

ST CHRISTOPHER'S HAMPSTEAD

PUPIL SEARCHES AND CONFISCATION POLICY

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1. Pupil Searches

The School has the duty to safeguard and promote the welfare of children. In exercising this duty, the School will pay proper attention to the right of privacy of all pupils but there will be occasions on which it is necessary to search the person or belongings of a pupil. This policy sets out the circumstances in which such searches can be carried out and the means by which they should be done, in line with the Guidance for Schools on *Screening, Searching and Confiscation: Advice for Schools* (DfE, July 2022)¹.

This guidance says that it is lawful for the Head, or teaching staff as delegated by the Head, to search pupils, with their consent, for any item banned under the rules in the Behaviour policy. There is also a statutory power to search pupils or their possessions without consent where there are reasonable grounds to believe that the pupil has certain prohibited items.

The key points of the guidance are:

- Pupils have a right to expect a reasonable level of personal privacy and any search should, therefore, be justified and proportionate. Reasonable grounds may include overhearing pupils talking about an item or a pupil behaving in an unusual or suspicious manner.
- School staff can search a pupil for any item, with the pupil's consent.
- School staff are authorised to search pupils or their possessions, **without consent**, where they suspect the pupil has certain prohibited or banned items. Prohibited items are defined in the guidance and the statutory powers relate to those items. Therefore, the prohibited items are currently:
 - Knives or Weapons
 - Alcohol
 - Tobacco, cigarette papers, e-cigarettes or vaping kits for under-age pupils
 - Substances that could be abused, such as illegal drugs, solvents or so-called "legal highs"
 - Stolen items
 - Fireworks and/or smoke bombs
 - Pornographic images
 - Inflammatory material of a religious, political, racist, homophobic or sexist nature
 - Any other item that it could reasonably be assumed may be used, or misused, to disrupt effective learning and good order in the School or its environs or to commit an offence, cause personal injury or damage to property
- School staff can confiscate any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to School discipline.
- School staff may also confiscate, retain or dispose of a pupil's property as a disciplinary penalty.

2. Searching a Pupil's Person, desk, bag or locker

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the rules in the behaviour policy for which a search can be made, or if the pupil has agreed. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

Whenever a search of a pupil is conducted, the member of staff conducting the search should ensure that proper records are kept.

¹ See [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) last update September 2022

3. Searches with Consent

Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and given them the opportunity to ask questions.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search.

If a pupil is suspected of carrying an unauthorised item (items banned in the Behaviour Policy) they should be asked, in the presence of a second member of staff as a witness, to remove their outer clothing, to turn out their pockets, bag or locker. Schools are not required to have formal written consent from the pupil for this sort of search.

If a pupil refuses to co-operate then, in line with the Behaviour Policy, 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 pupil continues to refuse to co-operate, the member of staff may sanction the pupil 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, they should seek the advice of the Head or a pastoral member of staff, who may have more information about the pupil. During this time, the pupil should be supervised and kept away from other pupils.

The pupil's parents should be contacted to persuade them to co-operate.

4. Searches without Consent

In all circumstances the consent of the pupil to any search should be requested, although in certain situations searching without consent is permissible. Staff should only undertake a search without consent if they have reasonable grounds for suspicion that the pupil has certain prohibited or banned items as set out above and should always inform the DSL having done so.

The pupil should be asked, again in the presence of a second member of staff as a witness, to turn out their pockets or bag. If they refuse, the first step is to inform their parents to ask them to persuade the pupil to co-operate. If this fails and possession of such items is still suspected, then a search of the pupil's person may still be conducted without the consent of the pupil.

5. During a search

a. Where

An appropriate location for the search should be found, away from other pupils where possible, on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

b. Who

For a pupil's person search, the member of staff must be the same sex as the pupil and another member of staff should act as a witness. A search can be carried out by a member of staff of the opposite sex to the pupil and/or without a witness only where the staff member reasonably believes that there is a risk of serious harm to a person if such a search is not carried out immediately and it is not reasonably practicable to call another member of staff.

When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

A pupil's possessions can only be searched in the presence of the pupil and another member of staff, except, as explained above, 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 practicable to summon another member of staff.

c. Extent of Searches of a Pupil's Person

Under no circumstances should staff touch the pupil or carry out any search under clothing and the member of staff conducting the search may not require the pupil to remove any clothing other than outer clothing (outer clothing is clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, and also hats, shoes, boots, gloves and scarves).

d. Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

Before calling police into school, staff should 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 items. 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 pupil(s) involved.

Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult.

Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

e. Electronic devices

Where the member of staff conducting the search suspects that an electronic device has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the devices where there is a good reason to do so. In exceptional circumstance, they may also delete data or files if they think there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files the staff member should 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 break the school rules.

If an electronic device that is prohibited by the school rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police. In such circumstances, staff should normally inform the DSL who will report to the police except on trips when it will be necessary for the trip leader to report directly to the police.

Parental consent is not needed to search through a pupil's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or likely to be, used to commit an offence.

6. Searches of property in the absence of a pupil

Searches of pupil property on school grounds or on trips should not be carried out in the absence of the relevant pupil(s), unless the circumstances are such (for instance the suspected presence of drugs or weapons) as to make such a search warranted. In such cases authorisation to carry out the search should be obtained from the Head. Forcible entry into locked School property (such as a locker) is only justified in extreme circumstances and would also need the authorisation of the Head.

7. Items found as a result of a search

The DSL should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited items as listed in this policy. The staff member should also involve the DSL (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

For items found as a result of a search (with or without consent):

- Alcohol may be retained and disposed of appropriately
- Controlled substances (or suspected controlled substances) will be delivered to the police in accordance with the School's Substance Misuse Management and Education Policy
- The School will judge if stolen items also need to be reported to the police and, where appropriate, the items will be returned to their rightful owner.

8. School Trips

This policy applies on authorised School trips where the School rules are in force. There may therefore be occasion to carry out a search on a school trip. The member of staff in charge of the trip is empowered to carry out such a search, following all the above procedures. A second adult should act as a witness. If this occasion arises, the adult in charge of the trip should will inform the SLT contact of any search carried out. Full notes must be kept and an incident report submitted in due course.

9. After a search

Whether or not any items have been found as a result of any search, the school should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff should follow the safeguarding and child protection policy and speak to the DSL. They will consider if pastoral support, and early help intervention or a referral to local authority children's social care is appropriate.

10. Informing Parents

The school should reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should always be informed of any search for a prohibited items and 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.

The school should consider that in some circumstance it might also be necessary to inform parents of a search for an item banned by school policy.

11. Recording searches

Any search by a member of staff of a prohibited item and all searches conducted by police officers should be recorded on CPOMS, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.

Staff should record:

- the date, time, location of the search
- name of the pupil
- who conducted the search and who witnessed it (pupils and/or staff)
- what was being searched
- what items, if any were found
- follow up action(s) taken

12. Complaints

Any complaints about how a search has been conducted will be dealt with by the School's Complaints Procedure.

13. Confiscation of pupils' belongings

Any unauthorised or prohibited items may be confiscated by the member of staff conducting the search. Guidelines about the disposal of such items are dealt with elsewhere in this policy.

The non-statutory Guidance for Schools provides that confiscation is an appropriate disciplinary measure when applied in a reasonable and proportionate way. "Reasonableness" is defined as any clear breach of School rules or where there is a clear concern about pupil safety.

Any member of staff may confiscate, retain or dispose of a pupil's property when they deem it necessary to enforce the School rules and regulations, in line with the Behaviour Policy, and to maintain an environment conducive to learning, where the rights of all pupils to be educated in a safe and orderly environment are safeguarded. School staff may also confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

Circumstances in which items may be confiscated include:

- An item that poses a threat to others: for example, a laser pen is being used to distract and possibly harm other pupils or staff
- An item that poses a threat to good order for learning: for example, a pupil uses a personal music player or mobile phone in a lesson
- Any other item which is against School rules: for example, an item of food or drink which is unauthorised or being consumed in an unauthorised location
- An item that poses a health or safety threat

- An item which is counter to the ethos of the School: for example, material which might cause tension between one community and another or is illegal for a child to possess (such as racist or pornographic material, alcohol, illegal substances)
- Any other prohibited or dangerous items as detailed by the School's rules and regulations (including those found as a result of a search) or which the member of staff considers harmful or detrimental to School discipline

This policy particularly relates to the confiscation of mobile phones but not exclusively so. The School rules and regulations clearly sets out the School's rules for mobile phone use. Any pupil who is in clear breach of these rules by having it on site (unless in Year 6), or using it in a lesson for example, or takes a photo of or makes an audio or video recording of someone without their permission stands to have the phone confiscated. Similarly, it would also be reasonable to confiscate a phone or other mobile electronic device where a pupil's use of that item presents a danger to themselves, such as using it whilst crossing a road, or to others.

Particular care should be taken when deciding whether to confiscate items of clothing or jewellery with appropriate regard to whether the item has religious or cultural significance to the pupil. When confiscating items, staff should avoid inappropriate physical contact or interference with pupils' clothing. In order to minimise risks in these circumstances, staff should seek to ensure that another member of staff is present where possible. Confiscation of any item that would leave the pupil only partly dressed must be avoided.

In general, items should be confiscated for the duration of a lesson or until the completion of the same School day. Any member of staff who confiscates a phone or other item from a pupil during a School activity or lesson should return the item to the pupil at the end of the activity or lesson and inform their form tutor with a written explanation of the reason for confiscation. If a member of staff wishes to confiscate an item for a longer duration this should first be discussed with and approved by an appropriate senior member of staff.

Confiscation may be accompanied by other disciplinary action to be determined by the staff member, form tutor, head of lower/upper school, or another member of SLT as appropriate.

Pupils have the right to expect that confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned and staff should present such items to the Head of Upper/Lower school (or, in their absence, the Head) in an envelope with the details of the pupil and agreed arrangements for return so that the item can be stored securely. In addition, a brief explanation of the circumstances of the confiscation should be provided to an appropriate senior member of staff.

Any member of staff who confiscates an item thought to be a weapon, a controlled substance or stolen goods, or which contravenes the School rules (this might include alcohol, cigarettes, 'legal highs', or fireworks), should pass the item on to the Head. These items should not be returned to the pupil for disposal. In certain situations, these items may be passed onto the police for further investigation.

14. Complaints

Complaints about confiscations will be dealt with under the School's Complaints Policy.