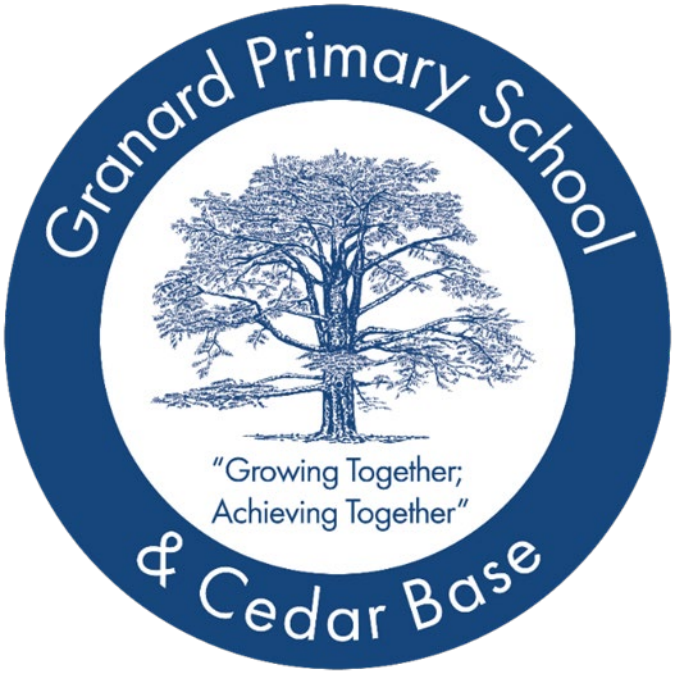
Granard Primary School



Searching and Confiscation Policy

January 2025

Review Due: January 2028

Background

This policy is based on the Department for Education's guidance and advice for schools on 'Searching, Screening and Confiscation'. This publication is intended to explain the screening, searching and confiscating powers a school has, ensuring that Headteachers and members of staff have the confidence to use these powers and schools are a calm, safe and supportive environment to learn and work. It also provides advice to Headteachers and staff on their related legal duties when it comes to these powers and includes statutory guidance which schools must have regard to. This advice will be kept under review and up-dated as necessary.

Policy Objectives

- To outline the policy and legal powers the school has for searching pupils.
- To outline the powers the school has to seize and then confiscate items found during a search.

Granard Primary School fully recognizes the responsibility it has under section 175/157 of the Education Act to have arrangements in place to safeguard and promote the welfare of children.

This policy is a whole school policy which aims to provide a clear transparent policy that will allow members of staff, volunteers, and pupils to understand roles and responsibilities around search and confiscation. The policy explains the screening, searching, and confiscating powers our school has, ensuring the Headteacher and members of staff have the confidence to use these powers to maintain a calm, safe and supportive environment to learn and work.

This policy applies to all staff, governors, volunteers, and contractors, paid and unpaid, working in the school. It also applies to all pupils including those in the EYFS. Care and consideration will be given to the age of the child when following the guidance in this policy.

The school acknowledges their legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs (SEND).

Searching

Headteachers and the 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 or any other item that the school deems or identifies as an item which may be searched for.

Any prohibited items found in a pupil's possession as a result of a search will be confiscated. Any item that is harmful or detrimental to school discipline may be returned to the pupil/parents after discussion with the Headteacher, SLT and parents, if appropriate.

Searching can play a critical role in ensuring that Granard Primary School is a safe environment 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.

The list of prohibited items is:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers

- E-Cigarettes/Vapes
- Fireworks
- Pornographic images
- Mobile Phones
- 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).

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.

When exercising their powers, Granard Primary School will consider the age and needs of pupils being searched. 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.

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 may play a vital role in identifying pupils who may benefit from early help or a referral to Wandsworth's Children's Social Care Services.

The Role of the Headteacher, DSL and authorised Members of Staff

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 DSL (or DDSLs).

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. All staff will understand their rights and the rights of the pupil who is being searched.

Only the Headteacher, a member of the Senior Leadership Team (SLT) 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. In the absence of the Headteacher, a member of SLT and/or the DSL (or DDSLs) can authorise individual members of staff to search for specific items.

The DSL (or DDSL) 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. The staff member will involve the DSL (or DDSL) without delay if they believe that a search has revealed a safeguarding risk.

If the DSL (or DDSL) finds evidence that any child is at risk of harm, they will make a referral to Wandsworth's Children's Social Care Services immediately (as set out in part 1 of KCSiE). They will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Before Searching

Searches will only be carried out by a member of staff who has been authorised to do so by the Headteacher, or by the Headteacher themselves.

The member of staff should always seek the co-operation of the pupil before conducting a search. The staff member 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. 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.

During a Search

Where

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 lawful control or charge of the pupil, for example on a school trip.

Before carrying out a search the authorised member of staff will:

- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails e.g. I will ask you to turn out your pockets and remove your scarf
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions
- Seek the pupil's co-operation

Who

There must always be two members of staff available for a search, with one of them being a witness to the search.

The law states that the member of staff conducting the search must be of the same sex as the pupil being searched. However, 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 authorised member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older.

If an authorised member of staff conducts a search without a witness, they should immediately report this to another member of staff and ensure a written record of the search is kept.

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the Headteacher or the DSL (or DDSL) who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or if the pupil has agreed.

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 decide 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.

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.

'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.

After a Search

Whether or not any items have been found as a result of any search, the Headteacher, SLT or DSL (or DDSLs) 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, is likely to suffer harm and/or whether any specific support is needed.

Where this may be the case, staff will follow the school's Safeguarding and Child Protection Policy and speak to the Headteacher, SLT or DSL (or DDSL) as set out in Part 1 of the KCSiE document. They will then consider if an early help intervention or a referral to Wandsworth's Children's Social Care Services is appropriate.

Recording Searches

Any search by a member of staff for a prohibited item should be recorded in the school's safeguarding reporting system – CPOMS - including whether or not an item is found.

This will allow the DSL (or DDSL) to identify possible risks and initiate a safeguarding response, if required.

The member of staff recording the incident on CPOMS will need to include the following after each search:

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

Informing Parents

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

Any complaints about searching, screening or confiscation should be dealt with through the school's Complaints Procedure.

Confiscation

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

- poses a risk to staff or pupils
- is a prohibited item, as outlined above
- 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. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such and deliver it to the police. Other substances which are not believed to be controlled should also be delivered to the police.

Where a person conducting a search finds alcohol, tobacco, e-cigarettes, vapes, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate, but should 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 be delivered to the police as soon as reasonably practicable.

Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

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.

The member of staff should consider 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.

Electronic Items

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, 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.

If the member of staff conducting 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 Headteacher, SLT or DSL (or DDSL) as the most appropriate person to advise on the school's response. Where reports of this nature are made, Granard Primary School will follow the principles as set out in the KCSiE document.

The UK Council for Internet Safety will also provide the school with guidance on how to support school staff and DSLs with regard to sharing nude and semi-nude images: advice for education settings working with children and young people.

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

Reviewed: January 2025

Review Due: January 2028

Approved by: Headteacher: ……

Name: …….. Date: ……