

# Searching and Confiscation Policy



Ensuring College staff and students feel safe and secure is vital to establishing a calm and supportive environment that is conducive to learning. Using searching and confiscation powers appropriately is an important way to ensure student and staff welfare is protected, and that the College establishes and maintains an environment where everyone is safe.

This policy sets out the College's framework for responding to a student having or suspected of having a prohibited or banned item.

Prohibited items are set out in subsection 3 of Section 550ZA of the Education Act 1996. They are:

- ▲ 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).
- ▲ tobacco and cigarette papers;
- ▲ fireworks;
- ▲ pornographic images.

Banned items are set out in the College's current Behaviour Policy.

## Searches by College Staff

The Principal has authorised the following staff to carry out searches and to retain or dispose of items in accordance with this policy:

- ▲ Senior Leaders
- ▲ Heads of Year
- ▲ Pastoral Support Managers

## Procedure for searching

If it is believed that a student has a banned or prohibited item, it may be appropriate for a member of staff to carry out a search of:

- ▲ a student's outer clothing; and/or
- ▲ a search of school property, (e.g. students' lockers); and/or
- ▲ a search of personal property (e.g. bags, pencil case)

'Outer clothing' means clothing not worn next to the skin or immediately over a garment that is being worn as underwear. 'Outer clothing' includes shoes, blazer, etc... Students may be asked to turn out their pockets and to remove outer clothing.

Searches will be conducted in such a manner as to minimise embarrassment or distress. This will be done in an appropriate location; where possible, this will be away from other students. A search will only be carried out on College premises or where the member of staff has lawful control or charge of the student, such as a school trip.

Any search of a student or their possessions will normally be carried out in the presence of the student and second member of staff. Where a student is searched, the member of staff conducting the search will usually be the same sex. However, this will not be the case where it is reasonably believed that serious harm will be caused to a person if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff or another member of staff of the same sex as the student.

### **Searching with consent**

College staff can search for any item if the student consents. In seeking consent to search, the student's age, any disability, or special needs the student may have will be taken into account.

Written consent is not required; it is enough for a member of staff to request that pockets be turned out, a bag emptied, a locker or other personal property opened.

### **Searching without consent**

College staff can search without the consent of the student where they have reasonable grounds for suspecting that the pupil may have a prohibited or banned item.

Where the Principal, or a member of staff, finds anything which they have reasonable grounds to suspect is a prohibited item or banned item, they may seize, retain and dispose of that item. They can also confiscate any item, however found, which they consider harmful or detrimental to school discipline.

The College can apply an appropriate sanction as set out in the Student Behaviour Policy to students who refuse to co-operate with a search.

### **Screening**

Screening is the use of a walk-through or hand-held metal detector. College staff can use a hand-held metal detector if they believe it necessary to do so. Screening will be conducted in such a manner as to minimise embarrassment or distress and will be conducted under the same terms as a physical search.

### **Searching electronic devices**

Data and files on any electronic device (including iPads, chrome books, tablets, laptops or mobile phones) may be examined if the person conducting the search thinks there is good reason to do. Reason may include: if the data file could be or has been used to cause

harm; to disrupt teaching or break school rules, including carrying out cyber-bullying. The device will be confiscated and the data or files should be retained as evidence as a breach of school discipline.

If the member of staff has reasonable grounds to suspect the device has been or is likely to be used to commit an offence or cause personal injury or damage to property, contains evidence in relation to an offence or contains a pornographic image of a child or an extreme pornographic image, such material should not be deleted and the device should be given to the police as soon as reasonably practicable.

It is good safeguarding practice for two members of staff to view any electronic images in case there should be cause for concern about any images stored. If the members of staff conducting the search suspect they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should not intentionally view the image, and must not copy, print, share, store or save 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 as the most appropriate person to advise on the College's response. Staff should not view or forward illegal images of a child.

## **Confiscation**

The College follows Government advice when confiscating items from students, which is outlined in the document 'Screening, Searching and Confiscation - Advice for Schools,' July 2022. Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

A member of staff can seize anything they have reasonable grounds to suspect is a prohibited item, a banned item, is evidence in relation to an offence, poses a threat to others, is disruptive to learning, poses a health and safety concern or is against the College ethos or rules.

Appropriate regard will be given to whether an item has religious or cultural significance to the pupil. Most confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned or until they are disposed of. Items of obvious value will be labelled and stored in the College safe.

There may be some instances when the College is required to seize an item and dispose of it or deliver it to the police or other third party.

The following shall apply where a member of staff has confiscated specific items:

- ▲ Alcohol - this may be retained or disposed of but will not be returned to the student.
- ▲ Controlled drugs - these will usually be delivered to the police as soon as possible but in exceptional circumstances and at the discretion of the Principal, these may be disposed of if the member of staff thinks there is a good reason to do so. The member of staff should take into account all relevant circumstances and their professional judgement to determine whether they can safely dispose of this. They will not be returned to the student.
- ▲ Other substances which are not believed to be controlled drugs - these can be confiscated and destroyed where the member of staff believes them to be harmful or detrimental to good order and discipline. Where the member of staff suspects a substance is a controlled drug it should be treated as such.

- ▲ Stolen items - these will usually be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed if returning it to the owner is not practicable) if the member of staff thinks there is a good reason to do so, such as where it is a low value item.
- ▲ Tobacco, cigarette papers, e-cigarettes or vaping equipment - this may be retained or disposed of but will not be returned to the student.
- ▲ Fireworks – may be retained or disposed of but must not be returned to the student.
- ▲ Weapon/s or article/s that is reasonably suspected to be an offensive weapon or items which are evidence of an offence – must be passed to the police as soon as possible.
- ▲ Article/s that have been (or could be) used to commit an offence or to cause personal injury or damage to property – may, at the discretion of an SLT member of staff, taking all of the circumstances into account, be delivered to the police, returned to the owner, be retained or disposed of.
- ▲ An item banned under the College rules – the member of staff should consider all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

### Confiscation of Electronic Devices

The College will confiscate any electronic items being used on the premises such as mobile phones (see Student Behaviour Policy):

- ▲ On the **first occasion** the item will be confiscated until the end of the **next** college day and the incident will be logged via a de-merit. (Confiscations that begin on a Friday will continue until the end of the college day on Monday.)
- ▲ On a **second occasion** the item will be confiscated for seven days and the incident will be logged via a de-merit. (Seven day confiscations always include a weekend.)
- ▲ On a **third occasion** the item will be confiscated until the end of term and the incident will be logged via a de-merit. (If the time to the end of the term is equal to or less than one week [this being the confiscation time for the previous offence], the confiscation may continue until the end of the following term.)

The SIM card and battery will be confiscated along with any mobile phone. Any further issues with a phone or electronic device will result in a meeting with the Principal. Should the situation reach this stage, a permanent ban on bringing the item into college is likely.

If a student refuses to surrender any suspected prohibited item, a member of the Senior Leadership Team will become involved and, if the situation reaches this point, other sanctions may be considered in addition to the confiscation.

### Informing Parents

The College is not required to inform parents before a search takes place or to seek their consent to search their child and it would not generally be practicable to do so.

The College will always seek to inform a parent when a search of their child for a prohibited item has taken place, and of the outcome of the search. If an item is confiscated from a student as a result of a search, parents will be informed.

Staff will use their professional judgement whether it is necessary to inform parents of a search of a banned item.

Complaints about searching and confiscation will be dealt with through the School's Complaints Policy and Procedure, which can be found on the policies page of the College website.

### Record keeping

The College will keep records of searches carried out including details of the disposal of items confiscated. These records will include:

- ▲ the date, time and location of the search;
- ▲ which pupil was searched;
- ▲ who conducted the search and any other adults or students 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, including details of any contact made with parents.

This policy is written in accordance with DfE document 'Searching, Screening and Confiscation, Advice for Schools 2022' and replaces all previous such policies and guidance.

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