



Searching, Screening and Confiscation Policy 2023-24

Kingsdale Foundation School fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children.

This policy is a whole school policy and applies to all students. Care and consideration will be given to the age of the child when following the guidance in this policy.

This policy applies to all staff, volunteers, and contractors, paid and unpaid, working in the school including governors.

This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 which can be accessed here [latest guidance on searching, screening and confiscation](#).

The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010

Confiscation

Any prohibited items (listed below) found in a student's possession as a result of a search will be confiscated. These items will not be returned to the student.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to students after discussion with senior leaders and parents, if appropriate.

A list of prohibited items includes:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- 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 the property of, any person (including the student)

Searching a student

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, or in the absence of the headteacher, a deputy headteacher or duly nominated deputy.

Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the student, and there will be another member of staff present as a witness to the search.

An authorised member of staff of a different sex to the student can carry out a search without another member of staff as a witness if:

- The authorised 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 the same sex as the student; **or**
- It is not reasonably practicable for the search to be carried out in the presence of another member of staff

When an authorised member of staff conducts a search without a witness they should immediately report this to the Designated Safeguarding Lead and ensure a written record of the search is kept.

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the headteacher, a deputy headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the student. During this time the student will be supervised and kept away from other students.

A search can be carried out if the authorised 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.

An appropriate location for the search will be found. Where possible, this will be away from other students.

The search will only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other students or staff at risk
- Consider whether the search would pose a safeguarding risk to the student
- Explain to the student why they are being searched
- Explain to the student what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf, or if an electronic device, such as a wand will be used
- Explain how and where the search will be carried out
- Give the student the opportunity to ask questions
- Seek the student's co-operation. School staff can search a student if any item of the student agrees. The school will consider the age of the child when considering consent.

It is sufficient for an authorised member of staff to ask the student to turn out their pockets or if the member of staff can look in the student's bag, locker etc. and for the student to agree. Written consent from the child is not required.

Authorised school staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

If the student refuses to agree to a search, the member of staff can give an appropriate behaviour sanction. Consideration will always be given to any identified or unidentified special educational need that a student may have when making this determination.

If they still refuse to co-operate, the member of staff will contact the Headteacher or in the headteacher's absence, the deputy headteacher, to try and determine why the student is refusing to comply.

The authorised member of staff may use a metal detector (wand) to assist with the search.

An authorised member of staff may search a student's outer clothing, pockets, possessions, desks or lockers.

Outer clothing includes:

- Any item of clothing that is not worn immediately over a garment that is being worn wholly next to the skin or being worn as underwear (e.g. a jumper or jacket being worn over a t-shirt)
- Hats, scarves, gloves, shoes, boots

Searching students' possessions

Possessions means any items that the student has or appears to have control of, including:

- Desks
- Lockers

➤ Bags

A student's possessions can be searched for any item if the student agrees to the search. If the student does not agree to the search, staff can still carry out a search for prohibited items (listed above) and items identified in the school rules. It is noted that the school will always seek to engage with the student to obtain consent as a starting point.

An authorised member of staff can search a student's possessions when the student and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

In extremely rare instances where it is deemed that the safety of the school site and individuals within it may be at serious risk, the authorised member of staff may decide whether to use reasonable force to search the student. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder. It is noted that Kingsdale Foundation School considers this aspect of the legal powers bestowed on the school to be a last resort. A starting point shall be that consent is always preferred, including recourse to parents and guardians as required.

The authorised member of staff can use reasonable force to search for any prohibited items identified above, but not to search for items that are only identified in the school rules.

Informing the designated safeguarding lead (DSL)

The authorised staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed above
- If they believe that a search has revealed a safeguarding risk

All searches for prohibited items (listed above), including incidents where no items were found, will be recorded in the school's safeguarding system.

Follow-Up Actions

As part of a search or otherwise, an authorised staff member carrying out a search can 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 for which a search can be made
- Is evidence in relation to an offence

Where a search reveals the possession of a prohibited item on person or in the possession/s of a student, the headteacher, or in the absence of the Headteacher, a deputy headteacher, must be informed immediately. It is noted that the school's policy is to work closely and share information with our allocated School Liaison Police Officer, including the outcomes of searches which reveal the existence of prohibited or illegal items.

Any controlled drugs identified as part of a search or otherwise will be delivered to the school's Police Liaison Officer as soon as practicable, unless there is good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. In determining whether there is good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance issued below by the Secretary of State:

"The member of staff should take into account all relevant circumstances and use their professional judgment to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police."

Other substances which are not believed to be controlled would also normally be delivered to the police or disposed of above if the member of staff believes they could be harmful.

Where a person conducting a search finds alcohol, tobacco, cigarette papers or fireworks, these may be retained or disposed of as appropriate, but will not be returned to the student. The school will then apply

an appropriate sanction in line with our published Behaviour Policy. The school reserves the right to discuss the outcome of the search with our School Police Liaison Officer as required.

Where a person conducting a search finds a pornographic image, they may dispose of the image unless they 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 (usually via the school's Police Liaison Officer) as soon as practicable. Members of staff should never intentionally view any incident images of a child (also known as nude or semi-nude images).

Where a person conducting a search or a staff member more generally, finds stolen items, these will be delivered to the police (usually through the school Liaison Officer) as soon as practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to the owner is not practicable. In making this determination, the member of staff will have regards to Paragraph 64 of the document Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 ([latest guidance on searching, screening and confiscation](#))

Where a person conducting a search or a staff member more generally, finds any weapon or items which are evidence of a suspected offence, these will be passed to the police as soon as possible, usually via the school's Liaison Officer.

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, retained or disposed of. In making this determination, the member of staff will have regards to Paragraphs 67 & 68 of the document Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 ([latest guidance on searching, screening and confiscation](#))

Where a person conducting a search or a staff member more generally suspects a confiscated item has been used to commit an offence, or is evidence in relation to an offence, the item should be delivered to police, usually via the school's Liaison Officer.

Members of staff will always use their judgement in conjunction with school policy, to decide to return, retain or dispose of any other items banned under the school rules. In doing so, the member of staff will have regards to Paragraph 70 of the document Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 ([latest guidance on searching, screening and confiscation](#))

Electronic Devices

Unauthorised mobile phones and other electronic devices not issued by the school are considered to be banned items under the school rules and may be confiscated if seen by a member of staff. A refusal by a student to comply in handing over any banned item when requested by a member of staff, including a mobile phone, will be dealt with under the terms of the school's Behaviour Policy.

Confiscated mobile phones may be returned to the student at the end of the school day at the discretion of the confiscating member of staff, although the school reserves the right to require parents to collect the device at a mutually convenient time before it is returned. This would usually be the case for a repeat offence.

Staff may examine any data or files on an electronic device that has been confiscated, as a result of a search or otherwise, if there is good reason to do so. The member of staff conducting the search must be duly authorized by the headteacher, or in their absence, a deputy headteacher/Designated Safeguarding Lead.

Staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonable suspect are likely to put a person at risk.

If the member of staff conducting the search suspects they may find an indecent image of a child, the member of staff should never intentionally view the image and must never copy, print, share, store or save such an image. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the Headteacher/Designated Safeguarding Lead as the most appropriate person to advise on the school's response. The school will follow the principles as set out in Keeping Children Safe in Education (KCSIE) in regards to next steps.

Where a staff member finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police, usually via the school's Police Liaison Officer, as soon as practicable.

In exceptional circumstances, the member of staff, with appropriate authorization from the school, may dispose of the image or data if there is good reason to do so. In making such a determination, the member

of staff will have regards to Paragraphs 78 & 79 of the document Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 ([latest guidance on searching, screening and confiscation](#))

Please note that the school's general power to discipline enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.

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

Informing parents

There is no requirement for the school to inform parents before a search.

Parents will usually be informed of any search for a prohibited item (listed above) and the outcome. A member of staff will tell the parents as soon as is reasonably practicable. Information shared with the parents will usually include:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the school has taken, including any sanctions that have been applied to their child

Support after a search

Irrespective of whether any items are found as the result of any search, the school will consider whether the student may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

Strip searches

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).

The school's starting position that this recourse would usually be the absolute last resort and is not a desirable or in virtually all cases, a required, course of action.

In any instance where such recourse is considered to be required in order to safeguard an individual or the wider school, the procedures laid out in paragraphs 35 – 43 of the document Searching, Screening and Confiscation: Advice for Schools, DfE July 2022 ([latest guidance on searching, screening and confiscation](#)) will be followed.

This policy will be reviewed annually.