RAINFORD HIGH

PARTNER OF THE EVERYONE MATTERS SCHOOLS TRUST

Rainford High
Searching and Confiscation Policy

Everyone Matters

We expect our community to be kind, polite and respectful

Everyone Helps

We expect our community to make sensible choices

Everyone Succeeds

We expect our community to work hard

Policy Owner	Principal
Scope of the Policy	This policy applies to all of the school community
Last reviewed by trustees	**September 2026**
Next review due	**September 2027**
Summary of key changes	• Mobile phone is now listed as a prohibited item. • Use of metal detection wands is included.

Introduction

- Rainford High School fully recognises the responsibility it has under section 175 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children.

- Care and consideration will be given to the age of the child when following the guidance in this policy.

- This policy applies to all staff, volunteers and contractors, paid and unpaid, working in the school including trustees.

This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Schools July 2022.

The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN) and in line with the Equality Act 2010

Key Information

Headteachers and staff they authorise have a statutory power 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 identify as an item which may be searched for.

The list of prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers, including vapes and e-cigs
- fireworks
- pornographic images
- 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 the property of, any person (including the pupil)

Under common law, school staff have the power to search a pupil for any item **if the pupil agrees**. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

Examples of Items that are not allowed in school due to school rules are (this is not an exhaustive list):

- Gaming devices
- Sweets being brought in for selling
- Chewing gum
- Jewellary other than a single pair of stud earrings and wrist watch
- Fidget toys unless authorised

Search with Consent

- Under common law, school staff have the power to search a pupil for any item if the pupil agrees.
- The member of staff should ensure that the pupil understands the reason for the search and how it will be conducted so that their agreement is informed. The school will take into account the age and the needs of the child when considering consent. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that maybe required where a pupil has a disability.
- It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. They do not need written consent from the child.
- The school makes clear in their school behaviour policy and in communications to parents and pupils what items are banned.
- If a member of staff suspects a pupil has a banned item in his/her possession, they can instruct the pupil to turn out his or her pockets or bag and if the pupil refuses, the teacher can apply an appropriate punishment in line with the school's behaviour policy.
- A pupil refusing to co-operate with such a search raises the same kind of issues as where a pupil refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate sanction

Search Without Consent

- The Principal and staff authorised by the Principal have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- Mobile phone

- 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 the property of, any person (including the pupil)
- The staff member conducting the search must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.
- Staff may use the metal detection wands to check if a student is in possession of a prohibited item, such as mobile phone, vape or a weapon.

- There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Establishing grounds for a search

- Teachers 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 teacher 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.
- In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older.
- 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 can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- 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 in England or in training settings.

Confiscation

- School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

- When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018.

- Items confiscated by staff will be kept safe until their return to students unless otherwise decided. Staff must take reasonable steps to keep items safe. High value items such as mobile phones should be taken to the school office placed in an envelope and placed in the school safe until collected by student or parent dependent on the situation. This is in line with Section 94 of the Education Act 2006.

- In section 14 of the Searching, screen and confiscation guidance January 2018 from the Department of Education is states that 'where a member of staff finds an item which is banned under the school rules, they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose.

We will always dispose of the below:

1) Cigarettes
2) Alcohol
3) E-cigarettes
4) Chewing gum
5) Food that is being consumed within a lesson
6) Sweets/chocolate that have been brought in with the intention to be sold
7) Lucozade or any form of energy drink

This list is not exhaustive but represents a list of items that are more commonly confiscated in secondary schools.
Please note that if drugs are found, then the Police will be informed and the drugs will be handed to the Police. This applies for any other illegal items, such as knives/weapons.

Please be aware that if your child is found to be selling sweets/drinks/food in school then they will be sanctioned robustly for this, including loss of social time for a period of time. Their items will be confiscated disposed of and any proceeds will be confiscated pending a meeting with parents to discuss this matter.

Dealing with Electronic Devices (statutory guidance)

- Where the person conducting the search finds an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.
- The member of staff must have regard to the following guidance issued by the Secretary of State when determining what is a "good reason" for examining or erasing the contents of an electronic device:
- In determining a 'good reason' to examine or erase the data or files the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to go against the expectation in the school's Behaviour Policy.

- If inappropriate material is found on the device it is up to the teacher to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

RAINFORD HIGH

PARTNER OF THE EVERYONE MATTERS SCHOOLS TRUST

Guidance for Carrying Out A Search

What the law says:

- 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 hats, shoes, boots, gloves and scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control – this includes desks, 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.

Also note:

- 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.
- A member of staff may use a metal detector to assist with the search.

Lockers and desks

- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.
- If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

Use of force

- See **Physical Restraint and Use of Reasonable Force Policy**

Strip Searching

- The member of staff's powers above do not enable them to conduct a strip search.
- 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 under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with Police and Criminal Evidence Act 1984 (PACE) Code 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 health 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 strip search lies with them.

- We may isolate a student and request that parents come into school to support with the situation. We may implement a suspension due to failure to comply with school rules. It will be dealt with on a case by case basis.
- If a strip search has taken school will notify parents and a record will be kept of them.
- A strip search can be highly distressing a support will be implemented following the search at alongside any Police process that may continue. We will look at the safeguarding risks around the young person and implement appropriate referrals and support.

See appendix 1 for the process the police must follow during a strip search

Recording Searches

Any search by a member of staff for a prohibited item listed on page 2 and all searches conducted by police officers should be recorded in the schools safeguarding reporting system, including whether or not any item is found. This will allow the designated safeguarding lead to identify possible risks and initial safeguarding responses if required. This data will also be reported to the Principal and Trustees.

Key details that will be recorded will be:

- Date, time and location of 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

We will inform parents of any searches that have been carried out for a prohibited item and the outcome of the search as soon as practicable. Parents will be informed of what was found and what the outcomes are for this, such as what sanctions may be applied.

We may also inform you of a search we have carried out for a banned items and the outcomes of this.

Screening

Screening can help provide reassurance to pupils, staff and parents. Schools' statutory power to make rules on pupil behaviour and their duties as employers in relation to the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.

We do not feel this is needed at Rainford whosoever so we do not do this.

Links to other Policies:

1) Exclusions Policy
2) Behaviour for Learning Policy
3) Safe touch policy

Appendix 1 – The process the police must follow during a strip search

DFE- Searching, Screening and Confiscation Guidance July 2022

The process the police must follow during a strip search

38. Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult.[13] If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

39. Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only 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. A record should be made of the pupil's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

40. Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.