

## **Search and Confiscation Policy**

Adopted by the Board of Trustees

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Trustee Reviewers: Julie Horton

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## 1. General Data Protection Regulations



This policy has been reviewed in accordance with the General Data Protection Regulation (GDPR) which will replace the Data Protection Act 1998 from 25<sup>th</sup> May 2018. The introduction of GDPR has resulted in changes to many existing data protection rules and regulations that educational establishments adhere to. The Evolve Trust has undertaken a full data protection audit and have ensured that appropriate changes that have been made to data protection rules and regulations have been adhered to in full. The Evolve Trust has carried out all additional compliance requirements and fully accepts their duty of care to ensure individuals' data is kept safe and secure, resulting in increased compliance in our systems, processes and policies.

## **2. Purpose**

This policy outlines guidance for authorised staff on searching pupils and has been written in line with the DfE “Searching, screening and confiscation” guidelines (2018). This policy applies whenever pupils are in the care of the school, including on school trips or in training settings.

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). Authorised members of staff have the power to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

This policy must be read in conjunction with the Child Protection/Safeguarding Policy and the Behaviour Policy.

## **3. Aims**

The central aim of this policy is to support staff in undertaking their duty to promote and maintain an orderly environment and to enable the academy to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from pupils and disposed of safely and lawfully.

This policy also aims to clarify the circumstances in which searches will take place and what will happen to items confiscated by staff.

## **4. Prohibited Items**

The following are "prohibited items" as listed in the DfE “Searching, screening and confiscation” guidelines (2018) and defined by the academy-

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco, cigarette papers and smoking paraphernalia
- laser pens
- fireworks
- pornographic images
- 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 the property of, any person (including the pupil).

## **5. Confiscation**

If a pupil is seen to have any prohibited item(s), any member of staff is permitted to confiscate those item(s). Staff can also confiscate any item they consider harmful or detrimental to school discipline.

Once an item or items have been confiscated, the member of staff involved should take the item(s) to one

of the academy's receptionists.

A receptionist will complete a Confiscated Property Log, check the confiscated items(s), label the item(s) and safely store (safe/locked area etc).

A message will then be sent to the parent/carer to inform them about the confiscation and if appropriate, the date and time of collection. Where a confiscated item can be returned to a pupil i.e. electronic device/jewellery, however other items can only be collected by the parent/ carer and will not be given back directly to the pupil. If stolen items/drugs or illegal items are confiscated then the police will be contacted immediately.

Where appropriate, once a confiscated item has been collected, the collecting parent/ carer will sign to confirm collection and receipt of the confiscated items.

## **6. Grounds for a search**

The academy is permitted to undertake a search where there are reasonable grounds for suspecting that a pupil may have a prohibited item in his or her possession. This may be the result of observing behaviour, monitoring by CCTV, or comments made by other staff, pupils, parents/carers or a member of the local community.

All searches must be carried out by 2 members of staff. At least 1 member of staff must be the same sex as the person being searched (ideally both should be). Ideally one of the members of staff will be a member of SLT, however in circumstances where this is not possible eg trips then the lead member of staff must be present.

In all circumstances, the consent of the pupil to any search should be requested, although consent is not needed to search for prohibited items. There is no requirement to inform parents or carers before a search takes place.

There are two types of search: those with consent and those without consent. These searches are outlined below:

### **Searching with consent**

Before any search by authorised staff takes place, the pupil should be asked for their consent for a search of their personal belongings to take place. The pupil should be reminded of the academy's policies and the consequences should the student not comply.

If the pupil refuses, they should be referred to the Executive Principal or a member of SLT, in the Executive Principal's absence.

### Searching without consent

The following items can be searched for without consent if there are 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 suspect that the pupil is concealing a prohibited item.

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco, cigarette papers and smoking paraphernalia
- laser pens
- fireworks
- pornographic images
- 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 the property of, any person (including the pupil).

Any prohibited items will be confiscated and where necessary, external agencies i.e. the police will be contacted. The confiscated items will be stored or destroyed in accordance to advice from the external agencies.

## 7. Conducting a search

What the law says

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing. '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.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- 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.

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.

## **8. Searching electronic devices**

An electronic device such as a mobile phone or a tablet computer may be confiscated and its contents searched if there are grounds to suspect that the device has been, or could be, used to cause harm, to disrupt teaching or break academy rules.

Any search of this nature will be conducted by 2 members of the Safeguarding Team – ideally 1 male and 1 female member. Where necessary, the Trust's Systems Leader is authorised to support searches.

In cases suspected to involve staff, searches will be carried out only by the Executive Principal and the Trust's Systems Leader.

If inappropriate material is found on an electronic device, the material, and if necessary the device, will be retained as evidence. Depending on the nature and seriousness of the inappropriate material, the police will be contacted.