



# Search and Confiscation Policy

Date: April 2024

Next review due by: April 2026

## Introduction

This policy relates to the searching for, retention and disposal of items that have been confiscated.

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

## Prioritise safeguarding

At Worthington Primary school, we have a duty of care to all pupils in our school. This means that we will balance:

- The need to safeguard all pupils by confiscating harmful, illegal, or disruptive items
- The safeguarding needs and wellbeing of pupils suspected of possessing these items

The 'best interests' of the child are our primary consideration. Keeping Children Safe in Education (KCSIE) sets out the statutory duty of all staff to make sure that they make decisions in the best interests of the child. This applies to our decisions to search pupils and confiscate items.

At Worthington Primary school, we are vigilant about possible biases affecting our decision to search a pupil. We uphold Article 3 of the UN Convention on The Rights of the Child (UNCRC), which states that the best interests of the child must be a top priority in all decisions and actions that relate to children.

We will only search a pupil if there is a good reason to.

## We treat confiscations as a safeguarding issue

Children in possession of drugs, alcohol or weapons are considered vulnerable and at risk of exploitation. Paragraph 20 of KCSIE highlights the need to be alert to the potential risks of children who are:

- Showing signs of being drawn in to antisocial or criminal behaviour
- In challenging family circumstances, such as drug and alcohol misuse
- Misusing drugs or alcohol themselves

## How we conduct searches

Searching (by School Staff)

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

- Mrs Helen Chatterton (Deputy Headteacher)
- Mrs Catherine Best (Assistant Headteacher)

Staff members have the power to search pupils for any item if the pupil agrees, under the common law (paragraph 4 of the DfE guidance).

Only the staff outlined in this policy, as members of staff authorised by the headteacher, have the power to search a pupil for a prohibited or banned item, regardless of whether the pupil agrees (sections 550ZA and 550ZB of the Education Act 1996, and paragraph 10 in the guidance).

### **Which items can be searched for**

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
- fireworks
- illegal drugs
- stolen items
- tobacco and cigarette papers
- e-cigarettes
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, cause personal injury or damage to the property

This list is set out in The Education Act 1996 and paragraph 3 of the DfE guidance on searching, screening and confiscation.

### **Searching with consent**

Authorised school staff can search for any item if the pupil consents. In seeking consent to search, the pupil's age, any disability, or special needs the pupil may have will be taken into account. 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.

### **Who can carry out a search and when**

Authorised staff can carry out a search if:

- The pupil agrees to the search, or

- The authorised staff member has 'reasonable grounds' to suspect that the pupil may have a prohibited or banned item.

This is outlined in paragraphs 2, 4 and 10 of the DfE's guidance on searching and screening.

The Headteacher can:

- Authorise members of staff to search for specific items (e.g. alcohol only), or all banned items

By law:

- The person carrying out the search must be the same sex as the pupil being searched
- There must be another member of staff present as a witness to the search

The only exception to this is if:

- The searcher reasonably believes that there is a risk of serious harm being caused to a person if a search isn't carried out urgently and
- It's not reasonably practical to summon another member of staff (to carry out the search or act as a witness) within the time available

The member of staff witnessing the search must also be the same sex as the pupil being searched if this is reasonably practicable (paragraph 6(d) of section 550ZB of the Education Act 1996).

## **What does 'reasonable grounds' mean?**

There is no specific guidance on what 'reasonable grounds' to suspect a pupil has prohibited items means. At Worthington Primary School, we deem reasonable grounds to be:

- Hearing a pupil or other pupils talking about an item
- Being told directly of an item
- Seeing an item
- Noticing a pupil behaving in a way that causes you to suspect that they're concealing an item

## How to carry out a search

### Before a search

The authorised staff member should:

- Make an assessment of how urgent the search is, and consider the risk to other pupils and staff
- Explain to the pupil why they are being searched, how and where the search will happen, and give them the opportunity to ask questions about it
- Always seek the pupil's cooperation

If a pupil refuses to cooperate

In this case, the authorised member of staff should first consider why this is, and act proportionally.

It may be that the pupil:

- Is in possession of a prohibited or banned item
- Doesn't understand your instructions or what a search will involve
- Has had a previous distressing experience of being searched

Searching pupils who refuse to cooperate

Schools have the statutory power to search pupils or their possessions without consent where we have reasonable grounds for suspecting that the pupil may have a prohibited item listed within this policy. If a child refuses to be searched, we would contact parents immediately.

Searching a pupil's clothes

We would always search a pupil in an appropriate location that offers privacy from other pupils.

Authorised staff can search a pupil's pockets and ask pupils to remove outer clothing, meaning clothes that are not worn directly next to the skin or over underwear. Outer clothing also includes:

- Gloves
- Scarves

- Shoes

We cannot ask pupils to take off any further items of clothing.

We are sensitive to whether a pupil is wearing outer clothing for religious reasons when conducting a search. For example, we wouldn't require a female pupil to remove a headscarf she's wearing for religious reasons if the witness is male.

Authorised staff can search lockers, trays and bags in the presence of the pupil and another member of staff (except in cases where there's a risk of harm and where it's not reasonably practicable to summon another member of staff.)

## Support for Pupils after a Search

At Worthington Primary School, we always put safeguarding at the centre when supporting a pupil, regardless of whether a prohibited item is found. The pupil should have an opportunity to express their views regarding the search.

If a prohibited item is found:

- We consider it a safeguarding matter as well as a police matter
- We would involve relevant staff such as the DSL and treat the pupil as potentially vulnerable

If a prohibited item is not found:

- We take a safeguarding approach to supporting the pupil to cope with the experience of being searched
- We consider the wider safeguarding issues that may have informed the decision to request a search in the first place

## How to record searches

Authorised staff should make a record on CPOMS of:

- Any searches for prohibited items
- Any search conducted by police officers

All searches are recorded whether or not any items are found.

## What to include in the record

The DfE suggests that school's should record:

- 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 consequence of the search

## Confiscation

Authorised staff members can confiscate any item they find that they have reasonable grounds for suspecting:

- Poses a risk to staff or pupils
- Is a prohibited or banned item
- Is evidence in relation to an offence

The school will deal with confiscated items in the following ways:

- Controlled drugs will be delivered to the police.
- Alcohol, tobacco or fireworks – disposed of as appropriate
- Stolen Items – return to owner or police as appropriate
- Weapons – delivered to police
- Pornographic material that we suspect constitutes a specific offence (i.e. an indecent image of a child) - delivered to the police.

In cases where there are multiple options, we would use our professional judgement.

We would consider:

- The value of the item
- Whether returning the item to the owner may place someone at risk of harm, or disrupt learning
- Whether it's appropriate to return the item
- Whether the item can be practically and safely disposed of

## Searching and confiscating electronic devices

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so and reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching
- Commit an offence

If Pornographic material is found on a device:

If inappropriate images, video, or other material are discovered, these should be disposed of unless there are reasonable grounds to suspect that their possession is related to a specific illegal offence.

In this case, do not destroy the material. Instead, hand the material, or device containing the material, over to the police as soon as possible.

If you suspect you may find an indecent image or video of a child on a device, avoid viewing it and never copy, share, or save it. Refer the incident to the DSL immediately who will follow the DfE's guidance on responding to pornographic image-sharing in education settings.

## Informing parents

At Worthington Primary School, we adopt a whole-school approach by building and maintaining positive relationships with parents. Parents should always be informed of any search for a prohibited item listed in this policy that has taken place, and the outcome of the search as soon as is practicable. The Headteacher or Designated staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

## Complaints

Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

This policy should be read in conjunction with the Behaviour policy, Safeguarding Policy and Online Safety policy.



## Staff training

<b>Name</b>	<b>Role</b>	<b>Training</b>	<b>Date</b>
Mrs Sarah Jones	Headteacher	DSL Training	October 2023
Mrs Sarah Jones	Headteacher	Role of the appropriate adult	April 2024
Mrs Helen Chatterton	Deputy Headteacher	DSL Training	October 2023
Mrs Helen Chatterton	Deputy Headteacher	Role of the appropriate adult	May 2024
Mrs Catherine Best	Assistant Headteacher	DSL Training	February 2024
Mrs Catherine Best	Assistant Headteacher	Role of the appropriate adult	May 2024
Mrs Alison English	SENDCo	DSL Training	October 2023
Mrs Alison English	SENDCo	Role of the appropriate adult	April 2024