

Searching, Screening and Confiscation Policy

Statement of intent

Vibrance appreciates that students have the right to expect a reasonable level of personal privacy and will do its utmost to ensure that this right is respected as far as possible. We aim to ensure that staff members have the confidence to search and screen students and confiscate items as necessary and that this is enacted in a calm, safe and supportive manner.

Nevertheless, the provision also takes seriously its obligation under health and safety legislation to manage searching, screening, and confiscation in a way that does not expose students or staff members to unnecessary risks.

This policy sets out the framework for the provision to meet this obligation by outlining the circumstances in which students can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance, including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- DfE (2022) 'Searching, Screening and Confiscation'
- DfE (2013) 'Use of reasonable force.'
- DfE (2022) 'Behaviour in Schools
- DfE (2022) 'Keeping children safe in education 2022.'

This policy operates in conjunction with the following policies:

- Behaviour Policy
- Physical Intervention Policy
- Complaints Procedures Policy
- Disciplinary Policy and Procedure
- Child Protection and Safeguarding Policy
- Allegations of Abuse Against Staff Policy
- School Security Policy

2. Roles and responsibilities

The governance board/management will be responsible for the following:

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- This policy should be implemented within the provision, and its effectiveness should be monitored.

The headteacher will be responsible for the following:

- Authorising members of staff to search students for prohibited items and items banned by the provision, according to its policies.
- Ensuring the procedures in this policy are implemented consistently across the provision.
- Assessing on a case-by-case basis whether a staff member should undertake a search.
- Overseeing the provision's search practice ensures that a culture of safe, proportionate, and appropriate searching is established and maintained.
- Ensuring the DSL is called on for support during or after searching, as appropriate.
- Ensuring sufficient staff are appropriately trained to search a student lawfully and safely, including managing students who do not cooperate with the search.
- Ensuring all staff understand their rights and the rights of any pupils being searched.
- Ensuring the DSL (or their deputy) is informed of instances where a staff member had reasonable grounds to suspect that a student had a prohibited item.
- Advising staff on what to do if they believe a search is necessary but not urgently required, e.g., keeping the pupil supervised and away from others.
- Determining whether searches for items banned by the provision's policies should be recorded.
- Consult with the local police before installing and using any devices for screening.
- Ensuring parents and students are informed about screening devices before use and why any devices need to be used.
- Ensuring that prohibited items and items banned by the provision are outlined in the relevant policies and are communicated with staff, parents, and students.
- Reviewing this policy on an annual basis.

The DSL will be responsible for the following:

- Managing any safeguarding concerns raised by staff members who have searched and by students subject to a search.
- Making referrals in line with the provision's safeguarding procedures, where there is evidence from a search that a student is at risk of harm.
- Ensuring procedures are in place and followed for when a safeguarding incident arises.

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- Ensuring procedures are in place for staff to alert them of instances when they had reasonable grounds to suspect a pupil had prohibited items and when a prohibited item has been found.
- Considering the circumstances of pupils at risk of harm due to the search to assess whether there is a broader safeguarding concern.
- Advising staff on what to do if they believe a search is necessary but not urgently required, e.g., keeping the student supervised and away from others.
- Advising staff on any aftercare required by a student as a result of a search.

Staff members will be responsible for the following:

- Acting per this policy when screening or searching a student or confiscating items.
- Ensuring the culture of safe, proportionate, and appropriate searching is maintained.
- Adhering to the relevant guidance and policies and familiarising themselves with which items are prohibited and banned by the provision.
- Ensure they implement sanctions fairly, proportionately, and in line with the behaviour policy.
- Raising safeguarding concerns with the DSL (or their deputy) as soon as reasonably practicable.
- Maintaining their duty of care for any pupils subject to a search, including a strip search, and protecting their welfare at all times.

3. Screening

Under the provision's statutory power to make rules on student behaviour and the duty to manage the safety of staff, students and visitors, the provision can require that students undergo screening. All members of staff will have the authority to screen students.

Before installing any technology to screen students, the headteacher will consult the local police about whether the devices are appropriate.

Screening equipment

Screening students via a metal detector without their consent will be permitted, even if it is not suspected that they possess a weapon, drugs, or phones.

Parents and students will be informed before the installation of any screening practices to explain the purpose of the screening and what it will involve.

The provision will ensure reasonable adjustments to the screening process where a student has additional needs or a disability. It will also consider the age of the students being screened.

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Where a student refuses to be screened, a staff member will assess whether searching is necessary.

Students who refuse to be screened will be appropriately sanctioned in line with the Behaviour Policy and may be moved to a safe area away from others whilst we wait for parents to collect items not allowed on the premises.

4. Authorising members of staff

Only the headteacher and authorised staff members can search students without their consent.

The headteacher will clarify which items each authorised staff member is permitted to search for. For example, a staff member could be authorised to search for stolen property but not for weapons.

When deciding which staff members will be authorised to undertake searches under these powers, the headteacher will consider whether they require additional training to carry out their responsibilities safely and lawfully.

5. List of prohibited and banned items

Prohibited items

Prohibited items include:

- Knives or weapons
- Alcohol
- Illegal drugs
- Tobacco and cigarette papers
- Stolen items
- Fireworks
- Pornographic images
- Any item that a 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 the property of, any person (including themselves)

Banned items

Banned items include:

- Legal highs
- Aerosol cans
- Paint thinners
- Non-prescribed hypodermic needles
- Mobile phones
- Tobacco and cigarette papers
- Vapes and vape liquid

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6. Searching with consent

Any staff member can search students for any item **if the pupil consents**. This search will not require formal written consent; informed verbal consent will suffice. All staff members will ensure that any student subject to a search with consent understands the reason for the search and how it will be conducted.

Searches with consent will be undertaken on the basis that a student is, or is suspected to be, in possession of a prohibited or banned item as identified in this policy and the Behaviour Policy.

Searches with consent will be implemented consistently, proportionately, fairly, and in line with this policy at all times.

The provision will ensure that banned items are evident in communication with parents.

If a staff member suspects a student has a banned item, the student will be instructed to turn out their pockets, desk and bag.

When exercising their authority to search with consent, staff members will assess and consider the pupil's age and needs. Where required, reasonable adjustments will be made when a pupil has additional needs or a disability.

7. Searching without consent

The headteacher and authorised staff have the statutory power to search students or their possessions without consent where they have reasonable grounds for suspecting that the student may have a prohibited item (see [section 5](#)). The staff member will decide what constitutes reasonable grounds for suspicion on a case-by-case basis.

An item banned by the provision rules will only be searched for without consent if this policy and the Behaviour Policy identify it as a searchable item.

Staff members not authorised by the headteacher to implement searches without consent will not do so. Where a search is required, and the student does not consent to be searched, unauthorised staff members will contact an authorised staff member immediately.

Authorised staff members will assess whether a search without consent is urgently needed and consider the risk to staff and other pupils if one is not conducted.

Before a search without consent is conducted, the authorised staff member will explain to the student why they are being searched and how the search will take place. They will also provide the student with an opportunity to ask any questions.

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Where possible, the authorised staff member will seek the student's cooperation before commencing the search without consent. If the student refuses to cooperate, the student may be sanctioned per the Behaviour Policy.

8. Privacy

Students will only be searched by staff members of the same sex as them. All searches will be witnessed by another member of staff who is, where possible, the same sex as the student being searched.

Where a staff member is not the same sex as the student subject to a search, they will summon a staff member of the same sex as the student, where practicable. The summoned staff member will be the one to search.

A search will only be conducted by a person who is not the same sex as the student being searched or without a witness, where:

- The staff member reasonably believes there is a risk of serious harm if the search is not conducted immediately.
- It is not reasonably practicable to summon another member of staff.

Under the exceptional circumstances outlined above, the member of staff searching will consider that a pupil's expectation of privacy increases as they age.

When a staff member searches without a witness, they report the search immediately to another staff member and ensure a record of the search.

The provision may consider using CCTV footage to decide whether to search for an item. Any CCTV usage will be conducted per the provision's Surveillance and CCTV Policy.

Authorised staff members will ensure that an appropriate location on the provision premises is used for searching. Where possible, this location will be away from other pupils. Searches will only be undertaken off-premises where the authorised staff member has lawful control of the student, e.g., on a trip.

9. During the search

Definitions:

- **“Outer clothing”** – clothing not worn next to the skin or immediately over a garment worn as underwear, e.g., hats, shoes, or gloves.
- **“Possessions”** – any goods over which the student has or appears to have control, including desks, lockers, and bags.

A student's possessions will only be searched in the presence of the student and another staff member, except where there is a risk that serious harm will be caused if the search is not conducted immediately.

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Staff will always remain aware that the power to search without consent **only** enables a personal search involving the removal of outer clothing and searching pockets, desks, lockers, etc. Staff will never conduct an intimate search and remain aware that only a person with more extensive powers, i.e., a police officer, can perform an intimate search.

If students do not consent to a search or withdraw their consent, they may be subject to a search without permission, but only for prohibited items.

10. Physical intervention

Staff members will only be permitted to use physical intervention when searching for prohibited items, and they will not use force to search for items banned only under provisional rules.

The physical intervention will be used on a case-by-case basis only.

Searches requiring physical intervention will be conducted per the Physical Intervention Policy.

11. Strip searches

A “**strip search**” involves removing more than outer clothing (see the definition of outer clothing in [section 9](#)).

Staff members will never conduct a strip search on a student – police officers will only conduct strip searches.

During a strip search, staff members will always maintain their duty of care to the student and advocate for their wellbeing.

Strip searches will be conducted in a private area of the provision, away from others (see [section 8](#)).

Before requesting the strip search of a student by the police, staff members will balance the risk of negatively affecting the student's physical and mental well-being against the risk of not recovering the suspected item.

Strip searches will only be considered where:

- It is necessary to undertake this type of search.
- Where other, less invasive approaches cannot be conducted or have already been exhausted.
- It is deemed necessary by a police officer to recover an item related to a criminal offence, and they have reasonable grounds to suspect the student has concealed the item.

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Whenever a strip search involves the exposure of intimate body parts, the provision will ensure that at least two people are present, other than the student, where one of whom will be an appropriate adult. Where the student's parent wishes to act as the applicable adult, the provision will facilitate this where possible. These circumstances may not apply if the strip search is urgent or there is a risk of serious harm to the student or others.

Unless in urgent or high-risk cases, strip searches involving the exposure of intimate body parts will only occur without an appropriate adult where the student explicitly states, in the presence of the proper adult, that they do not want the appropriate adult to be present during the search. A record of the student's decision will be made.

Records of all strip searches will be kept and monitored by the provision.

12. After the search

Staff members will use their discretion to confiscate, retain and destroy any item found due to a search with the student's consent, as long as it is reasonable. Where any item is reasonably suspected to be an offensive weapon, it will be passed to the police.

Staff members who act lawfully will be legally protected from liability in any proceedings brought against them for any loss or damage to any item they have confiscated.

Confiscation, retention, and disposal of prohibited items

Staff members searching will be permitted to seize any item they have reasonable grounds for suspecting is a prohibited item or is evidence of an offence.

When a staff member searching finds:

- **Alcohol**, they will retain or dispose of the item as they see appropriate; the alcohol will not be returned to the student.
- **Controlled drugs** will be delivered to the police as soon as possible; however, they may also be disposed of if the staff member thinks there is a good reason to do so.
- **Other substances** not believed to be controlled drugs are confiscated if they think they are detrimental to behaviour, discipline, and safety.
- They will deliver stolen items to the police as soon as possible or return them to the owner if they have an excellent reason to do so.
- **Fireworks** will be retained or disposed of but not returned to the student.
- A **pornographic image** will dispose of the image unless there are reasonable grounds to suspect that its possession constitutes a specified offence, i.e., the image is extreme or child pornography; in these cases, the staff member will deliver the image to the police as soon as possible.

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- An item that has been, or is likely to be, **used to commit an offence or to cause personal injury or damage to property**, they will deliver the item to the police, return the item to the owner, or retain or dispose of the item.
- **Weapons or items that prove an offence** will be sent to the police as soon as possible.
- They will retain or dispose of **tobacco, cigarette papers, or vapes**; they will not be returned to the student. Parents will be asked to collect these items from the provision if they are rechargeable vapes.

Confiscation, retention, and disposal of banned items

Staff members searching will be permitted to seize any item they have reasonable grounds for suspecting is a banned item or is evidence of an offence.

When a staff member searching finds:

- They will retain or dispose of **tobacco, cigarette papers, or vapes/vape liquids**; they will not be returned to the student. Parents will be asked to collect these items from the provision if they are rechargeable vapes.
- **A mobile phone** will be returned at the end of the provision day if there are no safeguarding concerns.

It is at the discretion of authorised staff to decide whether there is a 'good reason' not to deliver stolen items or controlled drugs to the police. In determining a good reason, the staff member will consider all relevant circumstances and use their professional judgment to decide whether or not they can safely dispose of the item.

Where the staff member is unsure of the legal status of a substance and has reason to believe it may be a controlled drug, the item will be treated as such.

For stolen items, the police will not be involved in dealing with low-value items, e.g., pencil cases; however, it may be appropriate for the provision to contact the police if high-value items, e.g., laptops or illegal items, e.g., fireworks, are involved.

Aftercare following a strip search.

Students subject to a strip search will be provided appropriate support, regardless of whether a prohibited item is found. Safeguarding processes will be followed where necessary, focusing on the pupil's well-being. The DSL will be involved in any safeguarding processes.

Students subject to a strip search will always be allowed to ask questions about the search and express their views following it.

Staff will consider the well-being and safeguarding of students and groups of students subject to a strip search with unusual frequency. Where required, preventative approaches will be put in place to avoid harm to the identified student or group of student's well-being.

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13. Recording a search

All searches for prohibited items and those conducted by police officers will be recorded via the provision's safeguarding systems.

Records of searches for prohibited items, both by staff and by the police, will include the following:

- The date, time, and location of the search.
- The name of the student is subject to the search.
- The name of the individual who searched.
- The name of any other adults or students present during the search.
- The item being searched for.
- The reason for the search.
- Whether the item was found.
- Any other items found.
- What were follow-up actions taken as a consequence of the search?

All searches for banned items will not be recorded.

14. Informing parents

The student's parents will be informed when a search of their child is conducted to recover prohibited items.

The student's parents will not be informed when a search of their child is conducted to recover banned items.

In some circumstances, the provision may need to inform the student's parents about the search for a banned item, e.g., to safeguard the student.

Where a strip search is requested, the provision will inform the student's parents of the search before it is conducted unless there is an immediate risk of harm. Where there is an immediate risk of harm, the student's parents will be informed about the strip search as soon as possible.

Complaints about searching, screening or confiscation will be managed via the provision's complaints procedure, per the Complaints Procedures Policy.

15. Electronic devices

Suppose an electronic device prohibited by the provision rules or reasonably suspected of having been or is likely to be used to commit an offence or cause personal injury or damage to property is found during a search. In that case, the staff member is permitted to examine any data or files on the device where there is good reason to do so.

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Parental consent is not required to search a student's electronic device if it has been seized in a search without consent.

Staff will consider whether an appropriate safeguarding response is required if they reasonably believe any images, data, or files found on a pupil's electronic device will likely put others at risk. If this is the case, the staff member will involve the DSL immediately.

Staff members have the authority to delete data or files if they believe there is a good reason to do so unless the device is suspected to be relevant to an offence or contains a pornographic image of a child or an extreme pornographic image. In these cases, files and data will not be deleted, and the device will be given to the police.

A good reason will be considered if the staff member reasonably suspects that the data or files on the device have been or could be used to cause harm, disrupt teaching, or break the provision rules.

Any electronic device that has been seized, which is prohibited by the provision rules, and there are reasonable grounds to suspect that it contains evidence relating to an offence, will be given to the police as soon as possible.

Suppose a staff member does not find any material they suspect is evidence of an offence and decides not to give the device to the police. In that case, they are permitted to determine if it is appropriate to delete any files or data from the device or retain it as evidence of a breach of provision rules.

Indecent images of students

Staff will be aware that creating, possessing, and distributing indecent imagery of children is a criminal offence, regardless of whether the imagery is created, maintained, and distributed by the individual depicted; however, staff will ensure that pupils are not unnecessarily criminalised.

When a member of staff becomes aware that an electronic device they are searching involves indecent images of a child, they will refer this to the DSL as soon as possible and will:

- Refrain from viewing, copying, printing, sharing, storing, or saving the imagery.
- Confiscate the device and ensure it is securely stored.
- Inform the DSL immediately if they accidentally view an indecent image and seek support.
- Explain to the student being searched that the incident must be reported.
- Not blame or shame anyone involved, and reassure the student being searched that they can receive support from the DSL.
- Report the incident to the DSL.

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The DSL will attempt to understand what the image contains **without viewing it** and the context surrounding its creation and distribution. They will categorise the incident into one of two categories:

- **“Aggravated”** – incidents involving additional or abusive elements beyond the creation and distribution of indecent images of children, including where an adult is involved, where there is an intent to harm the child depicted, or where the photos are used recklessly.
- **“Experimental”** – incidents involving the creation and distribution of indecent images of children with no adult involvement or apparent intent to cause harm or embarrassment to the child.

For there to be a good and apparent reason to view indecent imagery, the DSL will need to be satisfied that this action is:

- The only way to decide whether to involve other agencies is because it is impossible to establish the facts, e.g., the contents of the imagery, from the student(s) involved.
- Necessary to report it to a website, app, or appropriate reporting agency to have the image taken down or to support the student or their parent in making a report.
- Unavoidable because the student has presented the image directly to a staff member or the image has been found on a provision device or your network.

Where it is necessary to view the imagery, e.g., if this is the only way to decide whether to inform other agencies, the DSL will:

- Never copy, print, share, store or save them as this is illegal – if this has already happened, they will contact the local police for advice and to explain the circumstances.
- Discuss the decision with the headteacher or a member of the SLT.
- Ensure viewing is undertaken by them (or a deputy) or another member of the safeguarding team with delegated authority from the headteacher or a member of the SLT.
- Ensure viewing occurs with another staff member in the room, ideally the headteacher or an SLT member. This staff member does not need to view the images.
- Wherever possible, ensure viewing takes place on the provision premises, ideally in the headteacher's office or a member of the SLT's office.
- Make sure, wherever possible, that they are viewed by a staff member of the same sex as the student in the images.
- Record how and why the decision was made to view the imagery in the safeguarding or child protection records, including who was present, why the imagery was considered and any subsequent actions.

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Where the incident is categorised as 'aggravated', the situation will be managed in line with the provision's Child Protection and Safeguarding Policy, and the police will be involved.

Where the incident is categorised as 'experimental', any students involved are supported to understand the implications of sharing indecent imagery and to move forward from the incident.

Where there is reason to believe that indecent imagery being circulated will harm a student, the DSL escalates the incident to the appropriate children's social care services. Where indecent imagery of a student has been shared publicly, the DSL will work with the student to report the imagery to the websites on which it has been shared and reassure them of the available support.

16. Staff conduct.

All staff members are expected to follow this policy. The provision's disciplinary policy and procedure will manage any breach of this policy.

Staff members who conduct searches without consent but are not authorised to do so will be managed in line with the Disciplinary Policy and Procedure. Under no circumstances will a staff member conduct the strip search of a student.

During searching and screening procedures, staff members will always consider students' age, needs, and well-being.