



Nether Hall School

# Searching, Screening and Confiscation Policy

<b>Policy Date:</b>	December 2023	<b>Policy Review Date:</b>	December 2025
<b>Responsible Person:</b>	Helen Robinson		
Sarah Naylor Headteacher	Signature: <i>S. Naylor.</i>	Date:	
Adrian Keene Chair of Governors	Signature: Not Required	Date:	

## **Introduction**

This policy reflects the new DfE guidance on screening, confiscation & search. We need to prioritise safeguarding and our duty of care to all pupils. This means we need to balance:

- The need to safeguard all pupils by confiscating harmful, illegal, or disruptive items
- The safeguarding needs and wellbeing of pupils suspected of possessing these items

The 'best interests' of pupils must be our primary consideration.

## **Screening**

Screening does not involve any physical contact and should be conducted using a walkthrough arch or metal detecting hand-held wand. We have no plans to introduce screening at Nether Hall School.

## **Definitions of looking and searching**

At Nether Hall school most of our pupils have significant learning and communication needs, we often need to look for items in a pupil's possessions, lockers and outer clothing. This may be items returned by parents, money and medication. Looking is informal, casual and for expected items. For the purposes of this policy this is not defined as searching.

Searching refers to an activity that is more formal and serious. It involves authorised staff searching for items that should not be in the possession of a pupil.

We have a responsibility to minimise risks to pupils, staff and visitors. Sometimes it may be necessary to determine whether a pupil is in possession of a 'prohibited', or other specified item that the school does not allow on site. In such circumstances this policy may be applied. While we will only search a pupil if we have a good reason to, we will consider that, for the pupil, it could infringe upon their wellbeing and rights in several ways.

We are aware that pupils may feel:

- Loss of privacy when clothes, bags, or possessions are searched
- Embarrassed
- Loss of a sense of security

We acknowledge that some pupils may have prohibited items in their possession that they have 'found' without any intent to harm themselves or others. On all occasions we discuss the search with parents and carers.

## **Who can search?**

Headteachers decide who is authorised to search. At Nether Hall School only designated and deputy safeguarding leads are authorised by the Headteacher to conduct a search.

Staff can search when there are reasonable grounds for suspecting a pupil is in possession of a prohibited item (see section below for list of prohibited items). The member of staff searching should be the same sex as the pupil (where possible) and there must be another member of staff present as a witness.

## **Consent**

Staff should ask the pupil for consent to search (verbal consent is acceptable). The ability to give consent may be influenced by age or other factors. If consent is given, staff can search for any item; either an item prohibited under the statutory powers or an item banned under the school rules. If consent is not given, staff can search only for prohibited items on the statutory list.

## **How to carry out a search**

Staff can search either on the school premises or elsewhere where they have lawful control or charge of the pupil, for example on school trips. Force cannot be used to search for items.

An appropriate location for the search should be found. Where possible, this should be away from other pupils.

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the pupil to remove any clothing other than outer clothing. '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.

Before searching: Explain to the pupil: why they are being searched, how and where the search is going to take place. Seek cooperation from the pupil in the first instance. Consider whether a search must be conducted urgently and whether waiting for parents is appropriate.

School staff, including the headteacher and authorised staff are not allowed to conduct strip searches. We always put the best interests of the pupil first and as such we must be sure that we have exhausted all other approaches. Staff must consider and carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search. It is highly unlikely that the school would need to request a strip search and in the event the school will call the police as a last resort, arranging for parents or a carer to be present before the search commences.

## **After searching**

Inform parents of the search, the outcome and any confiscation as soon as possible.

Record the search on CPOMS, regardless of whether an item is found or not. The record will

include:

- the time, date and location of the search
- who conducted the search
- what was being searched for
- the reason for searching
- what items, if any, were found
- what follow up actions were taken as a consequence of the search.

## **What School can confiscate?**

Authorised staff members can confiscate any item they find that they have reasonable grounds for suspecting:

- Poses a risk to staff or pupils
- Is a prohibited or banned item
- Is evidence in relation to an offence.

**Prohibited Items are:**

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to cause personal injury or damage to the property of, any person including the pupil.

In addition, the following items are not allowed at Nether Hall school:

- Mobile phones (Unless Mobile Phone Acceptable Use Agreement signed by parent/ carer and pupil)
- Medicines (unless signed agreement with parent / carers)
- E-Cigarettes, cigarettes, vapes, matches, and lighters
- Legal highs
- Laser pointers
- Products contain harmful chemicals e.g., some cleaning products and flammable sprays/liquids
- Anything that could be considered a weapon
- Material that is inappropriate or illegal for children to have, such as racist or pornographic material
- Items intended to cause intentional distress or upset to others.

**Confiscate**

After a search, if prohibited or banned items are found they should be confiscated by the member of staff who has completed the search.

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 have acted lawfully.

Any confiscated items will be dealt with in accordance with the DfE Guidance: 'Searching, Screening and Confiscation' July 2022, e.g.:

- Drugs, other controlled substances, stolen items and weapons should be delivered to the Police. Prescribed medications must be returned to parents /carers.
- Alcohol, tobacco, cigarettes or fireworks may be retained or disposed of as appropriate, but should not be returned to the pupil.
- Pornographic images, if there are reasonable grounds to suspect that possession of the images constitutes a specified offence (i.e., it is extreme or child pornography) they must be delivered to the police as soon as reasonably practicable. Otherwise, the images should be disposed of.
- Other suspicious items that could be used to cause personal injury may be retained or disposed of as appropriate but should not be returned to the pupil.

- Any banned item which has been identified by the school, can be returned to the owner, retained or disposed of. Staff should use their professional judgement to determine the appropriate choice.
- Where staff find an electronic device, they may examine any data or files on the device if they think there is a good reason to do so. However, if they suspect they may find a nude or semi-nude image they must never intentionally view the image or copy, print, share, store or save. If an indecent image of a child may be involved, the device must be confiscated, and the DSL will take appropriate action.
- Devices must be delivered to the police if any image, data or file indicates an offence. No data should be deleted.
- In exceptional circumstances, members of staff may dispose of the image or data if there is a 'good reason' to do so, in accordance with guidance from the Secretary of State:  
*'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 cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.'*

**Linked policies / documents:**

- Safeguarding and child protection policy
- Behaviour and discipline Policy
- Online safety policy
- Acceptable use policy
- Staff code of conduct
- Mobile phone Acceptable Use Agreement (Pupil)