



Guidelines for Screening, Searching & Confiscation

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1. Statement of Intent

St Benet Biscop Catholic Academy appreciates that pupils have the right to expect a reasonable level of personal privacy and will do its utmost to ensure that, as far as possible, this right is respected.

Nevertheless, the school also takes seriously its obligation under health and safety legislation to be managed in a way which does not expose pupils or staff members to unnecessary risks.

This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which pupils can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

2. Legal framework

This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- European Convention on Human Rights
- DfE (2018) 'Searching, screening and confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2016) 'Behaviour and discipline in schools'
- Coroners and Justice Act 2009



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- Criminal Justice and Immigration Act 2008
- Keeping Children Safe in Education 2023

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Complaints Procedures Policy
- CCTV Policy
- Mobile Phone and Personal Devices Policy
- Child on Child Abuse and Anti-Bullying Policy
- Safeguarding Policy

Headteachers and 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 as an item which may be searched for.

The list of prohibited items 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 pupil).
- an article specified in regulations:
 - tobacco and cigarette papers, vaping equipment;
 - fireworks; and
 - pornographic images.

3. Searching With Consent

- 3.1. Schools' common law powers to search: Any member of school staff can search pupils with their consent for any item.
- 3.2. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed. We are not required to have formal written consent from the pupil for this sort of search – it is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree.



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- 3.3. Banned items include those listed below in '4. Searching without consent'. It should be noted mobile phones and personal devices should be switched off in pupil bags at all times during the school day.
- 3.4. If a member of staff suspects a pupil has a banned item in their possession, they can instruct the pupil to turn out their pockets or bag. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, the school can apply an appropriate disciplinary penalty. Depending upon the issue, this could range from a detention or suspension in serious cases.

4. Searching Without Consent

What the law says:

- 4.1. What can be searched for?
 - Knives or weapons, alcohol, illegal drugs and stolen items; and
 - Tobacco and cigarette papers, vapes, fireworks and pornographic images; and
 - 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; and
 - Any item banned by the school rules which has been identified in the rules as an item which may be searched for.
- 4.2. Who can search?
 - 4.2.1. The Headteacher or a member of school staff authorised by the Headteacher e.g. Senior Leaders, Heads of Progress and Pupil Support Managers.
 - 4.2.2. Staff members are permitted to refuse to undertake a search.
- 4.3. Under what circumstances?
 - 4.3.1. You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.
 - 4.3.2. There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.
 - 4.3.3. 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.
- 4.4. When can you search?

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.



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- 4.5. The law also says what must be done with prohibited items which are seized following a search.
- 4.6. A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, the school can apply an appropriate disciplinary penalty. Depending upon the issue, this could range from a detention or suspension in serious cases.

5. Authorising members of staff

- 5.1. The Headteacher has authorised the SLT, Heads of Progress and Pupil Support Managers to use these powers at St Benet Biscop Catholic Academy.
- 5.2. When designating a member of staff to undertake searches under these powers, the Headteacher will consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

6. Establishing grounds for a search

- 6.1. Teachers 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 teacher 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- 6.5. The designated safeguarding lead (or deputy) 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 item. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.
- 6.6. 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 give them the opportunity to ask any questions.

7. Searches for items banned by the school rules



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- 7.1. An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for.

8. Location of a search

- 8.1. 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.
- 8.2. The powers only apply in England.

9. During the search

Extent of the search – outer clothes, possessions, pockets, desks and lockers; What the law says:

- 9.1. The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- 9.2. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 9.3. 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- 9.4. A pupil's possessions can only be searched in the presence of the pupil 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 practicable to summon another member of staff.
- 9.5. Also note: The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.
- 9.6. Lockers and desks
Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- 9.7. If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.



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10. Use of force

- 10.1. Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for items banned under the school rules. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

11. Strip searching

- 11.1. 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 under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.12 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.
- 11.2. 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 item. 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.
- 11.3. 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. Parents should always be informed by a staff member once a strip search has taken place.
- 11.4. Pupils should be given appropriate support, irrespective of whether the suspected item is found. Pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.

12. After the search

- 12.1. Schools' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.
- 12.2. Also note:



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12.2.1. 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 pupils;
- is prohibited, or identified in the school rules for which a search can be made; or
- is evidence in relation to an offence.

Where any article is thought to be a weapon it must be passed to the police.

12.2.2. Staff have a defence to any complaint or other action brought against them. 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.

12.3. Items found as a result of a 'without consent' search

12.3.1. A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

12.3.2. Where a person conducting a search finds alcohol they must report it to a senior leader who may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.

12.3.3. Where they find controlled drugs; this must be reported to a senior leader. Controlled drugs must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

12.3.4. Where they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline and must be reported to a senior leader. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

12.3.5. Where they find stolen items, this must be reported to a senior leader. Stolen items must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

12.3.6. Where a member of staff finds tobacco, cigarette papers or vaping equipment they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

12.3.7. Fireworks found as a result of a search must be reported to a senior leader.

Fireworks may be retained or disposed of but should not be returned to the pupil.

12.3.8. If a member of staff finds a pornographic image, they must report it to a senior leader.

12.3.9. The senior leader may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case it



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must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

- 12.3.10. Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it must be reported to a senior leader.
- 12.3.11. The article may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- 12.3.12. Where a member of staff finds an item which is banned under the school rules it must be reported to a senior leader who will take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- 12.3.13. Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.
- 12.4. Statutory guidance on the disposal of controlled drugs and stolen items. It is up to a senior leader to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a “good reason” for not delivering controlled drugs or stolen items to the police the senior leader must have regard to the following guidance issued by the Secretary of State:
 - 12.4.1. In determining what is a ‘good reason’ for not delivering controlled drugs or stolen items to the police, the senior leader should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
 - 12.4.2. Where the senior leader is 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.

13. Statutory guidance for dealing with electronic devices

- 13.1. Where the person conducting the search finds an electronic device they must report it to a senior leader who may examine any data or files on the device if they think there is a good reason to do so. If inappropriate material is found on the device it is up to the senior leader 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.
- 13.2. If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save



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such images. 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 designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response.

- 13.3. The school is not required to inform parents before a search takes place or to seek their consent to search their child.
- 13.4. There is no legal requirement to make or keep a record of a search although we will complete the log at Appendix 1 for a prohibited item and all searches conducted by police officers, 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.
- 13.5. Parents should always be informed of any search for a prohibited item that has taken place, 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, including any sanctions applied.
- 13.6. Complaints about screening or searching should be dealt with through the normal school complaints procedure.

14. Enforcement

- 14.1. All staff members are expected to act in accordance with this policy.
- 14.2. Any breach of this policy will be dealt with in line with the school's Disciplinary Policy and Procedure.

15. Monitoring and review

- 15.1. This policy will be reviewed on an annual basis by an Assistant Headteacher.
 - 15.1.1. Any changes to this policy will be communicated to all members of staff, pupils and their parents.
- 15.2. The next scheduled review date for this policy is September 2023.



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Appendix 1

RECORDING OF A SEARCH PRO-FORMA

Pupil Name:	
Date:	
Time:	
Reason for search:	
Search conducted by:	
Authorised by (if applicable):	
Witnessed by:	
Items found:	
Items confiscated / destroyed / retained / delivered to police:	
Reported to SLT member:	
Parent/Carer informed (Name):	