying Policy and/or the DET Online Safety Policy.

If the member of staff has reasonable grounds to suspect that the device has been, or is likely to be used to commit an offence or cause personal injury or damage to property, contains evidence in relation to an offence or contains a pornographic image of a child or an extreme pornographic image, such material is not deleted, and the device is handed to the police as soon as reasonably practicable.

It is good safeguarding practice for two members of staff to view any electronic images in case there is cause for concern about any images stored. Searches of electronic devices are conducted in the presence of a member of the School's IT team, who is able to assist in searching appropriate data and files and, if necessary, their permanent erasure. Staff must not view or forward illegal images of a child. When viewing an image is unavoidable, staff follow the UK Council for Internet Safety (UKCIS) guidance "Sharing nudes and semi-nudes: advice for education settings working with children and young people" (December 2020) when responding to a report of sharing nudes and or semi-nudes.

## **10.The Power to Seize and Confiscate Items**

A member of staff can seize anything that they have reasonable grounds to suspect is a prohibited or banned item, is evidence in relation to an offence, poses a threat to others, is disruptive to learning, poses a health and safety concern or is against the School ethos or School Behaviour Policy.

Appropriate regard is given to whether an item has religious or cultural significance to the pupil. Most confiscated items, especially those of monetary or emotional value, are stored safely until they can be returned.

In most minor cases, confiscation of the item is a sufficient sanction, and return of the item at the end of the lesson, School session, or School day is adequate time to reinforce the rule. Depending on its seriousness, parents/carers may be informed about the matter.

There may be some instances when the School is required to seize an item and dispose of it or deliver it to the police or other third party.

The below detail applies where a member of staff has confiscated the following:

- Alcohol - this may be retained or disposed of, but is not returned to the pupil;
- Controlled drugs - these are usually delivered to the police as soon as possible, but, in exceptional circumstances, and at the discretion of a member of SLT, these may be destroyed if the member of staff believes that there is a good reason to do so. The member of staff considers all relevant circumstances, and uses their professional judgement to determine whether they can safely dispose of the drugs. They are not returned to the pupil;

- Other substances, which are not believed to be controlled drugs - these can be confiscated and destroyed where the member of staff believes them to be harmful or detrimental to good order and discipline. Where the member of staff suspects a substance is a controlled drug, it is treated as such;
- Stolen items - these are usually 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 the owner is not practicable) if the member of staff believes that there is a good reason to do so;
- Tobacco, cigarette papers, cigarettes, electronic cigarettes or e-cigarettes, personal vaporizers (PVs) and electronic nicotine delivery systems (ENDSs) battery-operated devices that mimic tobacco smoking – these items may be retained or disposed of, but are not returned to the pupil;
- Fireworks - may be retained or disposed of, but must not be returned to the pupil;
- Pornographic image/s involving children, or images that constitute “extreme pornography” under section 63 of the Criminal Justice and Immigration Act 2008 are, subject to the UKCIS guidance “Sharing nudes and semi-nudes: advice for education settings working with children and young people”(December 2020), where relevant, must be handed to the police as soon as practicable. Possession of such images may indicate that the pupil has been abused and, therefore, the DSL (or the Deputy DSL in their absence) is also notified and decides whether to make a referral to children’s social care. Other pornographic images are also discussed with the DSL (or Deputy DSL in their absence). The images may then be passed to children’s social care for consideration of any further action. If no action is to be taken by the LA, the images are erased after a note has been made for disciplinary purposes, confirming the nature of the material;
- Weapon/s or article/s that are reasonably suspected to be an offensive weapon or items, which are evidence of an offence – such items must be passed to the police as soon as possible;
- Article/s that have been (or could be) used to commit an offence, or to cause personal injury or damage to property – such items may, at the discretion of a member of SLT, considering all circumstances, be delivered to the police, returned to the owner, be retained or disposed of;
- An item banned under the School’s Behaviour Policy - the member of staff considers all relevant circumstances and uses their professional judgement to decide whether to return the item to its owner, retain it or dispose of it;
- Electronic device - if it is found that a mobile phone, chrome book, laptop, tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break the School rules, including carrying out cyber-bullying, the device is confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded, the device must be collected by a parent/carer and the pupil is prohibited from bringing such a device onto School premises or on School trips. In serious cases, the device may be handed to the police for investigation.

## **11. Informing Parents/Carers and Dealing with Complaints**

DET and its Schools are not required to inform parents/carers before a search takes place, or to seek their consent to search their child, and it is not generally practicable to do so.

Parents/carers are informed of any search that takes place, unless the School has reason to believe that doing so could potentially be harmful to the pupil concerned. The School informs parents/carers where alcohol, tobacco, illegal drugs or potentially harmful substances are found (although there is no legal requirement to do so).

Complaints about searching and confiscation are dealt with through DET's Complaints Policy and Procedure, which is found on each School's website, and is available from the Schools on request.

## **12. Record Keeping**

Any search by a member of staff for a prohibited item, as detailed in Section 3 above, and any searches conducted by police officers, must be recorded in the Child Protection Online Management System (CPOMS), and detail of whether or not an item is found must also be recorded.

Any search by a member of School staff for a banned item, as detailed in Section 3 above, must also be recorded in CPOMS.

School records of searches include the following:

- The date, time and location of the search;
- The name of the pupil searched;
- The name and position of the person, who conducted the search, and any other adults or pupils present;
- What was being searched for;
- The reason for the search;
- Detail of any items found, and whether items were seized and confiscated;
- Detail of follow-up action taken as a consequence of the search.

All records created in accordance with this Policy are managed in accordance with the DET Data Protection Policy and Retention Schedules. Records created in accordance with this Policy may contain personal data. DET and its Schools use Privacy Notices to explain how personal data of pupils and parents/carers is processed and these are available via the Schools' websites. Staff must follow the DET Data Protection Policy when handling personal data in connection with this Policy.