

West Park School



**Searching, Screening and
Confiscation Policy**

Review Date: June 2025

1. Introduction

1.1. Safety and Welfare

- 1.1.1. The central aim of this policy is to enable the school to carry out its duties to safeguard and promote the welfare of children by ensuring that disruptive, dangerous or illegal items are removed from children and dealt with safely and lawfully.
- 1.1.2. This policy forms part of the school's whole school approach to promoting the safeguarding and wellbeing of children. It seeks to ensure that the best interests of the child underpins, and is at the heart of all decisions, systems, processes and policies.
- 1.1.3. The school also has a duty, under the Health and Safety at Work Act, to ensure all adults in the school are safe and their welfare is promoted and protected.
- 1.1.4. This policy aims to ensure that staff, children and parents understand what will happen to confiscated items and to discourage children from bringing such items into the school or onto school trips.
- 1.1.5. The policy also aims to ensure staff, children and parents understand when the school will request support from other agencies e.g. statutory safeguarding partners, police, health service, social care.
- 1.1.6. Where 'parent' is used in this policy this should be taken to include guardian or carer.

2. Equality, diversity and inclusion

- 2.1. This policy seeks to ensure that all children and adults are treated with respect in line with the Equality Act and learning from the Child Q child safeguarding practice review:

[Child-Q-PUBLISHED-14-March-22.pdf \(chscp.org.uk\)](#)

2.2. Legislative framework

- Coroners and Justice Act 2009
- Police and Criminal Evidence Act (PACE) 1984 Codes A+ C
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- Equality Act 2010

2.3. Statutory guidance

- DfE Searching Screening and Confiscation: Advice for Schools
- KCSIE 2024
Working Together to Safeguard Children
- The SEND Code of Practice 2014
- Use of Reasonable Force: Advice for headteachers, staff and governing bodies July 2013

2.4. Associated school policies

- Safeguarding
- Behaviour and Discipline
- Whistleblowing

3. Prohibited and banned items

3.1. Prohibited items

3.1.1. The following are "prohibited items" under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):

- knives or weapons, alcohol, illegal drugs and stolen items;
- tobacco and cigarette papers, fireworks (including bangers/fun snaps) and 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 the property of, any person (including the child)

3.2. Banned items

3.2.1. The school has identified the following as banned items as it reasonably believes them to be likely to cause harm or disruption.

- Vapes and electronic cigarettes
- Lighters and matches
- Mobile phones

3.2.2. Children must not have these items in their possession on school premises at any time when they are under the lawful charge and control of the school staff e.g. external visits/trips.

4. Conducting searches for prohibited or banned items

4.1. A search can be considered if:

4.1.1. the child has consented to the search; or

4.1.2. a member of staff has reasonable grounds for suspecting that the child is in possession of:

- a prohibited item or
- any item in the school behaviour policy for which a search can be made (banned items).

4.2. A member of staff may search a child's outer clothing, pockets, possessions, desks or lockers or accommodation if on a school trip.

4.3. Clothing

4.3.1. Staff must not require the child to remove any clothing other than outer clothing.

4.3.2. Items which should not be removed:

- any item of clothing that is worn directly next to the skin
- any item of clothing worn directly over underwear

4.3.3. Professional judgement must be exercised where removing outer garments would cause humiliation or distress to a child. Reasonable adjustments should be considered.

4.4. Possessions

4.4.1. Possessions are any items over which the child has or appears to have control. This includes desks, lockers and bags.

4.4.2. Possessions can be searched for prohibited or banned items without consent.

4.4.3. Possessions can otherwise be searched for any item with the child's consent.

4.5. Reasonable grounds

Reasonable grounds for search include:

- a child is heard talking about an item
- a staff member is told directly about an item
- a staff member sees an item
- a staff member notices a child behaving in a way that causes suspicion that the child is concealing an item; or
- any other situation where a member of staff is of the reasonable opinion that a child is in possession of a banned item or a prohibited item

4.6. Making the decision to search for prohibited or banned items

- 4.6.1. An assessment of whether there are reasonable grounds to conduct a search should be made.
- 4.6.2. Additionally, an assessment should also be made as to how urgent the search is and the level of risk to other children and staff.
- 4.6.3. Consideration of Article 8 of the European Convention on Human Rights -the right to respect for private life should be made. Children have a right to expect a reasonable level of personal privacy see page 6 [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 4.6.4. The authorised member of staff should always seek the cooperation of the child, using de-escalation techniques where necessary.
- 4.6.5. Reasonable adjustments should be made for children with SEND, vulnerable children or children who have had a previous distressing experience of being searched
- 4.6.6. A child's possessions can only be searched in the presence of the child 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 and where it is not reasonably practical to summon another member of staff.

4.7. Where should a search take place?

- 4.7.1. An appropriate location for the search should be found. Where possible this should be away from other children. The search must only take place on the school premises or where the member of staff has lawful control or charge of the child (e.g., on a school trip).

4.8. Who can search?

- 4.8.1. Only the Head and staff authorised by the Head may carry out searches for prohibited and banned items. Searches may only be carried out by staff members of the same sex as the child to be searched.
- 4.8.2. There must be another authorised member of staff present as a witness to the search
- 4.8.3. Two members of staff will be present when the search is conducted. One of which will be the same sex as the pupil.
- 4.8.4. List of staff members authorised for searches:
 - Leadership Team, Safeguarding Team and Pastoral Team.

4.9. How to gain informed consent

- 4.9.1. Before conducting a search explain to the child:

- why a search is being carried out
- how the search will happen
- where the search will take place

4.9.2. Where possible offer a trusted adult from school staff to support the child, particularly if the child has communication, SEMH difficulties or other vulnerabilities which are barriers to understanding.

4.9.3. Time must be given to the child to ask questions about the search.

4.10. If a child refuses for a search to take place

4.10.1. If the child is unwilling to cooperate with the search, the authorised member of staff must give consideration as to the reasons why this might be. Reasons might include:

- they are in possession of a prohibited item
- they do not understand the instruction
- they are unaware of what a search may involve; or
- they have had previous distressing experience of being searched

4.11.

Request support from the police (if there are reasonable grounds for suspecting possession of weapons, illegal drugs, or there is an immediate life-threatening risk to the child or others).

4.12. When to call the police

4.12.1. The Head, or those authorised by the Head will follow the guidelines as set out in the document 'When to call the police', issued by The Police Chief's Council:

[When to call police guidance for schools and colleges.pdf \(npcc.police.uk\)](https://www.npcc.police.uk/when-to-call-police-guidance-for-schools-and-colleges.pdf)

4.12.2. The DSL must be informed if the police are being called and will refer the child to other services as appropriate i.e. children's social care

4.13. Use of reasonable force when searching for prohibited items

4.13.1. For the avoidance of doubt, reasonable force must only be used in the search for items on the prohibited list. (see 4.14 below). Reasonable force must not be used to search for banned items (see 3.2 above).

4.14. Prohibited items

(a) knives or weapons, alcohol, illegal drugs and stolen items;

(b) tobacco and cigarette papers, fireworks and pornographic images;

(c) any article that a member of staff reasonably suspects has been, or is likely to be used:

(i) to commit an offence; or

(ii) to cause personal injury to, or damage to the property of, any person (including the child)

- 4.14.1. If a child refuses to co-operate with a search for a prohibited item, the Head, and staff authorised by the Head, may use reasonable force to search a child or a child's possessions where they have reasonable grounds for suspecting that a child has such a prohibited item.
- 4.14.2. Reasonable force may also be used to prevent a child harming themselves or others, damaging property or causing disorder (see DfE guidance: Use of reasonable force. Advice for headteachers, staff and governing bodies July 2013 [DfE advice template \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)).
- 4.14.3. The use of reasonable force will only be used in exceptional circumstances and will follow DfE guidance.

5. Recording of searches

5.1. All searches, regardless of whether anything is found or not, must be recorded on safeguard.

5.2. Included in the record must be:

- date, time and location of the search
- name of child/children searched
- name and role of person conducting the search
- names of witnesses present (adults and/or children)
- what was being searched for
- reasons for searching
- what items- if any, were found
- follow up action taken as a consequence of the search

5.3. Analysis of records

5.3.1. Heads should ensure that data is reviewed at least termly to analyse trends and patterns and ascertain if searches fall disproportionately on any particular groups of children, particularly those with protected characteristics.

5.3.2. If particular groups are over-represented, the school should consider whether any actions should be taken to prevent this.

5.4. Informing parents

5.4.1. Parents should always be informed of a search for a prohibited item and the outcome of the search as soon as is practicable.

5.4.2. The school will consider if it is necessary to inform parents about a search for a banned item, as identified in the school behaviour policy. This will be at the discretion of the school who will exercise professional judgement and take into account any safeguarding concerns.

5.5. Strip searching

5.5.1. A strip search is a search involving the removal of more than outer clothing. No member of school staff is authorised to carry out a strip search.

6. Screening

- 6.1. Screening is the use of a walk through or handheld metal detector (arch or wand) to scan all children for weapons before they enter the premises.
- 6.2. Academies have statutory powers to impose screening in order to keep children, staff and visitors safe (Independent School Standards (England) Regulations 2014, section 3 of the Health and Safety at Work etc. Act 1974).
- 6.3. Reasonable adjustments must be made for children with a special educational need and/or disability.
- 6.4. If the wand indicates a child may be in possession of a banned or prohibited item, then a search may take place. Please see sections 4 and 5 above. All searches must be recorded. If a prohibited item is found, parents must be informed.
- 6.5. If a child refuses to be screened a member of staff should consider why the child is not cooperating and make an assessment of whether it is necessary to conduct a search.
- 6.6. Only authorised members of staff may conduct a search.

7. Confiscation and disposal of items

- 7.1. Confiscation is when a member of staff removes an item from a child where they have reasonable grounds for suspecting:
 - it poses a risk to staff or children
 - it is a prohibited item
 - it is a banned item under the school behaviour policy
 - It is evidence in relation to an offence
- 7.2. The school has a legal right to confiscate, retain or dispose of a child's property as a disciplinary penalty, where reasonable to do so (Education and Inspections Act 2006).
- 7.3. 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.
- 7.4. Items which have been or are likely to be used to commit an offence or to cause personal injury or damage to property will be delivered to the police as soon as is reasonably practical.
- 7.5. Members of staff will use their professional judgement when deciding to return, retain or dispose of any other items banned under the school rules.
- 7.6. Staff will take into account all relevant circumstances, and will consider:
 - the value of the item
 - whether it is appropriate to return the item to the child or parent; and
 - whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school

7.7. Confiscation of prohibited or illegal items

7.7.1. Prohibited items are:

- (a) knives or weapons, alcohol, illegal drugs and stolen items;
- (b) tobacco and cigarette papers, fireworks and pornographic images;
- (c) any article that a member of staff reasonably suspects has been, or is likely to be used:
 - (i) to commit an offence; or
 - (ii) to cause personal injury to, or damage to the property of, any person (including the child)

7.8. Controlled drugs

7.8.1. Controlled drugs are defined in the Misuse of Drugs Act 1971 as drugs which are dangerous and otherwise harmful and have the potential for abuse and misuse.

7.8.2. Common examples of controlled drugs include morphine, diamorphine, methadone, fentanyl, alfentanil, oxycodone, methylphenidate (found in some ADHD medication), dexamphetamine, ketamine and tapentadol.

[Controlled drugs list - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

7.8.3. In taking temporary possession and disposing of suspected controlled drugs, the school Will:

- ensure a second adult witness is present
- seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present
- store it in a secure location on the school premises
- notify the police immediately, who will collect it and then store or dispose of it. The law does not require a school to divulge to the police the name of the child from whom the drugs were taken but it is advisable to do so
- record full details of the incident, including the police incident reference number on SAFEGUARD
- inform parents/carers, unless this is not in the best interests of the child
- identify any safeguarding concerns and develop a support and disciplinary response

7.8.4. If the police are unable to collect and dispose of the controlled drug, Heads may use their professional judgement to determine if they can safely dispose of it. If a Head needs to dispose of a controlled drug they should seek advice from OAT health and safety team as how to do this safely.

7.8.5. Disposal by the Head must be witnessed by another member of staff and logged on Safeguard.

8.1. Banned items (as listed in the behaviour policy)

- Vapes and electronic cigarettes
- Lighters and matches
- Mobile phones

8.1.1. The school will retain and dispose of these as appropriate. They will not be returned to the child or parent. (Mobile phones will be returned on the same day, unless there are any safeguarding issues).

9. Other

9.1. Electronic devices

9.1.1. If any member of staff suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images or youth-produced sexual imagery) on an electronic device, they must never intentionally view the image, and must never copy, print, share, store or save such images.

9.1.2. 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 DSL (or deputy) immediately.

9.1.3. Any device which is confiscated will be returned to the child or parent from student reception.

9.2. Exceptions to returns

9.2.1. Any device containing, (but not limited to)

- indecent images of children
- pornography
- abusive messages
- images or videos relating to suspected criminal behaviour will be retained until such time as an investigation has taken place.

9.2.2. The DSL or member of the core safeguarding team will contact the police if a member of staff finds any image, data or file that they suspect might constitute a specific offence.

9.3. Examining data or files on electronic devices

9.3.1. Staff designated by the Head, may examine any data or files on an electronic device that has been confiscated if there is good reason to do so.

9.3.2. In determining whether there is a 'good reason' to examine the data or files, there should be reasonable suspicion that the data or file on the device has been, or could be used, to cause

harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

9.3.3. If a member of staff finds any image, data or file that they suspect might constitute a specified offence, it must be delivered to the DSL or Head who will arrange for delivery to the police as soon as is reasonably practicable.

9.3.4. In exceptional circumstance the DSL or Head may dispose of the image or data if there is a good reason to do so.

9.4. Disposing of data or images

9.4.1. The DSL /Head will consider whether material found on an electronic device may constitute evidence relating to a suspected offence.

9.4.2. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable.

9.4.3. If the data or files are not suspected to be evidence in relation to an offence, the DSL/Head may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the child and/or the parent refuses to delete the data or files themselves.