



STOKES WOOD
PRIMARY SCHOOL

Searching and Confiscation Policy

This policy should be read in conjunction with the following policies:

- Positive Behaviour Policy
- Child protection and safeguarding policy
- Exclusion and Suspension Policy
- Online Safety Policy

Approved by:

Date:

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1. School Vision

Stokes Wood Primary School is an ambitious place. We aim to help every child become a global ambassador, ready to explore and understand the world around them. We encourage our children to be curious, ask questions and seek answers as they learn. Our children are confident in sharing their ideas and opinions. They know how to listen and communicate with kindness and respect. We believe in a community where there are no outsiders– everyone belongs and every voice is heard. Above all, we nurture their well-being, ensuring they grow into healthy, balanced individuals committed to lifelong learning and positive change. Together, we create a caring and supportive environment where everyone can grow and succeed, ready to make a positive difference in Leicester and beyond!

2. Legislation and Guidance

This policy is based on the Department for Education's guidance and advice for schools on ['Searching, Screening and Confiscation'](#) DfE July 2022. This policy outlines the legal powers the school has for searching pupils and the powers school has to seize and then confiscate items found during a search.

3. Confiscation

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Sources of ignition
- Vapes

- Fireworks
- Pornographic images
- Any article a staff member 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 found in a pupil's possession because of a search will be confiscated. These items will not be returned to the pupil.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents/carers, if appropriate.

4. Searching

Searching can play a critical role in ensuring that Stokes Wood Primary School is a safe environment for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

Searches will only be carried out by a member of staff who has been authorised to do so by the headteacher, or by the headteacher themselves. Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the pupil, and there will be another member of staff present as a witness to the search.

In exceptional circumstances, an authorised member of staff of a different sex to the pupil can carry out a search without another member of staff as a witness, if the authorised 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 the 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

When an authorised member of staff conducts a search without a witness, they should immediately report this to another member of staff and make sure a written record of the search is kept.

If the authorised member of staff considers a search to be necessary, but not required urgently, they will seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

4.1 Before Searching

Before screening or conducting a search of a pupil, the school will consider their obligations under the [European Convention on Human Rights](#). Under Article 8. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this

means that pupils have the right to expect a reasonable level of personal privacy. The powers to search in the Education Act 1996 are compatible with Article 8.

Authorised staff 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 staff member 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.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails – e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions

The member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item
- do not understand the instruction
- are unaware of what a search may involve or
- have had a previous distressing experience of being searched

If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

4.2 During a Search

An appropriate location for the search should be found. Where possible, this will 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.

A member of staff may search a pupil's outer clothing, possessions, desks, draws or lockers. Staff will not search pupil's pockets but will ask pupils to remove the belongings in their pockets. Consideration will be given to clothing worn for religious reasons.

The person conducting the search will not require the pupil to remove any clothing, other than outer clothing e.g. a coat. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

4.3 Searching Pupils' Possessions

'Possessions' means any goods over which the pupil has, or appears to have, control of, including:

- Lockers

- Drawers
- Bags

A pupil's possessions can be searched for any item if the pupil agrees to the search. If the pupil does not agree to the search, staff can still carry out a search for prohibited items (listed in section 3) and items identified in the school rules.

4.4 Informing the Designated Safeguarding Lead (DSL)

The staff member who carried out the search must inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in section 3
- If they believe that a search has revealed a safeguarding risk

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search). They will then consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

4.5 Recording Searches

Any search by a member of staff for a prohibited item, listed on page 3, must be recorded in the school's safeguarding reporting system – CPOMS - 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. The member of staff recording the incident on CPOMS will need to include the following after 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
- what follow-up action was taken as a result of the search

4.6 Informing Parent/Carers

Parents/Carers should always be informed of any search for a prohibited item, listed above (Section 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.

5. Strip Searches

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

Before calling the police into school, staff will 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.

Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the pupil(s) involved. Staff retain a duty of care to the pupil involved and should advocate for pupil wellbeing at all times.

5.1 Communication and Record-keeping

Where reasonably possible and unless there is an immediate risk of harm, before the strip search takes place, staff will contact at least 1 of the pupil's parents/carers to inform them that the police are going to strip search the pupil and ask them whether they would like to come into school to act as the pupil's appropriate adult. If the school can't get in touch with the parents/carers, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult.

The pupil's parents/carers will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

5.2 Who will be present

For any strip search that involves exposure of intimate body parts, there will be at least 2 people present other than the pupil, except in urgent cases where there is risk of serious harm to the pupil or others.

One of these must be the appropriate adult, except if:

- The pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search, **and**
- The appropriate adult agrees

If this is the case, a record will be made of the pupil's decision and it will be signed by the appropriate adult.

No more than 2 people other than the pupil and appropriate adult will be present, except in the most exceptional circumstances.

The appropriate adult will:

- Act to safeguard the rights, entitlements and welfare of the pupil
- Not be a police officer or otherwise associated with the police
- Not be the headteacher
- Be of the same sex as the pupil, unless the pupil specifically requests an adult who is not of the same sex

Except for an appropriate adult of a different sex if the pupil specifically requests it, no one of a different sex will be permitted to be present and the search will not be carried out anywhere where the pupil could be seen by anyone else.

5.3 Care after a strip search

After any strip search, the pupil will be given appropriate support, irrespective of whether any suspected item is found. The pupil will also be given the opportunity to express their views about the strip search and the events surrounding it.

As with other searches, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

Staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.

Any pupil(s) who have been strip searched more than once and/or groups of pupils who may be more likely to be subject to strip searching will be given particular consideration, and staff will consider any preventative approaches that can be taken.

6. Prohibited or Illegal Items

Controlled drugs will be delivered to the police as soon as possible. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they will treat it as such and deliver them to the police. Other substances which are not believed to be controlled will also be delivered to the police.

Where a person conducting a search finds alcohol, tobacco, e-cigarettes, vapes, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate, but will not return them to the pupil.

If a member of staff finds a pornographic image, they may dispose of the image, unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child), in which case it will be delivered to the police as soon as reasonably practicable.

Members of staff will never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff will never copy, print, share, store or save such images.

Where a member of staff finds stolen items, these will be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning them to their owner is not practicable.

The member of staff will consider all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff will consider the following:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items, such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by the school;
- whether retaining or returning the item to the owner may place any person at risk of harm and
- whether the item can be disposed of safely.

Any weapons or items which are evidence of a suspected offence will be passed to the police as soon as possible. Items that have been (or are likely to be) used to commit an offence, or to cause personal injury or damage to property, will be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of.

Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil is involved, or at risk of being involved, in anti-social or criminal behaviour, including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's social care services.

7. Electronic Items

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

As with all prohibited items, staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

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 will never intentionally view the image, and will never 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 will confiscate the device, avoid looking at the device and refer the incident to a Designated Safeguarding Lead (or deputy) as the most appropriate person to advise on the school's response. Where reports of this nature are made, Stokes Wood Primary School will follow the principles as set out in the Keeping Children Safe in Education document.

The UK Council for Internet Safety will also provide the school with guidance on how to support school staff and Designated Safeguarding Leads with regard to sharing nude and semi-nude images: advice for education settings working with children and young people.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then this must be delivered to the police as soon as is reasonably practicable.

8. Policy review

The Governing Body of our school will review the Searching and Confiscation Policy every two years or sooner if the relevant guidance changes.