

Searching and Confiscation Policy

*A copy of this policy is published in the following area:
The school's website*

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Reviewed by: Deputy Head (Pastoral)

A. Related Truro School Policies

This Searching and Confiscation Policy should be read in conjunction with:

- Use of Reasonable Force Policy;
- Positive Behaviour and Values Policy;
- Safeguarding and Child Protection Policy.
- School Rules

B. Rationale and purpose of policy

The policy has been developed in line with guidance from the DfE document:

[Searching, screening and confiscation: Advice for schools, Department for Education](#) (July 2022).

The aim of this Policy is to state the circumstances under which:

- pupils or pupils' rooms, lockers or belongings may be searched;
- and the procedures to be followed when this occurs.

The Head and teaching staff have a specific statutory power to search pupils without consent for specific items – knives/weapons, alcohol, illegal drugs and stolen items.

C. Prohibited items that may warrant a search

The School has a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds to suspect that a pupil may be in possession of a prohibited item.

The following is an indicative, but not exclusive, list of prohibited items:

- knives or 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 the property of the School, or of any person (including the pupil);
- tobacco and cigarette papers, and vaping devices
- fireworks;
- lasers and laser pens;
- pornographic images (including those stored digitally).

The Head and members of the Senior Leadership Team can also search for any “prohibited items” banned by the School Rules.

D. Searching in General

Before any search takes place, the member of staff conducting the search should 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.

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

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 coats, hats, shoes, boots, gloves and scarves.

“Possessions” means any goods over which the pupil has or appears to have control – this includes lockers 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 staff must never carry out an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Under common law powers, schools are able to search lockers for any item provided the pupil agrees. If a pupil does not consent to a search or withdraws consent then it is possible to conduct a search without consent but only for the 'prohibited items' listed above.

D1. Searching with consent

School staff can search a pupil for any item if the pupil agrees.

No formal written consent is needed from the pupil. A teacher may ask the pupil to agree to:

- turn out their pockets;
- opening their bag, locker or, in the case of boarders, their room.

D2. Searching without consent

If a member of staff considers a search to be necessary, but not urgently, and the pupil does not give consent, they should seek the advice of the Head or Deputy Head (Pastoral). During this time, the pupil should be supervised and kept away from other pupils. With the Head's authorisation, staff can search where they have reasonable grounds to suspect that a pupil is in possession of a prohibited item.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

The decision to use reasonable force should be made on a case-by-case basis. The member of staff should 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.

Teaching staff may also search pupils or their possessions even without their consent, provided they have reasonable grounds for suspecting that the pupil may have a **prohibited item** (illegal item or an item banned by Truro School as set out in the School Rules).

To search a pupil, teachers must be the same gender as the pupil being searched; and there must be a teacher witness who should be the same gender as the pupil being searched. If possible that teacher witness would be a tutor or another member of staff known to and trusted by the pupil.

There is a limited exception to this rule. Staff may carry out a search of a pupil of the opposite gender and / or without a witness present, but only where staff reasonably believe that there is a

risk that serious harm will be caused to a person if a search is not carried out immediately and where it is not reasonably practicable to summon another member of staff.

If a member of staff suspects a pupil has a banned item in their possession, they can instruct the pupil to turn out their pockets or bag and if the pupil refuses, the teacher can apply an appropriate consequence as set out in the school's Positive Behaviour and Values Policy.

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.

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 in training settings. The powers only apply in England. When on a trip outside England, the law of that country should be followed in terms of searches without consent.

D3 Establishing grounds for a search

Staff can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in their possession a prohibited item. The member of staff 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 suspect that the pupil is concealing a prohibited item.

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 which are later found not to be illegal or stolen.

School staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

E. Searching Boarders' Rooms and Lockers

The Boarding National Minimum Standards advises that any search of boarder's personal belongings should be carried out in accordance with section 550ZA of the Education Act 1996.

A search may be carried out of a boarder's room where the School has reasonable grounds for suspecting that the pupil may have a prohibited item (see Section C of this policy) with them or in their possessions. A search may also be conducted if the School reasonably suspects that the pupil may have an article that has been, or is likely to be, used to commit an offence or to cause personal injury to, or damage the property of the School, or to any person or any "prohibited items" listed in the School's Positive Behaviour and Values Policy.

In terms of the process for searching a boarder's room, the process at D2 and D3 in this Policy should be followed. In addition to those processes –

- There should always be two adults present, at least one should be a resident member of boarding staff.
- One of the two adults carrying out the search should be of the same gender as the pupil.
- If a pupil is female, a female member of staff should carry out the physical search.
- If several rooms are being searched, pupils should be assembled in a common room and invited to accompany members of staff while their room is being searched; they should then return to the common room until the search has been completed. Mobile phones and other devices will be handed in to a member of staff while the searches are conducted.
- If any stolen or prohibited items are discovered, they should be handed to the senior member of staff carrying out the search. The senior member of staff should then initiate a formal investigation of misbehaviour in line with the Positive Behaviour and Values Policy. This Policy will then be followed.

A record of a room or house search and whether anything is found or not, should be written in the House Diary, and e-mailed to the Deputy Head (Pastoral).

F. Strip searching

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 Codes A and C. While the decision to undertake the strip search itself and its conduct are police matters, School staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

Before calling police into school, staff should 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 should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

G. Recording searches

Any search by a member of staff for a prohibited item and all searches conducted by police officers will be recorded by the Deputy Head (Pastoral), including whether or not an item is found. This will allow for the identification of possible risks and initiate a safeguarding response if required.

The following will be recorded:

- 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; and

- what follow-up action was taken as a consequence of the search.

Informing parents

Parents will always be informed of any search for a prohibited item listed in Section C that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform parents of what, if anything, has been confiscated and the resulting action the school has taken, including any behaviour consequences applied.

Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

H. Confiscation

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting –

- Poses a risk to staff or pupils or property
- Is prohibited, or identified in the school rules as a “prohibited item” for which a search can be made
- Is evidence in relation to an offence

The School will follow the advice in “Advice for Schools – Searching, Screening and Confiscation” in relation to handling of prohibited or illegal items (such as controlled drugs, alcohol, tobacco, cigarette papers or fireworks, pornographic images, stolen items, weapons or items that have been, or are likely to be, used to commit an offence or to cause personal injury or damage to property).

Members of staff confiscating a “prohibited item” under the School Positive Behaviour and Values Policy will consult with a member of the Senior Leadership Team in deciding whether to return, retain or dispose of such “prohibited items”.

Schools’ general power 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.

I. Electronic devices

Where an electronic device has been confiscated as part of a search carried out in accordance with Section F, staff may examine any data or files on an electronic device if there is good reason to do so. They should consult with a member of the Senior Leadership Team, ideally the Deputy Head (Pastoral) before doing so.

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.

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, the School 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 authorised to conduct the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must 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 should confiscate the device, avoid looking at the device and refer the incident to the Deputy Head (Pastoral) and DSL as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in "Keeping children safe in education".

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

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 consult with a member of the Senior Leadership Team, ideally the Deputy Head (Pastoral) who will 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, in consultation with a member of the Senior Leadership Team (ideally the Deputy Head (Pastoral)) 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.

Appendix: Legislative Documents

- The Education Act 1996;
- Education and Inspections Act 2006;
- [Searching, screening and confiscation: Advice for schools, Department for Education](#) (July 2022).