

POLICY



SEARCH & CONFISCATION CODE

Senior Team Responsibility:
Principal

Reviewed:
Feb 2024

Next Review Date:
Feb 2027

We believe this code should be a working document that is fit for purpose, represents the college ethos, enables consistency and quality across the college and is related to the following legislation:

- Health and Safety at Work etc Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- Education (Independent School Standards) (England) Regulations 2010
- Equality Act 2010
- Schools (Specification and Disposal of Articles) Regulations 2012
- School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Data Protection Act 2018
- Online Safety Act 2023
- Education (Search, Screening and Confiscation) (Amendment) Regulations 2024

The following documentation is also related to this policy:

- Searching, Screening and Confiscation (DfE)
- Prevent Duty
- Use of Reasonable Force – advice for headteachers, staff and governing bodies Behaviour and Discipline in Schools (DfE)
- Behaviour and Discipline in Schools – advice for head teachers and school staff (DfE)
- Information Commissioner for advice on the Data Protection Act (DfE)
- Equality Act 2010: Advice for Schools (DfE)
- Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (DfE)
- Working Together to Safeguard Children: A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

Link Policies:

- Behaviour

We understand that 'Principal and college personnel authorised by them 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' or have intent to use an item cause harm or distress

We have decided that the following items are prohibited, namely knives or other offensive weapons, alcohol, illegal drugs, stolen items, tobacco and vapes, e-liquids, cigarette papers, fireworks, pornographic images, AI generated media or images including deepfake images used to cause harm, any item that could be used or is designed to be used to commit an offence or personal injury or

damage to property. Mobiles are not permitted to be used by students inside the school building except under the explicit direction of staff or in designated zones at social times.

We will inform and hand to the Police certain prohibited items.

We are aware that new statutory guidance for dealing with electronic devices allows college personnel to lawfully search electronic devices, without consent or parental permission, if there is a suspicion that a student has a device prohibited by college rules, or if a member of the college personnel has good reason to suspect the device may be used to cause harm; to disrupt teaching; to break rules; to commit an offence; to cause personal injury or damage property.

All illegal data, files, images and pornographic images of children that are found on any confiscated electronic device will be reported to and passed on to the police.

Any data, files or images that are not believed to be unlawful but are a breach of the student behaviour policy will be deleted unless they are required as evidence for an investigation.

The school will determine and publicise the college rules listing all banned items that can be searched for.

We are aware that the powers to search as stated in the Education Act 1996 are compatible with Article 8 of the European Convention on Human Rights and we will exercise those powers lawfully in the context of this code.

We are aware that 'Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so'.

We as a college community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act.

We all have a responsibility to ensure equality permeates in to all aspects of college life and that everyone is treated equally irrespective of age, disability, neurodiversity, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this college to feel safe, secure, valued and of equal worth.

We acknowledge the findings that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

We believe it is essential that this code clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this code.

Aims

- To have college personnel authorised to search students or their possessions, without consent,

where they have reasonable grounds for suspecting that the student may be in possession of a prohibited item.

- To ensure compliance with all relevant legislation connected to this code.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- authorised staff to undertake searches for prohibited items;
- delegated powers and responsibilities to the principal to ensure all college personnel are aware of and comply with this code;
- responsibility for ensuring full compliance with all statutory responsibilities;
- responsibility for ensuring that the college complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this code;
- make effective use of relevant research and information to improve this code;
- responsibility for ensuring this code and all policies are maintained and updated regularly;

Role of the Principal

The Principal will:

- ensure all college personnel, students and parents are aware of and comply with this code;
- ensure designated college personnel authorised by the principal to undertake a search;
- ensure that where possible, any search has at least one designated person of the same sex as the student being searched;
- be aware that in exceptional circumstances an immediate search of a student will take place without a witness present when it is believed that serious harm to another person is imminent;
- ensure a certain amount of privacy for students when undertaking a student search;
- be aware that schools' have common law powers to search with consent such as:
 - College personnel can search students with their consent for any item.
 - College personnel just need a student's verbal consent and not a formal written consent before they can begin a search.
 - The student behaviour and discipline policy clearly states what items are banned.
 - Disciplinary penalties will be imposed if a student refuses to allow a search to take place.
- be aware that the law states that staff can search for the following items without consent:

- knives or weapons, stolen items, alcohol, illegal drugs, stolen items, tobacco, vapes, cigarette papers, fireworks, pornographic images, AI generated images or media that may be used to cause harm or distress including those covered by Prevent and any item that could be used to commit an offence or personal injury or damage to property.
- A search can take place at any time if there are reasonable grounds such as suspicious student behaviour for suspecting that a student is in possession of a prohibited item.
- Searching without consent can only take place on the college premises or on college trips.
- During a search without consent only outer clothing (clothing not worn next to the skin) such as hats, shoes, boots, gloves or scarves are removed if required;
- ensure that designated school personnel 'carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence';
- ensure the following when dealing with confiscated items:

Alcohol	Dispose of and not return to the pupil.
Controlled drugs	Deliver to the police.
Mobiles or other tech devices	Confiscate and return to parents
Stolen items	Deliver to the police.
Tobacco, vapes, e-liquids and cigarette papers	Dispose of and not return to the pupil.
Fireworks	Dispose of and not return to the pupil.
Pornographic images AI generated images or any media used to cause harm or distress including items covered by Prevent	Deliver to the police if they are extreme or child pornography otherwise dispose of the images.
An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property	Deliver to the police.
An item which is banned under the school rules	All relevant circumstances must be taken into account and a professional judgement made whether to return the item to its owner, retain it or dispose of it.
Weapons or items intended to be used as weapons which are evidence of an offence	Deliver to the police.

- inform a child's parents/carers if prohibited items have been found in their child's possession;
- deal with any complaints regarding searching and the confiscation of any prohibited item;
- keep records of all searches and confiscated items;
- return certain confiscated items to parents;
- work closely with the designated school personnel
- provide leadership and vision in respect of equality;
- make effective use of relevant research and information to improve this code;
- provide guidance, support and awareness training to all college personnel;
- illegal drugs and other substances
- stolen items
- child pornography or potentially harmful AI generated images or media including those covered by Prevent
- knives, weapons or items designed to be used as or appear to be a weapon
- weapons or items which are evidence of an offence
- any item that could be used to commit an offence or personal injury or damage to property
- electronics devices containing inappropriate material

Role of Designated College Personnel

Designated college personnel will:

- undertake a search without consent if they have sufficient grounds for suspicion that a student has in his/her possession a prohibited item or is behaving in a suspicious manner;
- endeavour to ensure that where possible in any search one designated person and witness will be the same sex as the student being searched if such a person is immediately available
- conduct an immediate search of a student without a witness being present if it is considered that serious harm to another person is potentially imminent;
- ensure all searches are witnessed by another member of the college personnel or by another designated person except in the case of immediate risk to others as referred above
- ensure a search does not take place in full view of other students but in an appropriate private room with a witness or witnesses present;
- not request under any circumstance the student to remove any 'next to the skin' clothing other than, if need be, their outer clothing such as hats, shoes, boots, gloves or scarves or accessories;
- have the authority to search a student's locker or bag in the presence of the student and a member of the college personnel
- have the authority to search a student's locker or bag without the presence of the student or witness if it is considered that there is a serious risk of immediate harm to another person or breach of school rules of a serious nature
- confiscate all prohibited items after a search has taken place;
- be reassured that if they have acted lawfully when confiscating a prohibited item that no complaint or other action can be taken against them;
- report to the Principal in the first instance and then to the police any of the following:

Role of College Personnel

College personnel must be aware that:

- they can choose whether they want to be authorised to conduct a search, or not;
- they cannot be made to conduct a search;
- the principal and authorised college personnel have a specific statutory power to search students without consent for specific items but must act within the limits of this specific power.

Role of Students

Students will be aware that:

- the Principal and authorised college personnel have the statutory power to search without consent for specific items as detailed in this policy
- they might face disciplinary sanctions if they are found to be in possession of any prohibited item.

Role of Parents/Carers

Parents/carers will:

- be aware of and comply with this code for the benefit of their children;
- be aware that the college does not have to inform them if a search takes place or seek their consent to search their child;
- be informed if their child is found to be in possession of any prohibited item;
- be aware of the sanctions that their child may potentially face if their child is found to be in possession of any prohibited item;
- work in partnership with the college;
- support the college Parent Code of Conduct.

Equality Impact Assessment

Under the Equality Act we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.