

Screening, Searching and Confiscation Policy

September 2024

‘Because Children Deserve Better’

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1. Aims

Ensuring school staff and learners feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure learner and staff welfare is protected and helps schools establish an environment where everyone is safe. This policy aims to provide a framework in which Pivot provisions will meet this obligation by outlining the circumstances in which learners can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

2. Legislation and Guidance

This policy is based on advice from the following:

- DfE [Behaviour in schools](#) July 2022
- [The Equality Act 2010](#).
- Education and Inspections Act 2006
- Education Act 1996
- DfE Searching, Screening and Confiscation: Advice for Schools July 2022
- Schedule 1 of the [Education \(Independent School Standards\) Regulations 2014](#); paragraph 7 outlines a school's duty to safeguard and promote the welfare of children, paragraph 16 outlines the duty in relation to risk
- Section 41 of the Children & Families Act 2014
- Section 3 of the Health and Safety at Work etc Act 1974
- The schools (Specification and Disposal of Articles) Regulations 2012

3. Roles and Responsibilities

The Headteacher will be responsible for:

- Authorising members of staff to search learners.
- Ensuring the procedures in this policy are implemented consistently across the school.
- Overseeing the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all learners and staff with support from the designated safeguarding lead.
- Ensuring that a sufficient number of staff are appropriately trained in how to lawfully and safely search a learner who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.
- Reviewing this policy, with other senior Pivot staff 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 learners subject to a search.
- Considering the circumstances of the learner who has been searched to assess the incident against potential wider safeguarding concerns.

Staff members will be responsible for:

- Acting in line with this policy when screening or searching learners or confiscating items.
- Informing the DSL of any searching incidents where the member of staff had reasonable grounds to suspect a learner was in possession of a prohibited item as listed in this policy.
- Involving the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

4. Screening

Screening can help provide reassurance to learners, staff and parents that the school is taking measures to create a calm, safe and supportive environment. Under our statutory power to make rules on learner behaviour and the duty to manage the safety of staff, learners and visitors, Pivot imposes a requirement that learners undergo screening when entering our school premises. Our rules regarding screening are:

- All members of staff have the authority to screen learners.
- The screening of learners by a hand-held metal detector without their consent is permitted, even if it is not suspected that they are in possession of a weapon.
- If a learner refuses to be screened, the school has the right to refuse to allow that learner on the premises. This does not mean that the school has suspended that learner and the learner's absence will be treated as unauthorised.
- Screening without physical contact is not subject to the same conditions as those that apply to the powers to search without consent.
- Where a learner has a disability staff, in consultation with the SENDCo, should make any reasonable adjustments to complete the screening process that may be required.
- If a learner refuses to be screened, the member of staff should consider why the learner is not co-operating and make an assessment of whether it is necessary for authorised staff to carry out a search. See section 5 for more information on when a learner refuses a search, including sanctioning.

5. Searching

Pivot staff have, under common law, the power to search a learner for any item if the learner agrees. The member of staff should ensure the learner understands the reason for the search and how it will be conducted so that their agreement is informed. The school is not required to have formal written consent from the learner for this type of search, it is enough for the member of staff to ask the learner to turn out their pockets or if the member of staff can look in the learner's bag, desk or locker and for the learner to agree. The member of staff must be satisfied that the learner is capable of understanding the request and take into account any SEN the learner may have when making the request. If the learner refuses to co-operate with such a search this could result in appropriate consequences as identified in the behaviour policy.

The Headteacher and staff they authorise (see notices on each site) have a statutory power

to search a learner or their possessions where they have reasonable grounds to suspect that the learner may have a prohibited item or any other item that the school has banned and identified as an item which may be searched for.

The list of prohibited items in schools is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- 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 learner).
- tobacco and cigarette papers (This does not include e-cigarettes or vapes – see banned items)
- fireworks; and
- pornographic images.

The list of banned items in school that can be searched for is:

- e-cigarettes or vapes;
- lighters;
- legal highs;
- fizzy drinks; and
- mobile phones.

Before Searching

Before carrying out a search members of staff must:

- Have reasonable grounds for suspecting that the learner 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 learner has agreed.
- Make an assessment of how urgent the need for a search is and should consider the risk to other learners and staff.
- Explain to the learner why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.
- Seek the co-operation of the learner before conducting a search. If the learner is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:
 - are 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 of being searched.
- If a learner continues to refuse to co-operate, consider the need to sanction the learner in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.
- If the member of staff still considers a search to be necessary, but is not required

urgently, seek the advice of the headteacher, DSL or P&WL who may have more information about the learner. During this time the learner should be supervised and kept away from other learners.

- If the learner still refuses to co-operate, assess whether it is appropriate to use reasonable force to conduct the search. They can use such force as is reasonable to search for any prohibited items, but not to search for items which are identified only in this school policy as banned items. The decision to use reasonable force should be made on a case-by-case basis. Staff should consider whether conducting the search will prevent the learner harming themselves or others, damaging property or from causing disorder. This use of reasonable force will differ depending on whether the member of staff is searching possessions or the learner themselves.

During a Search

If a member of staff has grounds to search a learner, they will:

- Find an appropriate location for the search. Where possible, this should be away from other learners. The search must only take place on the school premises or where the member of staff has lawful control or charge of the learner, for example on a school trip.
- Ensure the member of staff conducting the search to be of the same sex as the learner being searched. There must be another member of staff present as a witness to the search. Search a learner's outer clothing, pockets, possessions, desks or lockers only ('Possessions' means any goods over which the learner has or appears to have control - this includes bags).
- They must not require the learner to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over underwear, as well as hats, shoes, boots or scarves. Conduct the search in the presence of the learner and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately.
- Use a metal detector to assist with the search if appropriate.
- **Not conduct a strip search.** This can only be conducted by the police with an appropriate adult present to safeguard the learner. This would normally be the learner's keyworker, the DSL or a senior leader if the search was conducted on school grounds. Before calling police into school, staff should assess and balance the risk of a potential strip search on the learner's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should 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. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the learner(s) involved. (See DfE Searching, Screening and Confiscation: Advice for Schools July 2022 for further advice on strip searches)

After a Search

It is important that staff consider what will happen after a search has been conducted. Staff must:

- Record the search on the appropriate form (appendix 1) and attach it to a CPOMS entry;
- If a prohibited item is found, inform the DSL as soon as possible and follow the school behaviour policy relating to consequences for the behaviour. If the search was for a prohibited item, inform the parents including the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any consequences

applied.

6. Confiscation

Staff can confiscate, retain or dispose of a learner's property as a disciplinary penalty, where reasonable to do so. This will always be discussed with a senior leader before an item is disposed of. 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.

If an item is found as a result of a search staff can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or learners;
- is prohibited, or identified in the school rules for which a search can be made (see section 5); or
- is evidence in relation to an offence.

Seized Items

- Prohibited items listed in section 5 should not be returned to learners following a search. Please refer to DfE Searching, Screening and Confiscation: Advice for Schools July 2022 for further advice on what to do with each item.
- Staff should return any other items banned under the school rules at the end of the school day to either the learner, or their parents/carers. If a parent or carer cannot collect the item that day, it should be retained in the school office in a locked cabinet until it is collected.

Electronic Devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour. If a member of staff suspects the device confiscated contains such a file or data they:

- may examine any data or files on an electronic device they have confiscated as a result of a search;
could suspect they may find an indecent image of a child (sometimes known as nude or semi-nude images), staff **should never intentionally** view the image, and **must never** copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should avoid looking at the device and refer the incident to the DSL (or deputy) as the most appropriate person to advise on the school's response;
- may suspect an image, data or file on the device might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable;
- In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a '**good reason**' to examine or erase the data or files, staff must have regard to the guidance in DfE Searching, Screening and Confiscation: Advice for Schools July 2022 paragraphs 78 and 79.

Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

7. Linked Policies

This behaviour policy is linked to the following policies:

- Behaviour Policy
- Safeguarding and Child Protection Policy
- Anti-Bullying Policy
- Physical Interventions and Restraints Policy
- Complaints Procedure

8. Appendix 1

Search Recording Form			
Seen by DSL (initials):		Date:	
Learner's name:		Date:	
Location:		Time:	
Staff conducting the search:			
Witnesses:			
Item/s being searched for:			
Reason for search:			
Item/s found:			
Follow up actions;			
Items confiscated:		Yes / No	Referred to DSL for support:
Items passed to the Police:		Yes / No	Parents informed:
			Yes / No
Behaviour consequence given:			
Other (please specify):			
Signature (staff member):		Date:	