

Searching, Screening and Confiscating Policy and Procedures

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Date of Next Review	September 2023
Staff Responsible	Headteacher
Reference	Staff shared area/staff development/policies/RJ
School/Governor Policy	Governor (statutory??) - check

1. Aims and scope

Ensuring our staff and students feel safe and secure is vital to establishing a calm and supportive environment conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure student and staff welfare is protected and helps us establish an environment where everyone is safe.

It is inevitable in any school that circumstances will arise where it becomes necessary to conduct a search for things which are banned under school rules or included in the DfE list of 'prohibited' items. Such a search would generally be motivated by the need to safeguard the health, safety and welfare of students and/or other members of the school community.

Where a search is necessary, it is important that it is conducted safely, sensitively and in accordance with the rights of students and the statutory powers of schools and school staff. The purpose of this document is to set out the circumstances in which a search may be conducted and the procedure which must be followed by staff when doing so.

The contents of this policy and procedure are written with reference to the guidance given by the DfE in the document entitled [Searching, Screening and Confiscation - Advice for school July 2022](#).

2. What may be searched for?

The Headteacher and the staff they have authorised (see point 5) have a statutory power to search a student of their possessions where they have reasonable grounds to suspect that a student may have any of the items which appear in the [DfE list of 'prohibited' items](#). The Headteacher and the staff they have authorised also have a statutory power to search for any other item that the school identifies as an item which may be searched for.

The complete list of items is as follows:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- 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 student)
- fireworks
- pornographic images
- smoking, vaping and associated paraphernalia
- prescription drugs
- money

3. Searching with consent

Wherever possible, a search should be conducted with the student's consent. Where a student has given his or her consent, then any item may be searched for. Consent does not need to be given formally in writing; it is enough for staff to ask and for the student to give his or her consent verbally.

4. Searching without consent

Searching a student without his or her consent should be avoided wherever possible. Schools do, however, have the power to search without consent for items listed in Section 2 above. This should only happen after consultation with the Headteacher or the Designated Safeguarding Lead (DSL).

To conduct a search without consent, staff must have reasonable grounds for suspecting that a student may be in possession of a 'prohibited' or a banned item. Under these circumstances, staff have the power to conduct the 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.

5. Who may conduct a search?

Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search. The staff authorised by the Headteacher to conduct searches are:

- Members of the school's Senior Leadership Team (SLT)
- Heads of Year
- Pastoral Mentors
- The Deputy Designated Safeguarding Lead

The Headteacher will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.

6. Procedure for conducting a search

A search can be considered if a member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the student has agreed. Prior to the search the authorised member of staff should assess how urgent the need for a search is and should consider the risk to other students and staff.

A search must always be conducted sensitively and with due regard to the student's dignity and right to privacy. Before any search takes place, the member of staff conducting the search should explain to the student why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. An appropriate location for the search should be found. Where possible, this should be away from other students.

The law states the member of staff conducting the search must be of the same sex as the student being searched.¹ There must be another member of staff present as a witness to the search. That witness does not need to be of the same gender as the student being searched.

A member of staff may search a student's outer clothing, pockets, possessions, bags or lockers. The person conducting the search must not require the student to remove any clothing other than outer clothing. 'Outer clothing' means nothing that is worn next to the skin or immediately over a garment that is being worn as underwear. Outer clothing does, however, include coats, blazer, hats, shoes, boots, gloves and scarves. The member of staff may use a metal detector to assist with the search.

Whether or not any items have been found as a result of any search, staff should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the student is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, they should follow the school's child protection policy and speak to the DSL (or deputy).

7. Confiscation

¹ There is a limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present only:

- if the 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 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.

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils
- is prohibited, or identified in the school rules for which a search can be made
- is evidence in relation to an offence

Items confiscated by the school will be dealt with in line with guidance from the DfE.

8. Statutory guidance for dealing with electronic devices

In the process of conducting a search, a staff member may examine data or files on electronic devices if they believe that there is good reason to do so. Following the examination, if the device is to be returned to the student, the school may decide to erase any data or files if there is good reason to do so. In determining if there is a 'good reason' to examine or erase the data or files the staff member conducting the search must reasonably suspect that the data or file(s) in question have been, or could be, used to cause harm, disrupt teaching or break the school rules.

If inappropriate material is found on the device, it will be up to a member of the SLT to 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.

9. Recording searches

Any search by a member of staff for a prohibited item (both on the DfE list and the those banned by the school rules) should be recorded on the school's reporting system, including whether or not an item was found. This will allow the DSL (or deputy) to identify possible risks and initiate a safeguarding response if required.

10. Informing parents

There is no statutory requirement on schools to inform parents before a search takes place or to seek their consent to conduct a search. Parents should always be informed when a search has taken place, and the outcome of the search as soon as is practicable. That will include informing the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

11. Screening

The school reserves the right to require a student be screened using a hand-held device. Before a requirement to screen a student is introduced, the school will inform the student and their parents to explain what the screening will involve and why it will be introduced and for how long the requirement will be in place.

12. Monitoring

The application of this policy will be overseen by the Governors' CFC Committee. In reviewing its use, the Governors will consider whether searches fall disproportionately on any particular groups of students. In such cases where searching is falling disproportionately on any group or groups, they will discuss with the school's SLT actions that could be taken to prevent this.