

Search, Screen and Confiscation Policy



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Applies to:	The Corvus Learning Trust as a whole and to all schools in the Trust
Comply / Adopt Policy	Comply

Policy Statement:

This Corvus Learning Trust Policy applies to the Corvus Learning Trust (the Trust) as a whole and to all its schools and service units in the Trust

Purpose:

To promote good behaviour, self-discipline and respect among pupils whilst creating a calm, safe and supportive environment where pupils can enjoy, grow and achieve

Responsibility for Approval:

Board of Trustees

Responsibility for Updating:

CLT Behaviour & Inclusion Lead

Related Policies/Guidance:

Referenced:

DfE Use of reasonable force in schools, July 2013

Sharing nude and semi-nudes' advice for education setting working with children and young people, Dec 2020

Legislation and Statutory Guidance: -

DfE Behaviour in Schools, Sept 2022

DfE Searching, Screening and Confiscation, July 2022

DfE Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, Sept 2022.

Search, Screen and Confiscation Policy

Police and Criminal Evidence Act 1984 (PACE) and code of practice

School and Trust Policies:

Behaviour and Discipline Policy

CLT TP2 - Data Protection Policy

CLT TP4 - School - Data Retention Procedure

CLT - Privacy Notice for Students/Pupils Parents and Carers

CLT P2 - Complaints Policy

DfE Keeping Children Safe within Education (KCSIE), Sept 2022

DfE Working Together to Safeguard Children, July 2018

In addition to complying with the above guidance and legislation, this Policy also complies with Section 89 of the Education and Inspections Act 2006 and the Equality Act 2010

1. Aims and Introduction

The purpose of this policy is to promote good behaviour, self-discipline and respect among pupils whilst creating a calm, safe and supportive environment where pupils can enjoy, grow and achieve. The school acknowledges its legal duties under the Equality Act 2010 in respect of safeguarding and in respect of pupils with Special Educational Needs (SEND).

The Corvus Learning Trust (CLT) Schools believe in equal opportunities for everyone and expects all members of the school communities to show respect to others. We promote an inclusive environment allowing equality of opportunity and ensuring that all individuals needs are met and supported.

This policy is to be used in conjunction with the school's Equality Policy.

In the general course of school life, given pupils' good conduct overall and the positive relationships between pupils and staff, it is unlikely that searching pupils will be necessary. There may, however, be some occasions when such a search is needed. In such circumstances, the provisions of this policy should be followed.

This policy is a whole school policy and relates to all year groups within the individual schools and also to the sixth form at secondary schools. This policy sets out the circumstances in which school staff may search pupils and/or their possessions together with how it should be done. CLT schools are committed to safeguarding and promoting the welfare of the members of their communities.

2. Who may search in school:

- 2.1. The Headteacher has authorised members of the Senior Leadership Team (SLT) to carry out searches and to retain or dispose of items in accordance with this policy.
- 2.2. The Headteacher can authorise individual members of staff to search for specific items or all items set out within the school's policy.
- 2.3. The Headteacher will ensure that nominated staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that all staff are supported and all staff understand their rights and the rights of the pupil who is being searched.

3. Prohibited and banned items

- 3.1. The Headteacher and the staff authorised by the Headteacher, 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 which is banned as per the school rules.
- 3.2. The following are 'prohibited items' under section 550ZA of the Education Act 1996 and Regulation three of the schools regulations 2012:
 - i) knives or weapons
 - ii) alcohol
 - iii) illegal drugs
 - iv) stolen items
 - v) tobacco, cigarette paraphernalia, e-cigarettes and vaping material
 - vi) fireworks
 - vii) pornographic images

viii) any article that the member of staff reasonably suspects has been, or is likely to be, used to:

- commit an offence
- cause personal injury to, or damage to the property of the school, the school staff, pupils, or any other person/visitor to the school premises (including the pupil)

3.3. The school rules also state that other items, including e-cigarettes, or other items used in a similar manner, that are reasonably believed to be likely to cause harm or disruption are “banned”. 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.

4. Establishing grounds for a search

4.1. A search can be considered if the member of the school authorised staff:

- i) has reasonable grounds for suspecting that the pupil is in possession of a prohibited item
- ii) or that the pupil is in possession of any item identified in the school rules for which a search can be made
- iii) or if the pupil has agreed to the search

4.2. The member of the school authorised staff will assess how urgent the need for a search is and should consider the risk to other pupils in the school and the school staff when making this assessment.

4.3. Before any search takes place, the authorised member of staff should always seek the co-operation of the pupil before conducting a search.

5. Procedure for searching

5.1. If it is believed that a pupil has a banned or prohibited item, it may be appropriate for a non-authorised member of staff to carry out a search of:

- i) school property, (e.g. pupils' lockers); and/or
- ii) personal property (e.g. bags, pencil case)
- iii) a pupil's outer clothing¹; (DfE) '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
 - scarves

¹ (Department for Education)- '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.

be sensitive to whether a pupil is wearing outer clothing for religious reasons when conducting a search, for example, you should not require a female pupil to remove a headscarf she is wearing for religious reasons if your staff member is male. Appropriate considerations should equally be made regarding Patka's and turbans.

Pupils CANNOT be asked to take off any further items of clothing. Any search involving the removal of more than outer clothing constitutes a strip search, refer to point 8 for strip searches.

- iv) Searches will be conducted in such a manner as to minimise embarrassment or distress to the pupil and with the relevant consent, unless there is fear of harm.
- 5.2. An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.
- 5.3. Any search of a pupil or their possessions will normally be carried out in the presence of the pupil and two members of staff in the following way:
- i) Authorised staff conducting the actual search will be the same sex as the pupil
 - ii) Where possible, the second member of staff (who is not required to be authorised) will also be the same sex, however if this is not possible, they should be female. If this member of staff is not authorised by the Headteacher to complete searches they should simply act as witness
 - iii) If it is believed that serious harm will be caused if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff then 5.3 i) and 5.3 ii) will not apply in these circumstances
 - iv) Staff may use a metal detector to assist with the search
 - v) Where a search occurs without a witness, the authorised member of staff will report this to the headteacher and ensure it is logged on the schools safeguarding reporting system
 - vi) The Headteacher may wish to consider using CCTV footage to decide whether to conduct a search for an item

6. Searching with consent

- 6.1. The authorised staff can search a pupil for any item if the pupil consents and written consent is not required.
- 6.2. The authorised staff should ensure the pupil understands the reason for the search and how/why/where it will be conducted and give them the opportunity to ask any questions so that their agreement is informed.
- 6.3. In seeking consent to search, the pupil's age, any physical or mental disability, or special needs should be taken into account.

7. Searching without consent

- 7.1. When the pupil is not willing to co-operate with the search, the member of staff should consider why this may be occurring and consider any identified SEND requirements and their previous experiences, for example previous trauma.
- 7.2. Staff may wish to consider utilising CCTV footage before making a decision, for example does CCTV clearly show the pupil with the item. Once viewed the decision to conduct a search for the item should be made in consultation with the Headteacher at per the para 5.3 vi) above.

- 7.3. Authorised school staff can search without the consent of the pupil, where the authorised staff have reasonable grounds for suspecting that the pupil may have a prohibited item (refer to point 3.2). Reasonable grounds depend on circumstances for example, hearing pupils talking about such an item or noticing a pupil behaving in a way that causes them to suspect a pupil is concealing a prohibited item.
- 7.4. Where the Headteacher, or a member of staff, finds anything which they have reasonable grounds to suspect is a prohibited item, they may seize, retain and dispose of that item as set out below.
- 7.5. The Headteacher may use discretion to conduct a search without consent for any additional banned items in exceptional circumstances.
- 7.6. The school can apply an appropriate sanction, as set out in their Behaviour and Discipline Policy, to pupils who refuse to co-operate with a search, ensuring that they are responding to misbehaviour consistently and fairly.
- 7.7. If the pupil still refuses to co-operate, the authorised member of staff should assess whether it is appropriate to use reasonable force to conduct the search. The decision to use reasonable force should be made by the Headteacher after considering the context and consequences of the matter in question. All such cases should be dealt with on a case-by-case basis.

Note – you can only use reasonable force to search for **prohibited** items but not for other items banned in school.

8. Strip Searching

- 8.1. A strip search is a searching involving the removal of more than outer clothing on school premises¹. Strip searches on school premises can only be carried out by Police Officers under the Police and Criminal Evidence Act 1984.² The Headteacher and the School staff are **not allowed** to carry out strip searches.
- 8.2. In such circumstances, the staff should 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 and should always ensure that other appropriate, less invasive approaches have been exhausted.
- 8.3. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with the police, and the role of the school is then to advocate for the safety and wellbeing of the pupil(s) involved. A strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and not as routine. The **police cannot overrule your safeguarding duty**, for example by requesting that the appropriate adult leave the room when they talk to the pupil. It is important that staff are aware of this.
- 8.4. The police officers conducting the strip search must be of the same sex as the pupil to be strip searched.
- 8.5. The school staff should always contact the carer or parent (or both parents if they are separated) to inform them of the pupil in advance of the strip search, even if the parent is not acting as the appropriate adult. Parents may request to be present during the strip search and the school should facilitate this.

² Searches may entail different levels of invasiveness and exposure. A search under PACE Code A that involves removing more than outer clothing but does not expose intimate parts of the body would not require the presence of an appropriate adult. However, from a pupil wellbeing perspective, schools may wish to involve an appropriate adult as a matter of course during all searches conducted by police. DFE guidance on Searching, Screening and Confiscation September 2022

- 8.6. Except in cases of urgency where there is a risk of harm, all strip searches must have at least two people present other than the pupil, including the 'appropriate adult'. The search may only take place without an appropriate adult if:
- i) It is an urgent case where there is a risk of serious harm to the pupil or others
 - ii) The pupil explicitly states that they do not want an appropriate adult present for the strip search and the appropriate adult agrees and signs a record of the pupil's decision
- 8.7. The appropriate adult should be the same sex as the pupil, unless the pupil specifically requests someone else.
- 8.8. After a strip search, the search must be logged as a physical intervention. Pupils will be given appropriate support, irrespective of whether the suspected item is found.

9. Searching electronic devices

- 9.1. Please notify the Designated Safeguarding Lead (DSL) and the SLT member(s)/associate(s) with responsibility for IT if an electronic device requires searching.
- 9.2. 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 there is good reason to do so, such as, if the data file could be or has been used to
- i) cause harm
 - ii) disrupt teaching
 - iii) break school rules, including carrying out cyber-bullying
- 9.3. The device will be confiscated, and the data or files should be retained as evidence of the breach of school discipline.
- 9.4. If the member of staff has reasonable grounds to suspect 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 should not be deleted and the device should be given to the police as soon as reasonably practicable.
- 9.5. Two members of staff will view any electronic images in case there is cause for concern about any images stored.
- 9.6. Searches of electronic devices should be conducted in the presence of the SLT member(s)/associate(s) with responsibility for IT, who will be able to assist in searching appropriate data and files and, if necessary, their permanent erasure.
- 9.7. Staff should not view or forward illegal images of a child. When viewing an image is unavoidable, staff will follow the 'sharing nudes and semi – nudes: advice for education settings 'working with children and young people' guidance (December 2020) when responding to a report of sharing nudes and or semi nudes.

10. After a search

- 10.1. Whether or not any items have been found as a result of **any** search, SLT and the Safeguarding Team will analyse the reasons for the search, the search itself, and the outcome of the search, to ensure the pupil is not suffering, or is likely to suffer harm, and/or whether any specific safeguarding or pastoral support is needed. Alerting the DSL or Head of Year, depending on what is appropriate.

- 10.2. If a pupil is found to be in possession of a prohibited item listed, then the staff member should alert the Head of Year and appropriate member of SLT, including the DSL. The pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

11. Power to seize or confiscate

- 11.1. A member of staff can seize anything they have reasonable grounds to suspect is:

- i) a prohibited item
- ii) a banned item
- iii) is evidence in relation to an offence
- iv) poses a threat to others
- v) is disruptive to learning
- vi) poses a health and safety concern or is against School ethos or school rules

- 11.2. Appropriate regard will be given to whether an item has religious or cultural significance to the pupil.

- 11.3. Most confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned. If similar items have been confiscated from several pupils', care will be taken to ensure clarity as to which item belongs to which pupil.

- 11.4. In most minor cases, confiscation of the item is a sufficient sanction, and return of the item at the end of the school day is adequate time to reinforce the rule. Where the item raises concern for safety, it must be collected by an appropriate adult from the school reception, depending on its seriousness, parents may be informed about the matter.

- 11.5. 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 following shall apply where a member of staff has confiscated the following:

- i) **Alcohol**
This may be retained or disposed of but will not be returned to the pupil.
- ii) **Controlled drugs**
These will usually be 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. They will not be returned to the pupil.
- iii) **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 should be treated as such.
- iv) **Stolen items**
These will usually be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed if returning it to the owner is not practicable) if the member of staff thinks there is a good reason to do so, such as where it is a low value item.
- v) **Tobacco**, cigarette papers, e-cigarettes or vaping equipment
This may be retained or disposed of but will not be returned to the pupil.
- vi) **Fireworks**
May be retained or disposed of but must not be returned to the pupil.

- vii) **Pornographic image/s**
May be disposed of unless the member of staff have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child (also sometimes known as self-generated images or nudes). Staff must never copy, print, share, store or save such images. Possession of such images may indicate that the pupil has been abused and therefore the DSL will also be notified.
- viii) **Weapon/s or article/s** that is reasonably suspected to be an offensive weapon or items which are evidence of an offence:
Must be passed to the police as soon as possible.
- ix) **Article/s that has/have been (or could be) used to commit an offence** or to cause personal injury or damage to property
May, at the discretion of an SLT member of staff, taking all of the circumstances into account, be delivered to the police, returned to the owner, be retained or disposed of.
- x) **An item banned under the school rules:**
The member of staff should consider all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it to be collected by an appropriate adult.
- xi) **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 will be confiscated and maybe used as evidence in disciplinary proceedings. Once the proceedings have been concluded, the device must be collected by a parent or carer and the pupil may be 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.

12. Use of force

12.1. Please refer to the School's Behaviour and Discipline policy. This supports DFE guidance - Use of reasonable force in schools, July 2013

13. Record Keeping

13.1. Any search by a member of staff for a prohibited item listed and all searches conducted by police officers should be recorded on the schools safeguarding reporting system as a physical intervention whether or not an item is found.

13.2. To be included in the record of each search:

- i) the date, time and location of the search;
- ii) the full name of the pupil was searched;
- iii) who conducted the search (authorised or non-authorised staff names) and any other adults (including the 'appropriate adult') or pupils present;
- iv) what was item was being searched for;
- v) the reason for conducting the searching;
- vi) what items, if any, were found;
- vii) what follow-up action was taken as a consequence of the search

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- 13.3. The staff member will involve the DSL without delay if they believe that a search has revealed a safeguarding risk so that a safeguarding response can be made, if appropriate.
- 13.4. If the DSL finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately and consider the circumstances of the pupil who has been searched and assess the incident against potential wider safeguarding concerns.
- 13.5. Staff will keep records of items confiscated or disposed of.
- 13.6. All records created in accordance with this policy are managed in accordance with the Trust Data policies
- 13.7. Records created in accordance with this policy may contain personal data.
- 13.8. The school uses privacy notices to explain how the School processes the personal data of pupils and parents and these are available on the policy pages on the School's website. Staff should follow the Data Protection Policy when handling personal data in connection with this policy.

14. Informing parents/carers/ other professionals

- 14.1. The school is not required to inform parents before a search takes place, unless a strip search is to be conducted. Parents will be informed of any search that takes place as part of the school behaviour policy and procedures unless the school has reason to believe that doing so could potentially be harmful to the pupil concerned.
- 14.2. The school will inform parents where alcohol, tobacco, illegal drugs or potentially harmful substances are found.
- 14.3. Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the pupil or to the school.

15. Complaints

- 15.1. Complaints about searching and confiscation should be dealt with through the School's Complaints Policy and Procedure which can be found on the policy pages of the school's website and is available from the school office on request.

Appendix A:

Searching, Screening and Confiscation Advice for schools July 2022

Full guidance

[DfE's guidance on searching and screening](#)

Appendix B:

[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 decisions to search pupils and confiscate items.