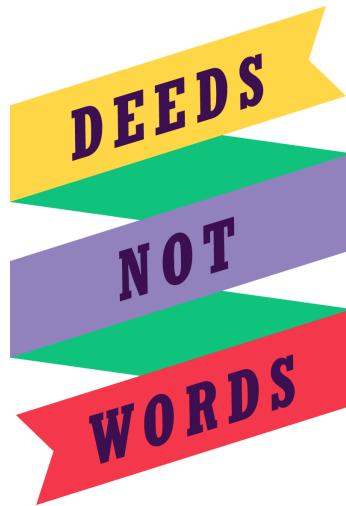


EMILY DAVISON SCHOOL

SCREENING, SEARCHING AND CONFISCATION POLICY



DATE CREATED	FEBRUARY 2024
DATE OF REVIEW	FEBRUARY 2025
HEADTEACHER	MICK HUTCHISON
CHAIR OF GOVERNORS	DAVID HARRISON

Emily Wilding Davison School Searching and Confiscation Policy fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children. This policy is a whole school policy and applies to all students and staff working in the school including governors.

This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2022. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation ability appropriately is an important way to ensure pupil and staff welfare is protected and helps schools establish an environment where everyone is safe.

Searching

Searching can play a critical role in ensuring that schools are safe environments 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.

Headteachers and staff they authorise have a statutory ability to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed below or any other item that the school rules to identify as an item which may be searched for.

The list of prohibited items is:

- 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).
- an article specified in regulations:
- tobacco and cigarette papers;
- fireworks;
- pornographic images.

Additional banned items detrimental to maintaining high standards of behaviour for which a search can be made:

- vapes/ e-cigarettes
- Mobile phones

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 can 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.

When exercising their statutory ability to search a pupil, schools will consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the prohibited and banned list (above).

School staff will also consider using CCTV footage to decide whether to conduct a search for an item (i.e. CCTV footage may be used to provide information about whether a pupil is in possession of a prohibited item). Where possible all

searches must be conducted in the presence of CCTV footage

The headteacher will oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy). The headteacher will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. The Headteacher will ensure that all staff understand their rights and the rights of the pupil who is being searched.

The designated safeguarding lead (or deputy) will be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed above. The staff member will also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk. If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Before a search takes place

A search can be considered if a member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff, Section 550ZB of the Education Act 1996. Before any search takes place, the member of staff conducting the search will explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. The authorised 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.

If the member of staff still considers a search to be necessary, but is not required urgently, they should 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 should be supervised and kept away from other pupils. If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified above, but not to search for items which are identified only in the school rules (mobile phone, vape/ e-cigarette).

The decision to use reasonable force will be made on a case-by-case basis. The member of staff will consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

During a search

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 duty of care or charge of the pupil, for example on a school trip. Where possible all searches must be conducted in the presence of CCTV footage in order to safeguard all involved.

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. 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.

When a member of staff conducts a search without a witness they will immediately report this to another member of staff, and ensure a record of the search is kept.

The extent of the search

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. Is this correct, I thought it would mean coats, jumpers, hoodies etc so long as there was a t-shirt or shirt underneath, not something worn next to the skin!!? Maybe putting 'not' where I have the asterisk would solve it.

'Possessions' means any goods over which the pupil has or appears to have possession of - this includes desks, lockers and bags. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to these being searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed above and any items identified in the school rules for which a search can be made, which include Mobile Phone and Vapes. 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 member of staff may use a metal detector to assist with the search.

Whether or not any items have been found as a result of any search, schools will consider whether the reasons for the search, the search itself, or the outcome of

the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff will follow the school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in Part 1 of Keeping children safe in education. School will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff will follow the guidance set out in confiscation.

Recording searches

Any search by a member of staff for a prohibited or banned item listed above and all searches conducted by police officers should 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.

Informing parents/carers

School will reinforce the whole-school approach by building and maintaining positive relationships with parents/carers. School will email all parents a copy of the policy to ensure they are fully aware of school procedures. Parents will always be informed of any search for a prohibited item listed above that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied. Schools will consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure. Are parents/carers going to have the policy shared with them prior to its implementation?

Confiscation / Items found as a result of a search

Staff members carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;

- is prohibited, or identified in the school rules for which a search can be made; or
- is evidence in relation to an offence.

Prohibited or illegal items

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs.

Where a person conducting a search finds alcohol, tobacco, 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 must.

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. See paragraphs below for further advice on searching electronic devices.

Where a member of staff finds stolen items, these must 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. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraph below.

The member of staff should take into account 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 should 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 must 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 should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in paragraphs below.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item.

In relation to items banned under the school rules:

- School will not return any confiscated vapes/ e-cigarettes.
- School will return mobile phones to the pupil at the end of their school day or to a parent/ carer as deemed appropriate by the school

Electronic devices/Mobile Phones

Electronic devices, including mobile phones are banned in school. Electronic devices 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 should 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. Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is a good reason to do so.

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 the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. In such cases the school will follow the principles as set out in Keeping children safe in education.

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.

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. 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.

Confiscation as a disciplinary penalty

Schools' statutory ability 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. 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.

Informing Parents and Carers

School will use relational practice and a trauma informed approach to work with students to produce a calm and supportive environment conducive to learning.

- There is no requirement for the school to inform parents before a search but where possible staff will make every effort to make parents aware in a timely manner that befits the situational context
- 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 on the child's action plan on their passport.

What does this mean in practice?

School will follow a staged approach to managing pupil behaviour, the searching of pupils and any subsequent consequential actions. This staged approach is:

Prohibited Items:

1. If a pupil is seen with a prohibited item the headteacher and DSL will be informed and the pupil will be instructed by staff to hand it in.
2. If the pupil complies with the request, school will inform parents/ carers and the police where necessary. School will then:
 - dispose of the item in line with policy
 - make a decision as to whether a fixed term suspension is appropriate
 - log the incident
 - make a decision as to whether additional support is required. This support may include:
 - Adding the pupil to a daily screening and/ or searching list where they will be screened/ searched upon entry to school
 - Changes to risk assessments/ pupils passport
 - Social services support

3. If the pupil refuses the request, the school will conduct a search and will inform parents/ carers and the police where necessary. School will attempt to avoid any use of force but will take appropriate measures to produce a calm and supportive environment conducive to learning. Where appropriate, school may decide this environment will be realised better if the search is conducted by the police. The pupil will then receive an appropriate fixed term suspension proportionate to the item involved and conduct of the pupil. School will then:
 - dispose of the item in line with policy
 - log the incident
 - make a decision as to whether additional support is required. This support will include:
 - Adding the pupil to a daily screening and/ or searching list where they will be screened/ searched upon entry to school
 - Changes to risk assessments/ pupils passport
 - Inform social services

Banned Items:

1. If a pupil is seen with a banned item (mobile phone/ vape) they will be instructed by staff to hand it in. Pupils will then be given 30 minutes in order to comply with the request.
2. If the pupil complies with the request, school will inform parents/ carers at the end of the school day. School will also:
 - responsibly dispose of the vape
 - store the mobile phone securely and return it to the pupil at the end of the day. Where appropriate this process may involve returning the phone to parents/ carers.
 - log the incident
3. If the pupil refuses the request, the school will follow its mobile phone and vaping policy.
 - In the case of mobile phones this involves reminding pupils and parents/ carers of school policy and expectations via Letter 1 (first

instance), Letter 2 (second instance) before implementing 1 day fixed term suspensions for subsequent infractions.

- In the case of vaping this results in a 1 day fixed term suspension.
4. Where pupils cause significant (impairing staff from conducting their role or hindering peers from learning) and/ or consistent (repeated infractions) disruption to the school learning environment they will be placed on a screening list for a determined period of time. Screening involves the use of a hand held metal detector which is screened over the pupil and will take place when the pupil arrives in school in the morning in the taxi foyer or main reception. Pupils on the screening list will not access the main learning environment without being screened. Pupils found in possession of banned items will remain in the taxi foyer or main reception area and will be given the opportunity to hand these in. Any items found or handed in will be confiscated and securely stored until the end of the school day (mobile phones will be handed back at the end of the school day but vapes will not. Parents/ carers can retrieve these in person by contacting the school office). Where pupils refuse to hand over any banned items, staff will contact the parent/carer who will be responsible for collecting the pupil from school. Pupils who are not able to engage in the school's screening process or refuse to hand over any banned items will not be allowed to access the main learning environment. Pupils will be supervised in the taxi foyer or main reception area until they are collected. These pupils will be marked as an unauthorised absence. Where pupils are persistently unable to engage in these systems, schools will discuss the suitability of the provision with parents/ carers.
 5. Pupils who conduct themselves in line with school policy and support the schools attempts to maintain a positive learning environment will not be screened.



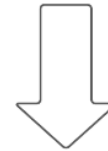
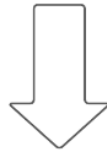
Prohibited Items

- Knives, weapons, alcohol, drugs, stolen items,
- Items that can be used to commit criminal offences, injury, damages
- Cigarettes, cigarette papers, fireworks, pornography

Information received/seen by staff
Instructed to hand in & DSL/HT informed

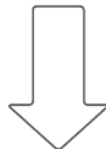
Refusal

Compliance



Conduct search
Inform parents/carers
Potential use of force - (inc Police)
Fixed Term Suspension - immediate

Item received
Inform parents/carers
Police informed (if required)
Fixed Term Suspension considered

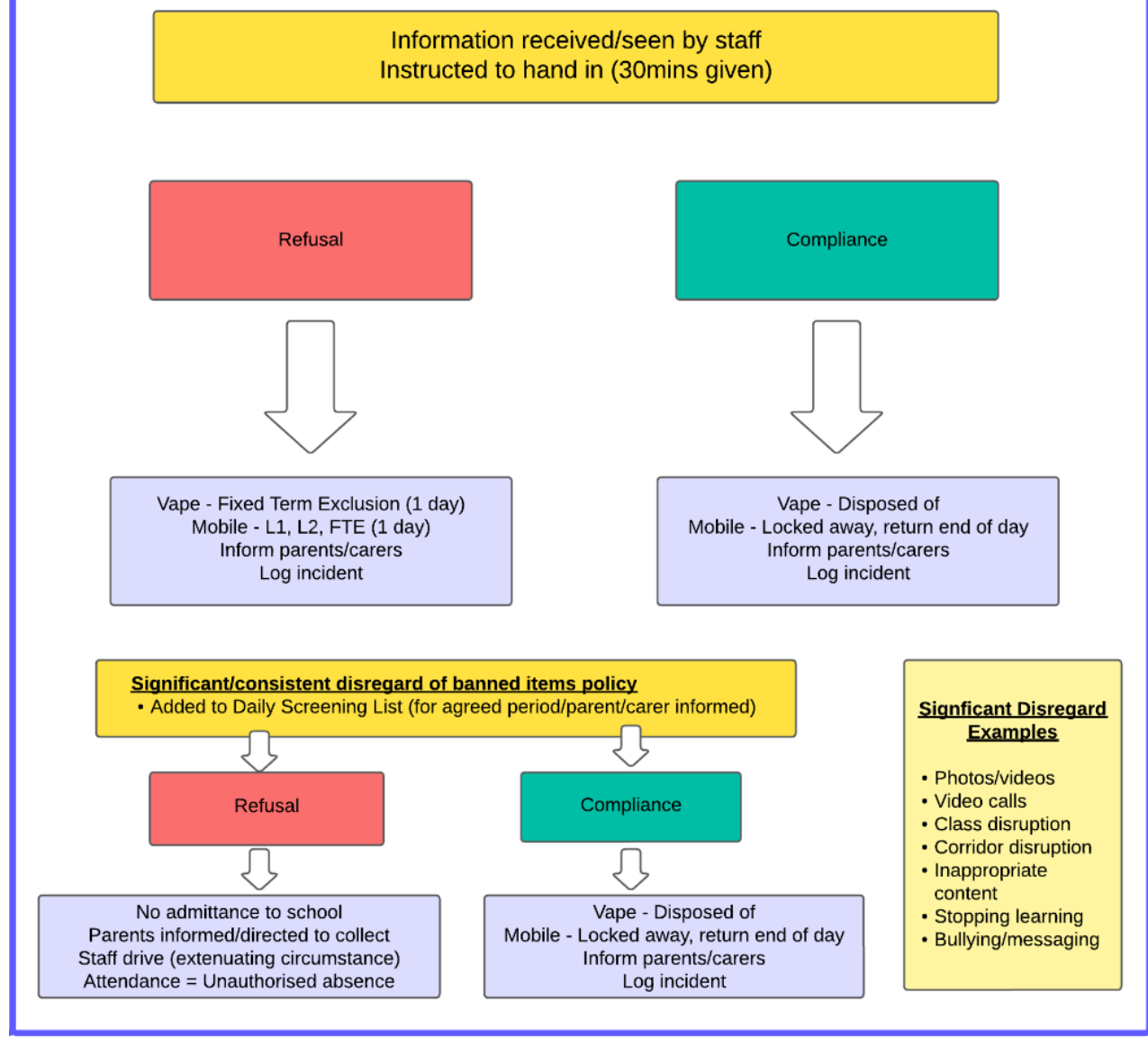


Dispose of item (following guidance)
Log incident
Student added to Daily Screening List
Risk Assessment & Pupil Passport amended
Report to Social Services and other appropriate bodies as required



Banned Items

- Mobile phones (personal electronic devices), vapes, e-cigarettes,



The Designated Safeguarding Lead, Prevent Strategy Lead is: : Elizabeth Airey

The Online Safety Lead is : Giles Brown

**The Deputy Designated Safeguarding Leads are: Jo Kendrick, Cath Taylor,
Michael Hutchison**