



Searching and Confiscation Policy

TradeWinds Academy fully recognises the responsibility it has to have arrangements in place to safeguard and promote the welfare of children. This policy is a whole school policy and applies to all pupils including those in the EYFS.

Aim

This policy aims to outline the necessary procedures for searching for and confiscating items that could be considered as dangerous or harmful. In doing so, the policy supports TradeWinds Academy's commitment to providing a safe environment for all.

When following the guidance in this policy, care and consideration will be given to the age of the child. This policy applies to all staff, volunteers and contractors, paid and unpaid, working in the school. This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018 (UK)

The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

Search with Consent

- School staff can search a pupil for any item if the pupil agrees. The school will take into account the age of the child when considering consent.
- 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. They do not need written consent from the child.
- If a member of staff suspects a pupil has a dangerous/inappropriate item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy. The most likely scenario will be a referral to a member of the senior leadership team whereupon the child will be required to complete a reflection.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to follow instructions or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate sanction. These instances would also be followed with communication between school and home.

Search Without Consent

- The Head and staff authorised by the Head have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- knives or weapons
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers
 - fireworks or 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)
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- The staff member conducting the search 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.
 - There is a limited exception to this rule: Staff can carry out a search of a pupil of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Establishing grounds for a search

- 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.
- 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.
- 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 that are later found not to be illegal or stolen.

- 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 or during lessons on other premises.

Confiscation

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school behaviour and safety.
- In most cases, parents will be contacted to discuss confiscated items, and a mutually agreed plan will lead to the disposal of said items.
- Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so. In most cases, parents will be contacted before data and files are erased.
- The member of staff must have sought advice from a member of school leadership in determining what is a “good reason” for examining or erasing the contents of an electronic device.
- In determining a ‘good reason’ to examine or erase the data or files the staff member must 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 to go against the expectation in the school’s Behaviour Policy.
- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school behaviour expectations) or whether the material is of such seriousness that it requires the involvement of the police.

Guidance for Carrying Out A Search

- 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, trays 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.

- 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.

Drawers and Bags

- Under common law powers, schools are able to search drawers and bags for any item provided the pupil agrees
- If a pupil does not consent to a search (or withdraws consent having previously given it) then it is possible to conduct a search without consent but only for the “prohibited items” listed above.

Informing Parents

- There is no requirement for the school to inform parents before a search
- Parents may be informed as part of the school behaviour policy and procedures.
- Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the pupil or the school.
- If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed.

Record Keeping

- There is no legal requirement for the school to keep records of searches or confiscation. However, as part of our normal procedures any such event will be recorded in the child’s school record.

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Updated by: G. Scullion