Searching, Screening and Confiscation Policy

Henry David Learning

Woodfield School

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Reviewed by: Deb Wilson

Signed off by Proprietary Body

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Statement of intent

Woodfield School appreciates that pupils have the right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected. We aim to ensure that members of staff have the confidence to search and screen pupils, and to confiscate items as necessary, and that this is enacted in a calm, safe and supportive manner.

Nevertheless, the school also takes seriously its obligation under health and safety legislation for searching, screening and confiscation to be managed in a way which does not expose pupils or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which pupils can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- Criminal Justice Act 1988
- DfE (2023) 'Searching, Screening and Confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2024) 'Behaviour in Schools'
- DfE (2024) 'Keeping children safe in education 2023'
- DfE (2024) 'Schools and college security'
- DfE (2018) 'Equality Act 2010: advice for schools'
- DfE (2023) 'Working together to safeguard children'
- DfE (2012) 'Drugs: advice for schools'

This policy operates in conjunction with the following school policies:

- Positive Behaviour Policy
- Complaints Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

The proprietary body will be responsible for:

- Ensuring this policy is implemented within the school and its effectiveness is monitored.

The principal will be responsible for:

- Authorising members of staff to search pupils for prohibited items and items banned by the school, according to its policies.
- Ensuring the procedures in this policy are implemented consistently across the school.
- Assessing on a case-by-case basis whether a search should be undertaken by a member of staff.
- Overseeing the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is established and maintained.
- Ensuring the DSL is called on for support during, or after, searching, as appropriate.
- Ensuring a sufficient number of staff are appropriately trained on how to lawfully and safely search a pupil, including managing pupils who are not co-operating with the search.
- Ensuring all staff understand their rights and the rights of any pupils being searched.
- Ensuring the DSL (or their deputy) is informed of any instances where a staff member had reasonable grounds to suspect that a pupil was in possession of a prohibited item.

- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Determining whether searches for items banned by the school's policies should be recorded.
- Consulting with the local police prior to installing and using any devices for the purposes of screening.
- Ensuring parents and pupils are informed about the use of screening devices prior to their use, and the reasons why any devices need to be used.
- Ensuring that prohibited items and items banned by the school are outlined in the relevant policies and are communicated with staff, parents and pupils.
- Reviewing this policy on an annual basis.

The DSL will be responsible for:

- Managing any safeguarding concerns that are raised by staff members who have conducted a search and by pupils subject to a search.
- Making referrals, in line with the school's safeguarding procedures, where there is evidence from a search that a pupil is at risk of harm.
- Ensuring procedures are in place, and are being followed, for when a safeguarding incident arises.
- Ensuring procedures are in place for staff to alert them of instances when they had reasonable grounds to suspect a pupil was in possession of prohibited items and when a prohibited item has been found.
- Considering the circumstances of any pupils who are at risk of harm as a result of the search to assess whether there is a wider safeguarding concern.
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Advising staff on any aftercare required by a pupil as a result of a search.

Staff members will be responsible for:

- Acting in line with this policy when screening or searching a pupil or confiscating items.
- Ensuring that the culture of safe, proportionate and appropriate searching is maintained.
- Adhering to the relevant guidance and policies, and familiarising themselves with which items are prohibited and/or banned by the school.
- Ensuring they implement sanctions fairly, proportionately, and in line with the Positive Behaviour Policy.
- Raising safeguarding concerns with the DSL (or their deputy) as soon as reasonably practicable.
- Maintaining their duty of care for any pupils subject to a search, including a strip search, and protecting their welfare at all times.

3. Screening

Under the school's statutory power to make rules on pupil behaviour and the duty to manage the safety of staff, pupils and visitors, the school can impose a requirement that pupils undergo screening. All members of staff will have the authority to screen pupils.

Before the installation of any technology for the purpose of screening pupils, the principal will consult with the local police about whether the devices are appropriate.

4. Authorising members of staff

Only the principal and authorised members of staff have the authority to search pupils without their consent. Staff members authorised by the principal with these powers are:

Lynsey O'Keeffe	Assistant Principal	Nicola Trolley	SENCO
Ali Lodhi	Assistant Principal & Lead DSL	Tracy Jenkins	SENCO

The principal will make clear which items each authorised staff member is permitted to search for, e.g. a member of staff could be authorised to search for stolen property, but not for weapons.

When deciding which members of staff will be authorised to undertake searches under these powers, the principal will consider whether each member of staff requires any additional training to enable them to carry out their responsibilities safely and lawfully.

5. List of prohibited and banned items

- Knives or weapons, including 'Zombie-style' knives
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco, cigarette papers, vapes and or liquids
- Fireworks
- Pornographic images
- Any item that a 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 the property of, any person (including themselves)

'Zombie-style' knife is the name given to knives over eight inches in length, often with a serrated edge, spikes or more than two sharp points.

6. Searching with consent

Any member of staff will have the authority to search pupils for any item, **if the pupil consents**. Formal written consent will not be required for this sort of search and informed verbal consent will suffice. All staff members will ensure that any pupil subject to a search with consent understands the reason for the search and how it will be conducted.

Searches with consent will be undertaken on the basis that a pupil is, or is suspected to be, in possession of a prohibited or banned item as identified in this policy and the Positive Behaviour Policy.

Searches with consent will be implemented consistently, proportionately, fairly, and in line with this policy at all times.

The school will ensure that banned items are made clear in communications with parents.

If a member of staff suspects a pupil is in possession of a banned item, the pupil will be instructed to turn out their pockets, desk and/or bag.

When exercising their authority to search with consent, staff members will assess and consider the age and needs of the pupil being searched. Where required, reasonable adjustments will be put in place where a pupil has additional needs or a disability.

7. Searching without consent

The principal and authorised staff have the statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may be in possession of a prohibited item (see section 5). The staff member will decide what constitutes reasonable grounds for suspicion on a case-by-case basis.

An item banned by the school rules will only be searched for without consent if it is identified in this policy and/or the Positive Behaviour Policy that it is an item that can be searched for.

Authorised members of staff will assess whether a search without consent is needed urgently and consider the risk to staff and other pupils if a search is not conducted. Contact, as far as possible, with parent/carer will be made prior to the search.

Before a search without consent is conducted, the authorised member of staff will explain to the pupil why they are being searched and how the search will take place. They will also provide the pupil an opportunity to ask any questions.

Where possible, the authorised member of staff will seek the co-operation of the pupil prior to the commencement of the search without consent. The pupil may be sanctioned in line with the Positive Behaviour Policy if they refuse to co-operate.

8. Privacy

Pupils will only be searched by staff members who are the same sex as them. All searches will be witnessed by another member of staff who will be, where possible, the same sex as the pupil being searched.

Where a staff member is not the same sex as the pupil subject to a search, they will summon a staff member of the same sex as the pupil, where practicable.

A search will only be conducted by a person who is not the same sex as the pupil being searched, or without a witness, where:

- The staff member reasonably believes that there is a risk of serious harm if the search is not conducted immediately **and**;
- It is not reasonably practicable to summon another member of staff.

Under the exceptional circumstances outlined above, the member of staff conducting the search will consider that a pupil's expectation of privacy increases as they get older.

When a member of staff conducts a search without a witness, they will report the search immediately to another member of staff and ensure there is a record kept of the search.

Authorised staff members will ensure that an appropriate location on the school premises is used for searching. Where possible, this location will be away from other pupils. Searches will only be undertaken off school premises where the authorised staff member has lawful control of the pupil, e.g. on a school trip.

9. During the search

Definitions:

- **"Outer clothing"** – clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, e.g. hats, shoes, gloves.
- **"Possessions"** – any goods over which the pupil has or appears to have control, including desks, lockers and bags.

A pupil's possessions, their locker or desk will only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused if the search is not conducted immediately.

Staff will always remain aware that the power to search without consent **only** enables a personal search involving the removal of outer clothing and the searching of pockets, desks, lockers, etc. Staff will never conduct an intimate search, and remain aware that only a person with more extensive powers, i.e. a police officer, can conduct an intimate search.

If a pupil does not consent to a search or withdraws their consent, then they may be subject to a search without consent, but only for prohibited items.

10. After the search

Staff members will use their discretion to confiscate, retain and/or destroy any item found due to a search with the pupil's consent, so long as it is reasonable in the circumstances. Where any item is reasonably suspected to be an offensive weapon, it will be passed to the police.

Staff members will be legally protected from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Confiscation, retention and disposal of prohibited items

Staff members carrying out a search will be permitted to seize any item they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

When a staff member conducting a search finds:

- **Alcohol**, they will retain or dispose of the item as they see appropriate; the alcohol will not be returned to the pupil.
- **Controlled drugs**, they will deliver them to the police as soon as possible; however, they may also be disposed of if the staff member thinks there is a good reason to do so.
- **Other substances** which are not believed to be controlled drugs, they will confiscate them if they believe them to be detrimental to behaviour, discipline and safety.
- **Stolen items**, they will deliver these to the police as soon as possible or return them to the owner if they think there is a good reason to do so.
- **Tobacco, cigarette papers**, **vapes** they will retain or dispose of them; they will not be returned to the pupil.
- **Fireworks**, they will be retained or disposed of, but not returned to the pupil.
- A **pornographic image**, they will dispose of the image unless there are reasonable grounds to suspect that its possession constitutes a specified offence, i.e. the image is extreme or child pornography; in these cases, the staff member will deliver the image to the police as soon as possible.
- An item that has been, or is likely to be, **used to commit an offence or to cause personal injury or damage to property**, they will deliver the item to the police, return the item to the owner, or retain or dispose of the item.
- **Weapons or items which are evidence of an offence**, they will pass the item to the police as soon as possible.

It is at the discretion of authorised staff to decide whether there is a 'good reason' not to deliver stolen items or controlled drugs to the police. In determining what a good reason is, the member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the item.

Where the member of staff is unsure of the legal status of a substance and has reason to believe it may be a controlled drug, the item will be treated as such.

In relation to stolen items, the police will not be involved in dealing with low-value items, e.g. pencil cases; however, it may be appropriate for the school to contact the police if high-value items, e.g. laptops, or illegal items, e.g. fireworks, are involved.

Aftercare following a search

Pupils subject to a search will be provided with appropriate support, regardless of whether a prohibited item is found. Safeguarding processes will be followed where necessary, giving attention to the pupil's wellbeing. The DSL will be involved in any safeguarding processes.

Pupils subject to a search will always be given the opportunity to ask questions about the search and express their views following it.

Staff will give particular consideration to the wellbeing and safeguarding of any pupils and/or groups of pupils who have been subject to a search with unusual frequency. Where required, preventative approaches will be put in place in order to avoid harm to the identified pupil, or group of pupils', wellbeing.

11. Recording a search

All searches for prohibited items and those conducted by police officers will be recorded via the school's safeguarding systems.

Records of searches for prohibited items, both by staff and by the police, will include:

- The date, time and location of the search.
- The name of the pupil subject to the search.
- The name of the individual who conducted the search.
- The name of any other adults or pupils present during the search.
- The item being searched for.
- The reason for the search.
- Whether the item was found.
- Any other items found.
- What follow-up actions were taken as a consequence of the search.

12. Informing parents

The pupil's parents will be informed when a search of their child is conducted in order to recover prohibited items.

Complaints about searching, screening or confiscation will be managed via the school's complaints procedure, in line with the Complaints Policy.

13. Electronic devices

If an electronic device that is prohibited by the school rules or that is reasonably suspected to have been, or is likely to be, used to commit an offence or cause personal injury or damage to property is found during a search, the staff member is permitted to examine any data or files on the device where there is good reason to do so.

Parental consent is not required in order to search a pupil's electronic device if it has been seized in a search without consent.

Staff will consider whether an appropriate safeguarding response is required if they reasonably believe that any images, data or files found on a pupil's electronic device is likely to put others at risk. The staff member will involve the DSL immediately where this is the case.

Staff members have the authority to delete data or files if they believe there is a good reason to do so, unless the device is suspected to be relevant to an offence, or contains a pornographic image of a child or an extreme pornographic image. In these cases, files and data will not be deleted and the device will be given to the police.

It will be considered a good reason if the staff member reasonably suspects that the data or files on the device have been, or could be, used to cause harm, disrupt teaching or break the school rules.

Any electronic device that has been seized which is prohibited by the school rules, and there are reasonable grounds to suspect that it contains evidence relating to an offence, will be given to the police as soon as possible.

If a member of staff does not find any material they suspect is evidence in relation to an offence, and decides to not give the device to the police, they are permitted to decide whether it is appropriate to delete any files or data from the device or retain the device as evidence of a breach of school rules.

Indecent images of pupils

Staff will be aware that creating, possessing, and distributing indecent imagery of children is a criminal offence, regardless of whether the imagery is created, possessed, and distributed by the individual depicted; however, staff will ensure that pupils are not unnecessarily criminalised.

Where a member of staff becomes aware that an electronic device they are searching involves indecent images of a child, they will refer this to the DSL as soon as possible and will:

- Refrain from viewing, copying, printing, sharing, storing or saving the imagery.
- Confiscate the device and ensure it is securely stored.
- Inform the DSL immediately if they accidentally view an indecent image and seek support.
- Explain to the pupil being searched that the incident will need to be reported.
- Not blame or shame anyone involved, and reassure the pupil being searched that they can receive support from the DSL.
- Report the incident to the DSL.

The DSL will attempt to understand what the image contains **without viewing it** and the context surrounding its creation and distribution. They will categorise the incident into one of two categories:

- **"Aggravated"** – incidents which involve additional or abusive elements beyond the creation and distribution of indecent images of children, including where there is an adult involved, where there is an intent to harm the child depicted, or where the images are used recklessly.
- **"Experimental"** – incidents involving the creation and distribution of indecent images of children where there is no adult involvement or apparent intent to cause harm or embarrassment to the child.

For there to be a good and clear reason to view indecent imagery, the DSL will need to be satisfied that this action is:

- The only way to make a decision about whether to involve other agencies because it is not possible to establish the facts, e.g. the contents of the imagery, from the pupil(s) involved.

- Necessary to report it to a website, app or suitable reporting agency to have the image taken down, or to support the pupil or their parent in making a report.
- Unavoidable because the pupil has presented the image directly to a staff member or the image has been found on a school device or your school's network.

Where it is necessary to view the imagery, e.g. if this is the only way to make a decision about whether to inform other agencies, the DSL will:

- Never copy, print, share, store or save them as this is illegal – if this has already happened, they will contact the local police for advice and to explain the circumstances.
- Discuss the decision with the principal or a member of the SLT.
- Make sure viewing is undertaken by them (or a deputy) or another member of the safeguarding team with delegated authority from the principal or a member of the SLT.
- Make sure viewing takes place with another member of staff present in the room, ideally the principal or a member of the SLT. This staff member does not need to view the images.
- Wherever possible, make sure viewing takes place on the school premises, ideally in the principal's office or a member of the SLT's office.
- Make sure, wherever possible, that they are viewed by a staff member of the same sex as the pupil in the images.
- Record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the imagery was viewed and any subsequent actions.

Where the incident is categorised as 'aggravated', the situation will be managed in line with the school's Child Protection and Safeguarding Policy, and the police will be involved.

Where the incident is categorised as 'experimental', any pupils involved are supported to understand the implications of sharing indecent imagery and to move forward from the incident.

Where there is reason to believe that indecent imagery being circulated will cause harm to a pupil, the DSL escalates the incident to the appropriate children's social care services. Where indecent imagery of a pupil has been shared publicly, the DSL will work with the pupil to report the imagery to websites on which it has been shared and will reassure them of the support available.

14. Staff conduct

All staff members are expected to act in accordance with this policy. Any breach of this policy will be managed in line with the school's Disciplinary Policy and Procedure. Staff members who conduct searches without consent but are not authorised to do so will be managed in line with the Disciplinary Policy and Procedure. Under no circumstances will a member of staff conduct the strip search of a pupil.

Staff members will consider the age, needs and wellbeing of pupils at all times during searching and screening procedures.

15. Monitoring and review

This policy will be reviewed on an annual basis by the principal and proprietary body.

Any changes to this policy will be communicated to all members of staff, pupils and their parents.

The next scheduled review date for this policy is **August 2027**