



**WOLGARSTON HIGH SCHOOL**

Staffordshire

# Searching and Confiscation Policy

## A Statement of Policy

Agreed by Trust Board 4 March 2019

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Frequency of Review: Annually

### Amendments

2019 – PT  
February 2020 - AG

## **A. Rationale and purpose of policy**

The policy has been developed in line with guidance from the DfE document: "Searching, screening and confiscation" (January 2018).

The aim of this Policy is to state the circumstances under which pupils' lockers or belongings may be searched and the procedures to be followed when this occurs.

The Headteacher and teaching staff have a specific statutory power to search pupils without consent for prohibited items.

## **B. Prohibited items that may warrant a search**

Prohibited items that may warrant a search include:

- knives or weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco and tobacco products, including e-cigarettes and vaping products;
- fireworks;
- lasers and laser pens;
- pornographic images (including those stored digitally);
  - Mobile phones and electronic devices
- 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).

## **C. Searching in General**

### **C1. 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:

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

### **C2. Searching without consent**

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 Wolgarston High School as set out in the list above). To search a pupil without agreement from them, teachers must be the same sex as the pupil being searched; and there must be a second teacher as a witness who will preferably be the same sex as the pupil being searched. If possible that teacher witness would be a tutor or

another member of staff trusted by the pupil. Where possible the search should be conducted in private.

There is a limited exception to this rule. A teacher may carry out a search of a pupil of the opposite sex and / or without a witness present, but only where they reasonably believe 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.

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.

Use of a screening device is permitted to search for items that may be concealed in or under clothing.

#### **D. Confiscation**

The school has the right under the law to seize and either retain or dispose of prohibited items. They will not be returned to the pupil. Prohibited items that are not illegal and have not been disposed of, may at the discretion of the school, be returned to the parent at the end of the final day on which pupil is on roll at the school.

- Teachers can confiscate any item, however found, which they consider harmful or detrimental to school discipline.
- Where a member of staff finds an item which is banned under the school rules they should confiscate it and pass it to a member of SLT.
- Where a person conducting a search finds alcohol, these must be delivered to a member of SLT.
- Where they find illegal (or suspected illegal) drugs, these must be delivered a member of SLT . (They will then be passed to the police for destruction)
- Where they find other substances which are not believed to be controlled/illegal drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. Again, they must be handed over to the a member of SLT.
- Where they find stolen items, these must be returned to the owner (if in school and if ownership can be corroborated) or to a member of SLT who will then call the police if necessary.
- Where a member of staff finds tobacco products, including e-cigarettes and vaping products they may confiscate them. They must then be given to a member of SLT.
- Fireworks found as a result of a search may be confiscated or disposed of but will not be returned to the pupil.
- If a member of staff finds a pornographic image, they may instruct the student to dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case the phone must be delivered a member of SLT who will then arrange to contact the police as soon as reasonably practicable. If a member of staff suspects that there are images on a mobile device, they should not search for the images, but should question the pupil

and confiscate the device. The member of staff should report the incident to a member of SLT.

- Any weapons or items which are evidence of an offence must be passed to a member of SLT who will then arrange to contact the police as soon as possible.

- Where the person searches an electronic device they may examine any data or files on the device if they think there is a good reason to do so. Anyone searching an electronic device needs to have another adult present. The pupil may have a trusted member of staff with them. The device should be searched in front of the pupil, with the pupil asked to show the staff members any inappropriate content. If inappropriate material is found on the device, the device should be confiscated and it should be passed to a member of SLT who will contact the police or Social Services.

#### **E. Records and Informing Parents**

- We are not required to inform parents before a search takes place.
- We will always inform the individual pupil's parents or guardians if we find a prohibited item.

#### **F. Complaints**

Complaints about searching and confiscation should be dealt with through the normal school complaints procedure. This can be found within the complaints policy.

Failure to comply with instructions by staff will result in the school referring to the Behaviour Policy. This may lead to an appropriate action being taken.

## Student Search Record

Name of Student/s		Date of Search:
Reason for Search:		
Staff Searching Name:		Signed:
Staff Witnessing Name		Signed
Student give permission? Y/N	Time	Location
Findings from Search:		
Description of items confiscated:		
Decision regarding items disposal/return:		
Comments:		