



Brewood and Wheaton Aston Federation



## POLICY STATEMENT

### Searching, Screening and Confiscation

*We value and cherish every member of our community and celebrate their uniqueness.*

*Our values led curriculum promotes a love of life and learning inspiring every individual to be a respectful, resilient, and faithful global citizen.*

*"Let all that you do be done in love."  
1 Corinthians 16:14*

*Respect, Faith, Resilience*

*We love and value each member of the St. Mary's family as precious individuals. Our outward-looking curriculum enables everyone to embrace life in all its fullness while celebrating the everyday and the unique. Through our Christian values of belief, respect and friendship we:*

*'Shine as a Light in the World'.  
Matthew 5:16*

*Belief, Respect, Friendship*

*Please see 'Searching, Screening & confiscation - Advice for headteachers, school staff and governing bodies. (Please see Appendix 1)*

#### Department for Education Guidance - July 2022 tells us:

- Under common law, school staff have the power to search a pupil for any item if the pupil agrees. 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.
- Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to school discipline to maintain a safe environment for pupils and staff.
- Academies can require pupils to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a prohibited item and without the consent of the pupils.
- Academies' statutory power to make rules on pupil behaviour and their duty as an employer to manage the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.
- Any member of academy staff authorised by the Executive Principal can screen pupils.

#### 1. Confiscation

Academy staff can seize any prohibited items or any item they consider harmful or detrimental to school discipline to maintain a safe environment for pupils and staff.

#### 2. Staff Searching

The Executive Principal or staff authorised by him 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 listed in paragraph 3 or any other item that the school rules identify as an item which may be searched for.

a) The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

b) There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

c) 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. See below re recording searches.

This should be avoided where possible and only applied in exceptional situations.

d) If the pupil refuses to be screened we will refuse to have the pupil on our premises. The academy will contact the parent of the pupil to ask them to collect their child and the reason for this. The child will be supervised by staff until the parent arrives to collect them - away from other pupils. (This could be on the 1<sup>st</sup> floor in the quiet Spirituality Room). The location will be at the discretion of the senior members of staff involved. Once this has been sanctioned by the Executive Principal this will be recorded as an 'Unauthorised Absence' not as an suspension.

e) Academy staff can seize any prohibited item found as a result of a search. They can also seize any item, they consider harmful or detrimental to academy discipline.

f) If the staff member suspects a pupil has a banned item in his / her possession, they should send for SLT help.

g) The two SLT members can instruct the pupil to turn out their pockets or bags or locker and if the pupil refuses, an appropriate school sanction can be applied.

h) The SLT can search pupils with their consent for an item. The academy does not need formal written consent from the pupil for this sort of search.

i) SLT should try to conduct the search away from other pupils so that a degree of privacy is maintained.

j) A search may be conducted if there are reasonable grounds for suspicion ie. 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 a pupil is concealing a prohibitive item.

k) School staff may use CCTV footage in order to make a decision as to whether to conduct a search for an item.

l) An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

m) Any search by a member of staff for a prohibited item listed in paragraph 3 and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including 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. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members should follow the school policy in these cases.

n) Schools are encouraged to include in the record of each search:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils 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.

o) Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this. See also paragraphs 108-110 of Behaviour in Schools.

### **3. Prohibited Items**

At Brewood and Wheaton Aston Federation prohibited items are:

- Knives, scissors or weapons\*
- Alcohol
- Illegal drugs
- Mobile devices / technology
- Stolen items
- E-cigarettes / Vapes
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Lighters, matches or flammable substances eg. Aerosols
- Or any other item that the school 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)
- Mobile phones must be handed in on arrival at school in the KS2 / KS3 entrance at Brewood CE Middle. These are not permitted at St Mary's CE First School. They can be collected at the end of the day at the relevant collection point.

If a child is found with their mobile phone in school it will be confiscated and kept until the parent / guardian can collect it. SLT will then make a decision to determine:

  - whether the pupil will be allowed to bring their phone into school again.
  - whether further punishment e.g. fixed term suspension is required

#### **4. Use of reasonable force**

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

*Please see The DfE document: Use of reasonable force advice July 2013*

[https://assets.publishing.service.gov.uk/media/5a819959ed915d74e6233224/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://assets.publishing.service.gov.uk/media/5a819959ed915d74e6233224/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

#### **5. The Power to seize and confiscate items**

What the law allows:

*Please see: Searching, Screening and Confiscation Advice for schools*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1091132/Searching\\_Screening\\_and\\_Confiscation\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091132/Searching_Screening_and_Confiscation_guidance_July_2022.pdf)

- a) 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
- b) 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

Do we need to leave any of this?

The SLT member can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

#### **6. Statutory guidance for dealing with electronic devices**

- a) In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraphs below.
- b) In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect 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.
- c) In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. 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. If the data or files are not suspected to be evidence in relation to an offence, a member of staff 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 pupil and/or the parent refuses to delete the data or files themselves
- d) 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,

it will be given 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, will not be deleted prior to giving the device to the police.

- e) All school staff should be aware that behaviours linked to sexting, Child on Child Abuse and upskirting put a child in danger. Governing bodies should ensure sexting, child on child abuse and upskirting and the school's approach to it is reflected in the Safeguarding policy. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published the advice - sexting in schools and colleges - responding to incidents and safeguarding young people.

## 7. Telling parents and dealing with complaints

- a) Schools 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 item listed in paragraph 3 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.
- b) Schools should consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.
- c) Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

This policy was formulated and agreed by all staff in March 2018

Please see:

Advice for headteachers, staff and governing bodies July 2013:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1091132/Searching\\_Screening\\_and\\_Confiscation\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091132/Searching_Screening_and_Confiscation_guidance_July_2022.pdf)

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This will be reviewed annually in the Spring Term

Signed: .....  ..... Chair of LAC Date: ..... 2 MAY 2025 .....

## \*Appendix 1

For the purpose of this policy a weapon is anything which is designed or used or usable as an instrument for inflicting bodily harm eg. A gun, sharp or hard instrument.

**Searching:** to inspect or scrutinize carefully looking for banned items.

**Screening:** to search using an approved screening device in order to locate illegal weapons or substances.

**Confiscation:** to seize an item for a fixed period to be decided by the Executive Principal and Local Academy Committee (LAC).