



Searching & Confiscation Policy

2023-24

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Searching and Confiscation Policy

Broughton Jewish Primary School fully recognises the responsibility it has under section 175/157 of the Education Act to have arrangements in place to safeguard and promote the welfare of children.

This policy is a whole school policy which aims to provide a clear transparent policy that will allow members of staff, volunteers, and pupils to understand roles and responsibilities around search and confiscation. The policy explains the searching, and confiscating powers our school has, ensuring the Headteacher and members of staff have the confidence to use these powers to maintain a calm, safe and supportive environment to learn and work.

This policy applies to all staff, governors, volunteers, and contractors, paid and unpaid, working in the school. It also applies to all pupils including those in the EYFS. Care and consideration will be given to the age of the child when following the guidance in this policy.

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

Searching and confiscation is conducted in line with the DfE's latest guidance on [Searching, screening and confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Headteachers and the staff they authorise 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 that the school rules identify in the Behaviour Policy as an item which may be searched for.

Any prohibited items found in a pupil's possession as a result of a search will be confiscated. These items will not be returned to the pupil.

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Inappropriate images
- Any article a staff member 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 pupil)

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

The role of the headteacher, the designated safeguarding lead and authorised members of staff

Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search. The Headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy.

The Headteacher will oversee 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 pupils and staff with support from the designated safeguarding lead (or deputy).

The Headteacher will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises.

All staff will understand their rights and the rights of the pupil who is being searched.

The designated safeguarding lead (or deputy) will be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. The staff member will involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (As set out in part 1 of Keeping Children Safe in Education). The designated safeguarding lead (or deputy) will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Establishing grounds for a search

Before conducting a search of a pupil, the school will consider their obligations under the European Convention on Human Rights. Under Article 8. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy."

The powers to search in the Education Act 1996 are compatible with Article 8.

Authorised staff can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

There should always be two staff available for a search and one of them should be the same sex as the pupil. However, in the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older.

The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

School staff can view CCTV footage in order to decide as to whether to conduct a search for an item. Searches without consent can 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 school trips in England or in training settings.

Dealing with Electronic Devices (statutory guidance)

- Where the person conducting the search finds an electronic device, they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a “good reason” for examining or erasing the contents of an electronic device:
- In determining a ‘good reason’ to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to go against the expectation in the school’s Behaviour Policy.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Searching a pupil

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.

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

In exceptional circumstances, an authorised member of staff of a different sex to the pupil 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 pupil; 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 another member of staff 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 or the designated safeguarding lead (or deputy) who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the pupil 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 pupil has agreed.

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

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 pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions
- Seek the pupil's co-operation

If they still refuse to co-operate, the member of staff will contact the select appropriate [headteacher / designated safeguarding lead (or deputy) to try and determine why the pupil is refusing to comply.

The authorised member of staff will then decide whether to use reasonable force to search the pupil. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items identified on page 1.

Use of force

Headteachers and authorised members of staff can also use reasonable force to conduct a search for objects prohibited by law, including illegal drugs, stolen goods, alcohol and knives. However, force cannot be used to search for items only banned under the school rules.

- See [Use of reasonable force in schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and the [Physical Restraint and Use of Reasonable Force Policy](#)

An authorised member of staff may search a pupil'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, scarves
- Consideration will be given to clothing worn for religious reasons

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

- Desks
- Lockers
- Bags

Searching pupil's possessions

A pupil's possessions can be searched for any item if the pupil agrees to the search. If the pupil does not agree to the search, staff can still carry out a search for prohibited items and items identified in the school rules.

An authorised member of staff can search a pupil's possessions when the pupil 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.

Informing the designated safeguarding lead (DSL)

The 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 pupil was in possession of a prohibited item
- If they believe that a search has revealed a safeguarding risk

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

Informing parents

Parents will always be informed of any search for a prohibited item. A member of staff will tell the parents as soon as is reasonably practicable:

- 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

In certain situations where a child does not comply, parents may be called in to support the search.

Support after a search

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil 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 referral or a referral to children's social care is appropriate.

Strip searches

A strip search is a search involving the removal of more than outer clothing.

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 under [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344222/Police_and_Criminal_Evidence_Act_1984_PACE_codes_of_practice.pdf) and in accordance with the [PACE Code C 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344222/Police_and_Criminal_Evidence_Act_1984_PACE_codes_of_practice.pdf)

Before calling the police into school, 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.

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.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. **The school will advocate for the safety and wellbeing of the pupil(s) involved. Staff retain a duty of care to the pupil involved and should advocate for pupil wellbeing at all times.**

Communication

Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least one 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 is unable to contact 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).

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.

Who will be present?

For any strip search that involves exposure of intimate body parts, this must be carried out by a police officer. 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.

One of these 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.

No more than 2 people other than the pupil and appropriate adult will be present, except in the most exceptional circumstances.

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

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.

Record Keeping

Any search by a member of staff for a prohibited item and all searches conducted by police officers will be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members will follow the school policy in these cases.

The record of the search will include

- the date, time and location of the search
- The name and date of birth of the pupil who was searched
- who conducted the search and any other adults or pupils who were present
- what was being searched for
- the reason for searching
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search

Care after a strip search

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.

As with other searches, 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).

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

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.