



HALL GREEN SCHOOL

SCREEN, SEARCH AND CONFISCATION POLICY

Adopted:	29 September 2022
Next Review:	September 2024
Governing Committee:	Full Governing Body
Responsibility:	Assistant Headteacher/Pastoral

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Statement of Intent

Hall Green School appreciates that pupils have a 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.

However, the school also takes seriously its obligation under health and safety legislation 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 authorised staff members can screen and search pupils, particularly without consent. It also outlines the legal powers to seize and then confiscate items during a search.

Searching, screening and confiscation is conducted in line with the DfE's [latest guidance on searching, screening and confiscation](#).

Searches will only be carried out by a member of staff who has been authorised to do so by the Headteacher, or by the Headteacher themselves. There is no requirement to provide authorisation in writing.

'Authorised staff members' referred to throughout the policy include:

- Headteacher
- Deputy Headteachers
- Assistant Headteachers
- SENCO
- Senior Head of House
- Heads of Houses
- Assistant Heads of House
- Behaviour Support Assistants.

1. Legal Framework

1.1. This policy takes regard of the following legislation:

- Health and Safety at Work Act 1974.
- Education Act 1996.
- Education and Inspections Act 2006.
- The Schools (Specification and Disposal of Articles) Regulations 2012.
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012.
- European Convention on Human Rights.

1.2. It also has regard to the following pieces of government guidance and advice:

- DfE (2022) 'Searching, screening and confiscation'.
- DfE (2013) 'Use of reasonable force'.
- DfE (2022) 'Behaviour in schools: advice for Headteachers and school staff 2022 and discipline in schools'.

2. Training

- 2.1. When designating a member of staff to undertake searches under these powers, the Headteacher should consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

3. Prohibited and banned items

List of prohibited items that could incur search, confiscation and a sanction with the likelihood of permanent exclusion:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and paraphernalia
- Fireworks
- Pornographic images.
- Any article 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 to property.

List of banned items that could incur search, confiscation and a sanction, including permanent exclusion depending on the circumstances:

- Replica and BB guns
- Psychoactive substances, formerly known as ‘legal highs’
- E-cigarettes
- Vapes
- Laser pens
- High energy drinks
- Mobile phones (if used outside of the mobile phone policy – see Dress Code)
- Any item which causes a health and safety concern or disrupts learning

4. Screening

- 4.1. The statutory power of Hall Green School to make rules on pupil behaviour and its duty to manage the safety of staff members, pupils and visitors enables it to impose a requirement that pupils undergo screening.
- 4.2. The screening of pupils by a walk-through or hand-held metal detector is permitted, even if the school does not suspect them of having a weapon and it can be held without the consent of pupils.
- 4.3. If a pupil refuses to be screened, the school has the right to refuse to allow that pupil on the premises. This does not mean that the school has excluded that pupil and the pupil’s absence will be treated as unauthorised.

- 4.4. Screening without physical contact is not subject to the same conditions as those that apply to the powers to search without consent, in that the pupil should not be forced to undergo the screening without their consent.

5. Conducting a search

- 5.1 Hall Green School has the right to search pupils with their consent for any item. Formal written consent is not required. It is enough for the authorised member of staff to ask the pupil to turn out his/her pockets or look in the pupil's bag and for the pupil to agree.
- 5.2 The Headteacher can give authorisation to a member of staff to carry out a search or screen as required, for example, in the absence of an authorised member of staff in the statement of intent above, or where an authorised member of staff is not present, such as on a trip or residential.
- 5.3 The authorised member of staff will ensure the pupil understands the reason for the search and how it will be conducted.
- 5.4. All authorised members of staff have the authority to instruct a pupil to turn out his/her pockets or bag if it is suspected that the pupil has a banned item in his/her possession. If a pupil refuses, the teacher will apply the appropriate punishment as outlined in the School Behaviour Policy.
- 5.5. A pupil's refusal to cooperate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff. The appropriate disciplinary penalty will be applied with due regard for the level of risk the refusal to comply poses.
- 5.6. Where an authorised member of staff has asked a pupil to comply with a search with consent, and the pupil has declined, the member of staff should refer the pupil to a Senior member of staff or the Designated Safeguarding Lead with authority to carry out a search without consent where the authorised member of staff has reasonable grounds to believe the pupil is in possession of a banned or prohibited item.
- 5.7. Authorised members of staff conducting a search on a pupil must be the same sex as the pupil being searched and there must be a witness (also a staff member) and, if possible, the witness should be the same sex as the pupil being searched.
- 5.8 Authorised members of staff can search a pupil of the opposite sex only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately **and**
- 5.9 In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the pupil; **or**
- 5.10 It is not reasonably practicable for the search to be carried out in the presence of another member of staff
- 5.11 Authorised members of staff can search a pupil without a witness present only where there is reasonable cause to suspect that there is a risk of serious harm to a person if a search is not conducted immediately. On these occasions, the staff member must

immediately report this to a member of the Senior Leadership Team, and ensure a record of the search is kept in line with the school policy on recording all searches.

6. Searching without consent

- 6.1. Authorised staff members (see statement of intent above) can undertake a search without consent if there are reasonable grounds to suspect that a pupil is in possession of a banned or prohibited item, as outlined in section 3 of this policy.
- 6.2. Authorised staff members can view CCTV footage to inform their decision as to whether to conduct a search for a prohibited item.
- 6.3. Authorised staff members (see statement of intent above) can undertake a search of a pupil's belongings without consent and in their absence if there are reasonable grounds to suspect that a prohibited item (as outlined in section 3 of this policy) is in their belongings.
- 6.4. Reasonable force may be used by an authorised member of staff to search for any prohibited items identified in section 3, but may not use force to search for items banned only under school rules.
- 6.5. The decision to use reasonable force will be made on a case-by-case basis. The member of staff will consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.
- 6.6. The power to search without consent enables a personal search, involving removal of outer clothing and the searching of pockets, bags, possessions, desks, or lockers but not an intimate search going further than that, which only a person with more extensive powers (i.e. a police officer) can do.
- 6.7. Outer clothing means clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, but includes hats, shoes, boots, gloves and scarves.

7. Location

- 7.1. An appropriate location for the search should be found. Where possible, this will be away from other pupils.
- 7.2. The search will only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example, on a school trip.

8. After the search

- 8.1. Authorised members of staff 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.

8.2. Prohibited or illegal items

8.2.1 Controlled drugs, and other substances if believed to be harmful, will be delivered to the police as soon as possible unless there is good reason not to do so.

8.2.2 Alcohol, tobacco, cigarette papers and fireworks will be retained or disposed as appropriate, but never returned to the pupil.

8.2.3 If a staff member finds a pornographic image, this will be disposed of unless they have reasonable grounds to suspect that its possession constitutes a specified offence in which case it will be delivered to the police as soon as reasonably practicable.

8.2.4 Stolen items will be delivered to the police as soon as is reasonably practicable. However, if there is good reason to do so, the item may be returned to the owner, or retain or dispose of it if returning them to their owner is not practicable.

8.2.5 Weapons or items which are evidence of a suspected offence will be passed to the police as soon as possible.

8.2.6 Members of staff will use their judgment to decide to return, retain, or dispose of any items banned under the school rules. In these circumstances, staff will consider:

- The value of the item
- Whether it is appropriate to return the item to the pupil or parent
- Whether the item is likely to continue to disrupt the learning or the calm, safe and supportive environment of the school.

8.3 Electronic devices

8.3.1 Staff may examine any data or files on an electronic device they have confiscated as a result of a search if there is good reason to do so.

8.3.2 If the member of staff suspects they may find an indecent image of a child they should never intentionally view, copy, print, share, store, or save the image. In these cases, the item will be confiscated and the matter referred to the Designated Safeguarding Lead immediately.

8.3.3 If a member of staff finds any image, data, or file they suspects might constitute a specified offence, this will be delivered to the police as soon as is reasonably practicable.

8.3.4 In exceptional circumstances the image or data may be disposed of if there is good reason to do so.

9. Strip searches

- 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 in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).
- 9.2 The decision to undertake the strip search itself and its conduct are police matters but school will advocate for pupil wellbeing throughout.
- 9.3 Before calling the police into school, senior staff will 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. The Designated Safeguarding Lead will be involved in the decision except in exceptional cases e.g. if the DSL is not immediately available and this would delay the process.
- 9.4 Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.
- 9.5 Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least 1 of the pupil's parents to inform them that the police are going to strip search the pupil before strip search takes place, and ask them if they would like to come into school to act as the pupil's appropriate adult. If the school can't get in touch with the parents, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for the role of the appropriate adult).
- 9.6 The pupil's parents will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises, and monitor them for any trends that emerge.
- 9.7 For any strip search that involves exposure of intimate body parts, there will be at least 2 people present other than the pupil, except in urgent cases where there is risk of serious harm to the pupil or others.
- 9.8 One of the 2 people present must be the appropriate adult, except if:
 - The pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search, **and**
 - The appropriate adult agrees

If this is the case, a record will be made of the pupil's decision and it will be signed by the appropriate adult.

- 9.9 No more than 2 people other than the pupil and appropriate adult will be present, except in the most exceptional circumstances.
- 9.10 The appropriate adult will:
 - Act to safeguard the rights, entitlement and welfare of the pupil
 - Not be a police officer or otherwise associated with the police

- Be of the same sex as the pupil, unless the pupil specifically requests an adult who is not of the same sex
- Be a member of the senior or welfare team, except in exceptional cases when the pupil specifically requests an adult not in these teams. Consideration will then be given as to whether the named staff member has the appropriate experience to be the appropriate adult.

9.11 Except for an appropriate adult of a different sex if the pupil specifically requests it, no one of a different sex will be permitted to be present and the search will not be carried out anywhere where the pupil could be seen by anyone else.

Care after a strip search

9.12 After any strip search, the pupil will be given appropriate support, irrespective of whether any suspected item is found. The pupil will also be given the opportunity to express their views about the strip search and the events surrounding it.

9.13 As with other searches, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

9.14 Staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL) at the earliest opportunity. The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.

9.15 Any pupil(s) who have been strip searched more than once and/or groups of pupils who may be more likely to be subject to strip searching will be given particular consideration, and staff will consider any preventative approaches that can be taken.

10. Liability

10.1 The school's general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

10.2 The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

11. Monitoring/reporting

11.1 Any search by a member of staff for a prohibited item (see section 3) and all searches conducted by police officers will be recorded in the school's safeguarding system, including whether an item is found.

11.2 The following details will be recorded:

- 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
- What items, if any, were found
- What follow up action was taken as a consequence of the search.

11.3 As part of their on-going analysis of behaviour data, the school will consider whether the searches fall disproportionately on any particular groups of pupils.

12. Parental communication

12.1. Hall Green School is not required to inform parents before a search takes place or to seek their consent to search their child.

12.2. Hall Green School will inform the individual pupil's parents/carers where alcohol, illegal drugs or potentially harmful substances are found, though this is not a legal obligation.

12.3. Parents will be informed if their children have been the subject of a search in school where a prohibited item was suspected to be in their child's possession, whether or not any items were found.

12.4. The decision to inform parents of a search for a banned item will be made on a case-by-case basis.

13. Enforcement

13.1. Hall Green School expects all staff members to use their screen and search powers in accordance with the provisions of this policy.

13.2. Staff members that abuse these powers will be subject to the appropriate disciplinary action.

14. Complaints

14.1. Complaints about screening or searching should be dealt with through the school's normal complaints procedure.

15. Policy circulation

15.1. This policy will be circulated to every staff member.

15.2. This policy will be included in the publication scheme on the school's website and will be made available to the public.

16. Policy review

16.1. This policy is reviewed every two years by the Assistant Headteacher with responsibility for pastoral care and the Headteacher.