



**Cleveland
School**

SEARCH, SCREENING AND CONFISCATION POLICY

Date approved by Cleveland School LGB: 7th November 2022

Signed:

A handwritten signature in black ink, appearing to read "S. Meakins", is written over a light grey rectangular background.

Review Date: July 2026

1.0 PHILOSOPHY

- 1.1** Clevedon School is committed to ensuring all members of its community are safe and protected. As part of this commitment the school outlaws illegal and prohibited items and substances in addition to items and substances the Headteacher and Governors believe may cause harm, damage or have a detrimental effect to the life and learning of both students and staff. To enforce this policy the school reserves the right to search or screen individuals as well as confiscate any related items or substances which are considered a threat to safeguarding or the learning environment.
- 1.2** To ensure clarity and consistency for all members of Clevedon School's community, including students, staff and parents/carers, this document sets out the school's procedures with regards to the searching and screening of students as well as the policy of confiscating related items. In establishing these procedures the school has taken advice and guidance from the Department for Education.

2.0 KEY POINTS**2.1 Searching**

Trained school staff (Senior Leadership Team and Head of House) can search a student for any item if the student agrees.

In addition:

The Headteacher and DSL have a specific 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.

Prohibited items include:

- tobacco and cigarette papers (including any other smoking paraphernalia)
- vape pens
- stolen items
- pornographic images or material
- alcohol
- illegal drugs or substances
- fireworks
- knives or weapons
- 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 student).

To safeguard everyone in the school community any items that is deemed to be harmful, illegal or disruptive can be confiscated.

Headteachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. This includes:

- digital material, including images and social media, which could be deemed to be in breach of the school's Acceptable Use Policy (AUP) or related to "sexting", "malicious communications" (including harassment) or "revenge porn"
- additional smoking paraphernalia, including e-cigarettes, vape liquid
- suspected legal highs and related paraphernalia
- Any item that imitates a weapon
- Energy drinks or large bottles of soda (eg, fizzy pop or Lucozade)

(This is supported by UK law)

The reason for the search will be shared with the individual beforehand and the safeguarding and wellbeing of students suspecting of possessing items will be considered.

Two members of staff will be present when a search is taking place, one will be the same gender of the student.

2.2 Confiscation

School staff can seize any suspected prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to the school's discipline, ethos or values.

2.3 Screening

Clevedon School does not currently believe there is a need to implement a screening policy however, the school does reserve the right to introduce such a policy in the future. Should this occur all members of the community will be informed and related policies amended to reflect this change.

If screening does take place, any student that refuses to comply can be refused entry to school.

2.4 Police Involvement

At any stage of the above Clevedon School reserves the right to inform and seek advice from the police. Due to the nature of the possible prohibited items involved and consequential action the school may request police support in undertaking either a search or confiscation.

Any items that are weapons or illegal substances may need to be passed on to the police, this could result in further action.

3.0 SEARCHING WITH CONSENT (School's common law powers)

- Designated school staff can search students, with their consent, for any item.
- Schools are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.
- If a member of staff suspects a student has a banned (prohibited) item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if the student refuses, the teacher can apply an appropriate sanction as set out in the school's behaviour policy.
- A student refusing to co-operate with such a search raises the same kind of issues as where a student 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 will apply an appropriate disciplinary sanction.

4.0 SEARCHING WITHOUT CONSENT

4.1 Establishing grounds for a search

The Headteacher and DSL can undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The staff member must decide, in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item; a concern is reported by a student/ staff member; they might notice a student behaving in a way that causes them to be suspicious; or they may have viewed CCTV or surveillance equipment.

The powers allow school staff to search regardless of whether the student is found, after the search, to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

Searches without consent can be carried out either on the school premises or elsewhere, if the member of staff has lawful control or charge of the student, for example on school trips in England or in training settings.

The powers only apply in England however, Clevedon School reserves the right to conduct searches, under the above guidance, during foreign educational trips once parents and carers have agreed permission through signing a pre-trip consent form.

4.2 During the Search

4.2.1 What the law says

Those trained members of staff conducting the search may examine the following:

- outer clothing, including pockets, and garments
- possessions which include any goods over which the student has or appears to have control – this includes desks, lockers and bags

The Education Act 2011 enables teachers to tackle cyber-bullying by providing a specific power to search for and, if necessary, delete inappropriate images (or files) on electronic devices, including mobile phones/iPads/ laptops.

4.2.2 In line with the above and Clevedon School's Acceptable Use Policy (AUP) the school reserves the right to search, in the student's presence, any form of mobile technology or device which is believed may hold:

- digital material, including images and social media, which is suspected to be in breach of the school's AUP or related to "sexting", "malicious communications" (including harassment) or "revenge porn".

4.3 After the search

4.3.1 The power to seize and confiscate items – general

4.3.1.1 What the law allows

Schools' general power to discipline, as set out in 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.

4.3.1.2 The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.

4.3.2 Items found as a result of a 'without consent' search

4.3.2.1 What the law says

A person 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.

4.3.2.2 In line with government guidance Clevedon School may take the following action in regards to confiscated prohibited items:

- Tobacco and cigarette papers - disposed of by the school
- Stolen items - delivered to the police or disposed of by the school or returned to their rightful owner.
- Pornographic Images - delivered to the police or disposed of by the school
- Alcohol - disposed of by the school
- Illegal, controlled drugs or other substances – delivered to the police or disposed of by the school.
- Fireworks - disposed of by the school
- Knives or weapons - delivered to the police.
- Any item which is banned under the school rules – members of staff will consider the circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

A parent/ carer will be expected to collect any items that are to be returned.

4.3.3 Statutory guidance for dealing with electronic devices

Where the member of staff 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 member of staff 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.

"Good Reason" for examining or erasing the contents of an electronic device involves the member of staff in question suspecting that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

If inappropriate material is found on the device the member of staff will 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.

In exceptional circumstances Clevedon School reserves the right to take appropriate alternative actions to the above. In most cases of confiscation, in addition to the above actions, members of staff will record the confiscated items on the student's file and inform parents/carers.

5.0 INFORMING PARENTS/CARERS AND DEALING WITH COMPLAINTS (Government Legislation)

- Schools are not required to inform parents/ carers before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Schools are recommended to inform individual student's parents/ carers or guardians where alcohol, illegal drugs or potentially harmful substances are found, however there is no legal requirement to do so