

## Searching and Retention and Disposal of Confiscated Items Policy

### Contents

1. [Introduction](#)
2. [Aims and objectives](#)
3. [Searching students](#)
4. [Prohibited Items](#)
5. [Conducting searches](#)
6. [Where](#)
7. [Who](#)
8. [The extent of the search](#)
9. [Strip searching](#)
10. [Confiscation](#)
11. [Mobile phones and other electronic devices](#)
12. [After a search](#)
13. [Informing parents](#)
14. [Record keeping](#)
15. [Access to students' rooms in boarding houses](#)
16. [Screening](#)
17. [Related policies](#)

## **1. Introduction**

- 1.1. This policy applies to all children and students in the Stephen Perse Foundation (the **Foundation**), including boarding students.
- 1.2. References to the Head in this policy mean the Head of the relevant Foundation school. The Principal will oversee the Foundation's practice of searching to ensure that any searches required are conducted safely, appropriately and proportionately, and in a manner which safeguards the welfare of all students and staff.
- 1.3. This policy has regard to the DfE guidance: Searching, Screening and confiscation: advice for schools (DfE, updated July 2023).

## **2. Aims and Objectives**

- 2.1. The central aim of this policy is to enable the Foundation to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and dealt with safely and lawfully.
- 2.2. This policy also forms part of the Foundation's whole school approach to promoting child safeguarding and wellbeing, which seeks to ensure that the best interests of students underpins and is at the heart of all decisions, systems, processes and policies and to maintain high standards of behaviour through which students can learn and thrive.
- 2.3. This policy also aims to ensure that the students and parents understand what will happen to items confiscated by staff and to discourage students from bringing such items into school or on school trips.

## **3. Searching students**

- 3.1. In line with this policy, senior staff are trained to understand when a search is appropriate and the procedures to follow when carrying out a search. The Foundation recognises that this is not a pleasant experience for a student, and will always ensure appropriate support for a student is provided if a search is to be conducted.
- 3.2. The Principal, and staff authorised by the Principal (which includes Heads of School, the Head of Boarding, a member of the Senior Leadership Team and Heads of Year or Heads of Phase), have a statutory power to search a student or their possessions where they have reasonable grounds to suspect that the student may have a Prohibited Item (listed in paragraph 4 below) or any other item that the School Rules identify as an item which may be searched for.
- 3.3. 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 student's property as a disciplinary penalty where it is reasonable to do so and in accordance with the Foundation's Behaviour Rewards and Sanctions Policy.

#### **4. Prohibited Items**

4.1. The following are "Prohibited Items":

- Those items defined in subsection (3) of Section 550ZA of the Education Act 1996 and under and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):
  - Knives and weapons
  - Alcohol and illegal drugs
  - Stolen items
  - Tobacco and cigarette papers
  - Fireworks
  - Pornographic images; and
  - 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).
  
- Any items banned by the School Rules that are identified as being items which may be searched for. The Foundation has banned these items as it reasonably believes them to be likely to cause harm or disruption. Students must not have these items in their possession on Foundation premises or at any time when they are in the lawful charge and control of the Foundation.

#### **5. Conducting searches**

- 5.1. A search can be considered if the 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.
- 5.2. Under common law, school staff have the power to search a student for any item if the student agrees. The member of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.
- 5.3. Before a search is undertaken, the authorised member of staff should make an assessment of how urgent the need for a search is and consider the risk to other students and staff.
- 5.4. Staff will always consider the age and needs of students to be searched and any SEND or other vulnerabilities the child may have before conducting the search to decide whether any additional precautions or reasonable adjustments are needed, in accordance with the School's Safeguarding and Child Protection.

- 5.5. For all pupils in Year 8 or below, parental consent will usually be sought, however, this is not a requirement and will not be sought in circumstances where the pupil is deemed to be able to provide consent or in relation to Prohibited Items. Formal written consent is not required – it is sufficient for the pupil (or parent as appropriate) to agree.
- 5.6. 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.
- 5.7. If the student is not willing to cooperate, the member of staff should consider the reason for this, including whether they may be 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. If a search is deemed necessary, but is not required urgently, the student may be supervised and kept away from other students whilst the member of staff seeks advice from the Head, the Designated Safeguarding Lead (DSL) or a Deputy Designated Safeguarding Lead (DDSL), or another senior member of staff.
- 5.8. The member of staff, subject to the advice of the Head, DSL or DDSL, or other senior member of staff will assess whether it is appropriate to use such force as is reasonable to conduct the search.
- 5.9. The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the student harming themselves or others, damaging property or causing disorder. If reasonable force is used, staff must follow the procedures set out in the Foundation's Physical Intervention (Positive Handling) policy. The Foundation notes that the use of force is very damaging to relationships, and as such is only used in exceptional circumstances.
- 5.10. Where a student is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation then a parent's co-operation will be sought.
- 5.11. If a student refuses to co-operate with a search for items that are not Prohibited Items, reasonable force must not be used. However, disciplinary action may be taken in accordance with the Foundation's Behaviour Rewards and Sanctions Policy.

## **6. Where**

- 6.1. Searches will be carried out on school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on an educational visit or in training settings. Where possible, this should be away from other students.
- 6.2. When students travel outside England on a school trip, they may only be searched without consent if allowed by the law of that country.

## **7. Who**

- 7.1. The member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search who, where possible, will be the same sex as the student being searched.
- 7.2. As a limited exception to this rule, a member of staff can search a student of the opposite sex and/or without a witness present, but 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 student or it is not reasonably practicable to summon another member of staff.
- 7.3. When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

## **8. The extent of the search**

- 8.1. A member of staff may search a student's outer clothing, pockets, possessions, desks or locker. Staff will never search a student further than their outer clothing (meaning clothing that is not worn next to the skin or directly over underwear).

## **9. Strip searching**

- 9.1. A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C.
- 9.2. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the student(s) involved and should advocate for student safety and wellbeing at all times.
- 9.3. Staff will always consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted.
- 9.4. In order to ensure students' wellbeing, the Foundation may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.
- 9.5. The Foundation will follow the DfE Advice: Searching, Screening and Confiscation (July 2023).

## **10. Confiscation**

- 10.1. A member of staff carrying out a search may confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or students;
  - is prohibited, or identified in the School Rules as an item for which a search can be made; or
  - is evidence in relation to an offence.
- 10.2. When deciding what to do with the confiscated items, staff will follow the guidelines set out in the DfE's [Searching, Screening and Confiscation: Guidance for school \(updated 2023\)](#).
- 10.3. Where the member of staff conducting the search finds alcohol, tobacco or cigarette papers, or fireworks, they may retain or dispose of them as they think appropriate but they will not be returned to the student. For information on procedures to follow where drugs or other substances are found, please refer to the Smoking, Alcohol and Misuse of Drugs and Substances Policy.
- 10.4. Any weapons or items which are evidence of a suspected offence will be passed to the police as soon as possible.
- 10.5. Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner (where appropriate), retained or disposed of. Stolen items will also usually be delivered to the police. However, if there is good reason to do so, stolen items may also be returned to the owner, or retained or disposed of if returning them to their owner is not practicable. Guidance on the circumstances that should be taken into account in these cases can be found in the DfE's guidance: Searching, Screening and Confiscation in schools.
- 10.6. Where a search leads to a member of staff finding a pornographic image, Staff should always alert the DSL immediately and follow the advice of the DSL or a Deputy DSL in respect of any instance where they are made aware of concerns about an indecent image on a student's device. Members of staff should never intentionally view any indecent images and must never copy, print, share, store or save such images. The DSL or Deputy DSL may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence, in which case they will contact the police as soon as reasonably practicable and follow the advice of the police in determining action in respect of the disposal of the image or passing the image to the police.
- 10.7. Where a search identifies an item banned under the School Rules, the member of staff conducting the search should take into account all relevant circumstances and use their professional judgement, in consultation with the relevant Head of School (or their Deputy) and the DSL or a Deputy DSL, to determine whether the item should be returned to its owner, given to the Police, retained by the Foundation or disposed of. Factors which should be taken into account in determining the appropriate action, where there is discretion, can be found in the DfE guidance.

- 10.8. A senior member of staff (the Head, Deputy Head, a member of the SLT or a Head of Year) may also confiscate, retain or dispose of a student's property as a disciplinary sanction where reasonable to do so and in accordance with the Foundation's Behaviour, Rewards and Sanctions Policy.
- 10.9. If a student is found to be in possession of a Prohibited Item, then the staff member should alert the DSL or DDSL and the appropriate senior member of staff (the Head, Deputy Head, a member of the SLT or a Head of Year) will determine any sanction to be applied in respect of the incident in line with the Foundation's Behaviour Rewards and Sanctions Policy.

## **11. Mobile phones and other electronic devices**

- 11.1. Where a member of staff has confiscated an electronic device in accordance with paragraph 10.1 above, they may examine any data or files on it if there is good reason to do so. In determining whether there is "good reason" to examine the data or files, the member of staff should reasonably suspect that the data or the file on the device has been, or could be, used to cause harm, undermine the safe environment of the school and disrupt teaching or be used to commit an offence. This includes where a device may have been used to cheat in an examination. Parental consent to search through the electronic device is not required.
- 11.2. If a member of staff finds an image, data or file that they suspect might constitute a serious criminal offence or constitute evidence relating to a suspected offence, the device must be given to the police without delay. The DSL must also be informed as soon as possible.
- 11.3. In exceptional circumstances, a member of staff may dispose of the image or data if there is a good reason to do so. In determining whether there is a "good reason" to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence and if it does not, the staff member may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.
- 11.4. Staff will 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 and follow the procedures set out in the Safeguarding and Child Protection Policy.

## **12. After a search**

- 12.1. Whether or not any items have been found as a result of any search, the relevant staff member(s) will 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. In such cases, the procedures set out in the Foundation's Safeguarding and Child Protection Policy will be followed.

### **13. Informing parents**

- 13.1. Our policy at the Foundation is to share any concerns or relevant information with parents wherever possible, unless we have reason to believe that doing so could potentially be harmful to the student concerned.
- 13.2. Schools are not required to inform parents before a search takes place or to seek their consent to conduct the search. However, subject to paragraph 13.1 above, we will always inform parents of any search for a Prohibited Item that has taken place and the outcome of that search, including any action taken or sanctions applied by the Foundation, without delay. We will normally also contact parents after any search for any item banned by the School Rules.
- 13.3. If a parent makes a complaint, the Foundation's Complaints Policy and Procedures should be followed.

### **14. Record Keeping**

- 14.1. A written record must be made of any search which will include the following:
  - the date, time and location of the search;
  - which student was searched;
  - who conducted the search and any other adults or students present;
  - what was being searched for;
  - the reason for searching;
  - what items, if any, were found; and
  - what follow-up action was taken as a consequence of the search.
- 14.2. Records of all searches must be recorded in the student's behaviour management records in iSAMS. A record of any search for a Prohibited Item must also be recorded in MyConcern, the Foundation's safeguarding reporting system.

### **15. Access to students' rooms in boarding houses**

- 15.1. The Foundation is sensitive to the fact that searching a boarding student's room is intrusive and unsettling as their room is their home during term time. As such, an appropriate member of boarding staff who knows that student well will always be present when a search of a boarder's room and possessions is being conducted.
- 15.2. Staff and contractors working for the school need to be able to access student rooms during the teaching day for cleaning and maintenance work.
- 15.3. The Foundation also reserves the right for the Head of Boarding, boarding staff and other members of staff to have access to student rooms at other times where there is a need to do so.

15.4. If Prohibited Items, items banned under the School Rules or Boarding Code of Conduct and Rules or items that clearly should not be in students' rooms are found on such occasions, the items will be confiscated and the matter will be dealt with in the same manner as if the item(s) were to be found in the course of a search.

## 16. Screening

16.1. Schools can require pupils to undergo screening by a walk-through or hand-held metal detector. We do not have such devices. This policy will be kept under review and updated as necessary.

## 17. Related policies

- Anti-Bullying Policy
- Behaviour, Rewards and Sanctions Policy
- Boarding Code of Conduct and Rules
- Physical Intervention (Positive Handling) Policy
- Safeguarding and Child Protection Policy
- School Rules and Codes of Conduct
- Smoking Alcohol and the Misuse of Drugs and Substances Policy
- Technology Acceptable Use Policy

### Version Control

Date of adoption of this policy	22 November 2023
Date of last review of this policy	November 2023
Date for next review of this policy	Summer Term 2024
Policy owner	DSL
Authorised by	Principal and the Heads of Sections