

St Richard's Catholic College

SEARCHING, SCREENING AND CONFISCATION POLICY



The Policy was approved by the Governing Body: September 2022

Chair of Governors: _____

The Governing Body will review the policy in September 2023

Searching, screening and confiscation policy

This policy has been prepared in accordance with:

DfE Guidance, Searching, screening and confiscation (Advice for Principals, school staff and governing bodies) July 2022: APPENDIX A

DfE Behaviour and Discipline in Schools: January 2016

DfE Use of reasonable force guidelines

East Sussex County Council Guidance on the Powers to Search, Screen and Confiscate within Schools

Store searching pupils. Schools should also consider whether staff should receive further training

It is a criminal offence to have a knife or offensive weapon in school and the penalties for a pupil on conviction can be severe.

When a pupil is suspected of having a prohibited item but school staff choose in this particular to call the police instead of using the power to search, school staff will manage the pupil in order to keep other pupils and staff reasonably safe while the police are not present.

At St Richard's Catholic College we want to ensure that all children, staff and visitors are safe from harm and threats of harm.

There are a broad range of items which, if brought into a school setting, or in the possession of a child or young person could compromise the health and safety of the individual pupil, other pupils, staff or visitors to the school.

Items prohibited by legislation (DfE guidance January 2018)

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- 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)
- The Principal and authorised staff can also search for any item banned by the school rules, which have been identified in the rules as an item that can be searched for.

For the purposes of this policy – the definition of 'knife' includes any bladed article including – craft knife, Stanley knife, Swiss army knife, fishing knife, razors, kitchen knives or any other bladed item.

The term 'weapon' refers to any gun, including Air Rifles, BB gun, Toy Gun, Pellet Gun, Cross bow, Taser, Blowpipe, Knuckleduster or any similar item and includes any item made for the purposes of assault or defence.

The policy is not constrained by the criminal definition of an offensive weapon. It refers to any item that could cause harm, injury or distress to the holder or others, or which could be used to threaten, alarm, distress or intimidate others

Unauthorised items

In addition to the prohibited items identified above and detailed in the DfE Screening, Searching and Confiscation guidelines, there are a number of other items which could cause 'harm, distress or injury to pupils or persons, or adversely affect good order and discipline of the school community' (**DfE Behaviour and Discipline in Schools Jan 2016**)

St Richard's Catholic College consider the following items to be inappropriate and therefore they must not be brought into school. These items can also be searched for without the consent of the pupil if necessary.

- Chains
- Catapults
- Lighters/matches
- Tools (screwdriver, hammer nails etc.)
- Pepper Sprays and Gas canisters
- Any item fashioned to cause injury i.e a sharpened stick, shard of glass
- Laser pens
- Mobile phones/Smart watches, when in contravention of school rules
- Age inappropriate media in any form
- Dangerous chemicals (acids, hair dyes, bleaches, nail varnish remover etc.)
- Stink Bombs
- Solvents
- Needles (Syringes if required for medical grounds should be kept in accordance with the pupils' care plan and our drugs/medical policy)
- Offensive material – pornography, racist, homophobic, gender phobic, extremist material (in any medium)
- Rope and cable ties
- Vapes

This is not an exhaustive list and the Principal may consider other items as inappropriate if she believes that the possession of the item is to cause harm, distress or injury to another.

Incidents outside of school

St Richard's Catholic College consider that the items detailed in this policy both those prohibited as identified in the DfE guidance 2018 and those identified by the school are inappropriate. Possession of such items in school, on the journey to and from school, on a school trip or any extra curriculum activity – on or off the school premises – is unacceptable. The response to any pupil found with or believed to have possession of such items will be managed in accordance with this policy.

Screening – what the law says:

The law allows schools to require pupils to undergo screening by a walk-through or hand held metal detector, arch or wand, even if they do not suspect them of having a weapon and without the consent of the pupils and/or parents.

Any member of staff can screen pupils.

A requirement for such screening can be imposed under a school's statutory power to make rules on pupil behaviour and the duty to manage the safety of staff, pupils and visitors. Any member of school staff can screen pupils.

If a pupil refuses to be screened, St Richard's Catholic College may refuse to have the pupil on the premises. Health and safety legislation requires a school to be managed in a way which does not expose pupils or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance. If the pupil fails to comply, and the school does not let the pupil in, it is unauthorised absence: the school has **not** excluded the pupil.

Screening (without physical contact) is not subject to the same conditions as to the powers to search without consent. Schools should still take care to conduct screening reasonably, and should obtain training in the use of arches and wands. Staff should require pupils to remove from their pockets, before screening, any metallic object that could cause a 'beep'.

Searching with consent

School staff can search pupils with their consent for any item. Schools are not required to have formal written consent from the pupil; it would be sufficient for a member of school staff to ask the pupil to turn out their pockets or ask if they can look in the pupil's bag or locker and for the pupil to agree.

Clear guidance on what are considered prohibited items are included within the school behaviour policy and communicated to parents and pupils.

If a member of staff suspects a pupil has a prohibited item in their possession, they can instruct the pupil to turn out his or her pockets or bag and, if the pupil refuses, the member of school staff can apply an appropriate sanction as set out in 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 refusing to stay in a detention or refusing to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary penalty.

Searching without consent

No-one should be authorised to conduct a search before being trained. The power to search should be used only where it is judged safe. If the school decide it is unsafe to search, they should call the police.

The Principal can conduct a search without consent where there are reasonable grounds to suspect the possession of a prohibited item. Other school staff must be authorised by the Principal before undertaking a search. Prohibited items are:

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, vaping equipment fireworks and pornographic images; and
- 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; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Authorised staff

The Principal can search in the presence of another member of staff; and can authorise other staff to search in general, or for a particular search or type of search, in the presence of another member of staff. The Principal may not direct a member of staff to carry out a search. Two members of staff must be present at a without-consent search of a pupil or their possessions (even where the search is conducted by the Principal, who is then one of the two). Staff can be authorised to search for some items but not for others e.g. a member of staff could be authorised to search for stolen property but not for knives or weapons.

Staff Defined

The law on without-consent search defines "a member of the staff of a school" to include a teacher and anyone else authorised by the headteacher to have lawful control or charge of a pupil.

Searchers must be same sex as searched

During a search of a pupil without consent, the searcher and the required “second person present” must be of the same sex as the pupil searched. This means that a school without two male staff must not search male pupils without consent, and should instead call the police. A pupil’s possessions can be searched without consent (and the search witnessed) by staff of the opposite sex to the pupil; the pupil must be present.

The DfE advice on screening, searching and confiscation makes reference to exceptional situations when the following should be taken into account. A search can be carried out of a pupil of the opposite sex and without a witness present, but only where you reasonably believe that 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.

The requirement that the searcher is the same sex as the pupil and that a witness is present will continue to apply in nearly all searches; where it is practicable to summon a staff member of the same sex as the pupil and a witness, then the teachers wishing to conduct a search must do so.

In 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.

Suspicion

The searcher must have reasonable grounds for suspecting a pupil may be carrying a prohibited item. The search can take place on school premises or on an off-site visit. The searcher can seize anything they reasonably suspect is a prohibited item or evidence of an offence.

Force

A member of staff may use reasonable force but this should be in line with the guidance outlined in section 8 below.

Weapon Found

The searcher may confiscate a weapon or items which are evidence of an offence. These must be passed to the police as soon as possible. Other evidence of an offence can also be seized and, if seized, must be passed to the police.

Note: It is a criminal offence to have a knife or offensive weapon on school premises. It is a defence to be carrying one for an educational or other lawful purpose.

Establishing grounds for a search

St Richard’s school staff will 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 member of school staff 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.

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 for items banned by the School Rules

An item banned by the school rules may only be searched for under these powers if it has been identified in the school rules as an item that can be searched for with the exception of any concern around weapons or any dangerous item.

Location

While pupils can be screened in a public part of the school, schools should conduct a search in a private place i.e. out of view of other persons than those who must or may be present. Where this is not possible, for example, because the pupil refuses to co-operate – the police should be called.

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 an off-site visit in England or in training settings. The powers only apply in England.

Extent of Search – clothes, possessions, desks and lockers

Clothes and possessions

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.

The searcher can require the pupil to remove outer clothing (e.g. coat, jacket, shoes, boots) if it is necessary for the search. Staff must not require a searched 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. Pupils volunteering to remove such clothes should be required not to do so.

If the pupil refuses and staff still suspect a prohibited item, they should call the police. This option is always available: the school can stop the search at any point and call the police instead. (Resisting a police search can be a criminal offence.)

When schools conduct a search they should take reasonable steps to preserve the dignity and privacy of any searched pupil:

- some of these safeguards are required by the power to search: the person who carries out a search of a pupil and the other person who must be present at a search must be of the same sex as the pupil being searched (see above). Failure to take proportionate steps to preserve the dignity and privacy of any searched pupil may lead to a breach of the pupil's rights under the Human Rights Act;
- searching to be conducted out of sight of other pupils or staff passing by – though privacy may not always be possible, e.g. where school staff decide to search a line of pupils waiting to board a coach;
- searchers should be sensitive to issues of race, culture or religion, e.g. where a pupil's customary head covering or other outer clothing has religious or cultural associations.

A pupil's possessions include any goods over which the pupil has or appears to have control, e.g. a bicycle, motorbike, etc. 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.

While the law on the power to search does not explicitly prevent more than two persons being present at a search, only in exceptional circumstances should a school allow more staff to be present than the two who must be present. For example, searching a pupil with particular Special Educational Needs might be helped by support from a further adult with expertise on the pupil's needs; or, where particular religious or cultural sensitivities might apply, an adult with knowledge of those aspects might help. Some searches might be helped by a parent's presence where that is practicable. A search can in principle be conducted with other persons present (that is, as well as the pupil and two members of staff of the same sex), though the pupil's privacy and dignity should be safeguarded. In some cases it might be advisable to take the pupil to a separate room, for example if the pupil is to be asked to remove a religious head covering.

Lockers and desks

Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees. St Richard's Catholic College makes it a condition of having a locker 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".

Use of Force

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for items banned under the school rules.

Separate advice is available on member of school staffs' power to use force. See DfE "Use of Reasonable Force – advice for headteacher, staff and governing bodies."

After the Search

Power to seize and confiscate items - general

Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.

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.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

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

A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is the items identified in section 2.3 above) or is evidence in relation to an offence.

Where a person conducting a search finds **alcohol**, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.

Where **controlled drugs** are found, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.

Where **other substances** are found which are not believed to be controlled drugs these can be confiscated where a member of school staff believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs' or new psychoactive substances. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.

In relation to the finding of **stolen items**, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

If **tobacco or cigarette papers** are found they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.

Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.

If a member of staff finds a **pornographic image**, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where an **article that has been (or could be) used to commit an offence or to cause personal injury or damage to property** is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.

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 of it.

Any **weapons or items which are evidence of an offence** must be passed to the police as soon as possible. Therefore, it is recommended that the school contact the police and agree how the weapon will be collected. It is lawful for staff to keep a seized weapon until delivering it to the police but this item must be secured in a locked cupboard. The headteacher should also arrange for a written note to the police recording delivery of a seized item.

Statutory Guidance on the Disposal of Controlled Drugs and Stolen Items

It would be the decision of the headteacher to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police. In determining what is a "good reason" for not delivering **controlled drugs or stolen items** to the police the member of staff must have regard to the following guidance issued by the Secretary of State:

"In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the police, the member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article."

Where 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.

With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases. However, the headteacher may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or illegal (alcohol/fireworks).

[Guidance](#) for schools and colleges on when to call the police is available from the NPCC.

Statutory Guidance for dealing with electronic devices

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, unless they are going to give the device to the police.

This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the school rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.

The headteacher 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 break the school rules. "

If inappropriate material is found on the device it is up to the headteacher 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 and therefore the device should be given to the police as soon as it is reasonably practicable.

Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be deleted prior to giving the device to the police.

All school staff should be aware that behaviours linked to sexting put a child in danger. Governing bodies should ensure sexting and the school's approach to it is reflected in the safeguarding and child protection policy. The UK Council for Child Internet Safety (UKCCIS) Education Group has published the advice – "Sexting in Schools and Colleges – Responding to Incidents and Safeguarding Young People".

School staff should also take account of any additional guidance and procedures on the retention and disposal of items that have been put in place by the school.

Records

There is no legal requirement to make a record of a search but where there are safeguarding implications to the outcome of a search, such as a restrictive physical intervention or the discovery of weapons or illegal substances then this should be recorded in line with the schools safeguarding procedures. Further safeguarding actions should include updating any behaviour or risk reduction plans accordingly or consideration being given to developing where they do not already exist

Beyond safeguarding, such records may prevent any misunderstanding or later misrepresentation. Such records, together with evidence trails, could be of use to the courts.

The record should include:

- name, year, sex, ethnicity of every pupil searched
- grounds of suspicion
- time and place
- who searched
- who else was present
- what if any reasonable force was used, and if so why
- how the search began and progressed
- the pupil's responses and how staff managed them (e.g. steps taken to calm the pupil)
- outcomes and follow-up actions.

Staff might find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Informing Parents/Carers; complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. However, schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching should be dealt with through the normal school complaints procedure.

Special Educational Needs / Disability / Medical Needs

Any pupil may be upset by being searched without consent. Some pupils with behavioural problems might react strongly to being searched or confined in a private room. The County Council Policy on Positive Handling should be followed on the use of restrictive physical interventions for pupils. Schools should not conduct a search themselves, but should call the police, when they expect a pupil may violently resist being searched.

Headteachers should not normally exempt pupils from a search solely on grounds of their special educational or medical needs. However, schools should take account of any additional sensitivities, e.g. by spending more time discussing their suspicion with a child with learning difficulties or medical needs, before a search, and should involve the special educational needs co-ordinator. Any 1-to-1 supervisor of a pupil being searched should also be present at the search. Under the Equality Act 2010, schools must acknowledge their legal duty to make reasonable adjustments for disabled pupils and pupils with SEN.

Permanent Exclusion

"There will be circumstances where, in the headteacher's judgement, it is appropriate to permanently exclude a pupil for a first 'one-off' offence. However, this needs to be taken in line with the DfE guidance on exclusions and must be in line with the school's behaviour policy.

Off-site Visits

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 an off-site visit in England or in training settings. However, it is advised that staff should normally rely on calling the police rather than seek to have a member of staff authorised to search on every visit where suspicion might arise. The powers only apply in England.

APPENDIX: A



Searching, Screening and Confiscation

Advice for schools

July 2022

Contents

Summary	4
About this guidance	4
Expiry or review date	4
What legislation does this guidance refer to?	4
Who is this guidance for?	4
Introduction	6
Searching	7
The role of the headteacher, the designated safeguarding lead and authorised members of staff	8
Before searching	9
During a search	11
Where	11
Who	11
The extent of the search	11
Strip searching	12
The process the police must follow during a strip search	13
After-care following a strip search	14
After a search	14
Recording searches	15
Informing parents	15
Screening	16
Confiscation	17
Items found as a result of a search	17
Prohibited or illegal items	17

Electronic devices	19
Confiscation as a disciplinary penalty	20
Further information	21
Other relevant departmental advice and statutory guidance	21
Other advice	21

Summary

About this guidance

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. This publication also provides advice to headteachers and staff on their related legal duties when it comes to these powers. It also includes statutory guidance which schools must have regard to.

Where the text uses the word 'must', the person in question is legally required to do something.

Where the text uses the word 'parent', it should be read as inclusive of carers and any other person with parental responsibility.

Expiry or review date

This advice will be kept under review and updated as necessary.

What legislation does this guidance refer to?

- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The Schools (Specification and Disposal of Articles) Regulations 2012

Who is this guidance for?

This guidance is for:

- school leaders, school staff, governing bodies, proprietors and trust boards in all maintained schools, academies, free schools and independent schools in England; and
- local authorities.

For the purposes of this advice, references to “maintained school” mean a community, foundation or voluntary school, community or foundation special school. It also means pupil referral units and non-maintained special schools.

References to “academy” mean academy schools (including mainstream and special free schools) and alternative provision academies (including alternative provision free schools).

Introduction

Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure pupil and staff welfare is protected and helps schools establish an environment where everyone is safe. This advice is intended to explain schools' screening, searching and confiscation powers so that headteachers and other staff have the confidence to use them if necessary.

Schools and their staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance [Working together to safeguard children](#). [Keeping children safe in education](#) makes clear that all school staff have a responsibility to provide a safe environment in which pupils can learn.

Before screening or conducting a search of a pupil, it is vital that schools consider their obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by a school (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise their searching powers in a lawful way.

Searching

1. Searching can play a critical role in ensuring that schools are safe environments 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.
2. 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 in paragraph 3¹ or any other item that the school rules² identify as an item which may be searched for.
3. The list of prohibited items is:
 - knives and weapons;
 - alcohol;
 - illegal drugs;
 - stolen items;
 - 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).
 - an article specified in regulations:³
 - tobacco and cigarette papers;⁴
 - fireworks; and
 - pornographic images.
4. 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.

¹ A 'prohibited item' is defined in subsection (3) of [Section 550ZA of the Education Act 1996](#).

² For maintained schools, see [Section 89, Education and Inspections Act 2006](#). For independent schools and academies, see [Schedule 1, Paragraph 9 of the Education \(Independent School Standards\) \(England\) Regulations 2014](#). For more information on what should be included in a school's behaviour policy, see the [Behaviour in Schools guidance](#).

³ [The Schools \(Specification and Disposal of Articles\) Regulations 2012](#).

⁴ This does not include e-cigarettes or vapes. Schools who wish to search for these items should ensure they are listed as items for which a search can be made in the school rules.

5. 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 the local authority children’s social care services. See [Keeping children safe in education](#) and [Working together to safeguard children](#).
6. The school’s behaviour policy should outline the banned items for which a search can be made. This must include the list of prohibited items in paragraph 3, and may include other items which a headteacher has decided are detrimental to maintaining high standards of behaviour and a safe environment. See [Behaviour in Schools](#).
7. The school’s behaviour policy should be communicated to all members of the school community⁵ to ensure expectations are transparent to all pupils, parents and staff, and provide reassurance that any searching of a pupil will be implemented consistently, proportionately and fairly, in line with the school’s policy.
8. When exercising their powers, schools must consider the age and needs of pupils being searched or screened. 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.
9. School staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.

The role of the headteacher, the designated safeguarding lead and authorised members of staff

10. Only the headteacher, 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, or all items set out in the school's behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs.
11. The headteacher can require a member of the security staff to undertake a search. If a security guard, who is not a member of the school staff, searches a pupil, this guidance should be followed and the person witnessing the search should be a

⁵ This is a duty for headteachers of maintained schools. See [Section 89 of the Education and Inspections Act 2006](#).

permanent member of the school staff. The headteacher may not require any other member of staff to undertake a search if they refuse.⁶

12. The headteacher should 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 designated safeguarding lead (or deputy).

13. The headteacher should 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. However, it is vital that all staff understand their rights and the rights of the pupil who is being searched.

14. The designated safeguarding lead (or deputy) should 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 as listed in paragraph 3. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

15. If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of [Keeping children safe in education](#)). The designated safeguarding lead (or deputy) should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns. See paragraphs 44-46 on recording searches.

Before searching

16. A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed. See paragraphs 2-4 on powers to search.

17. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

⁶ [Section 550ZB of the Education Act 1996](#).

18. Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

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

20. 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. See [Behaviour in Schools](#) for more information on lawful sanctions.

21. If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.

22. If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in paragraph 3, but not to search for items which are identified only in the school rules.⁷ See guidance on the [Use of reasonable force in schools](#). The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.⁸

23. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

⁷ [Section 550ZB\(5\) of the Education Act 1996.](#)

⁸ [Section 93\(1\) of the Education and Inspections Act 2006.](#)

During a search

Where

24. 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.⁹

Who

25. The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

26. There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present **only**:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the pupil **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff.¹⁰

27. When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept. See paragraphs 44-46 on recording searches.

The extent of the search

28. A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

29. 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

⁹ The powers to search outlined in this guidance only apply in England. When on a trip outside England, the law of that country should be followed.

¹⁰ [Section 550ZB of the Education Act 1996](#).

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.¹¹

30. 'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

31. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed in paragraph 3 and any items identified in the school rules for which a search can be made.

32. 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. See paragraphs 25-27 on who can conduct a search.

33. The member of staff may use a metal detector to assist with the search.

34. The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip searching

35. A strip search is a search involving the removal of more than outer clothing (see paragraph 29). Strip searches on school premises can only be carried out by police officers under the [Police and Criminal Evidence Act 1984 \(PACE\) Code A](#) and in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).¹² 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.

36. Before calling police into school, staff should assess and balance the risk of a potential strip search on the pupil's mental 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

¹¹ Staff members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.

¹² Searches may entail different levels of invasiveness and exposure. A search under [PACE Code A](#) that involves removing more than outer clothing but does not expose intimate parts of the body would not require the presence of an appropriate adult. However, from a pupil wellbeing perspective, schools may wish to involve an appropriate adult as a matter of course during all searches conducted by police.

ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

37. Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

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

¹³ The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult must not be a police officer or otherwise associated with the police. Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation. Note that an appropriate adult is not required when a pupil is eighteen or above.

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.

After-care following a strip search

41. Pupils should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).¹⁴ Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. School staff should give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency, and consider preventative approaches.

After a search

42. Whether or not any items have been found as a result of any search, schools should 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, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in [Part 1 of Keeping children safe in education](#). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff should follow the guidance set out below in paragraphs 57-81 on confiscation.

43. If a pupil is found to be in possession of a prohibited item listed in paragraph 3, then the staff member should alert the designated safeguarding lead (or deputy) and the pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

¹⁴ Further information on safeguarding can be found in [Keeping children safe in education](#) and [Working together to safeguard children](#).

Recording searches

44. Any search by a member of staff for a **prohibited item** listed in paragraph 3 and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members should follow the school policy in these cases.

45. Schools are encouraged to include in the record of 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; and
- what follow-up action was taken as a consequence of the search.

46. Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this. See also paragraphs 108-110 of [Behaviour in Schools](#).

Informing parents

47. Schools should reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should **always** be informed of any search for a **prohibited item** listed in paragraph 3 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.

48. Schools should consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.

49. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

Screening

50. Screening can help provide reassurance to pupils, staff and parents that the school is taking measures to create a calm, safe and supportive environment.
51. Schools' statutory power to make rules on pupil behaviour¹⁵ and their duties as employers in relation to the safety of staff, pupils and visitors¹⁶ enables them to impose a requirement that pupils undergo screening.
52. Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.
53. Before considering the installation and use of any technology for screening, the headteacher is encouraged to consult with the local police who may be able to provide advice about whether installation of these devices is appropriate.¹⁷
54. If a headteacher decides to introduce a screening arrangement, they should inform pupils and parents in advance to explain what the screening will involve and why it will be introduced.
55. Where a pupil has a disability, schools should make any reasonable adjustments to the screening process that may be required.¹⁸
56. If a pupil refuses to be screened, the member of staff should consider why the pupil is not co-operating, and make an assessment of whether it is necessary to carry out a search. See paragraphs 18-23 for more information on when a pupil refuses a search, including sanctioning.

¹⁵ [Section 89 of the Education and Inspections Act 2006](#) for all maintained schools, PRUs and NMSS and the [Education \(Independent School Standards\) \(England\) Regulations 2010](#) for independent schools, academy schools and alternative provision academies.

¹⁶ [Section 3 of the Health and Safety at Work etc. Act 1974](#).

¹⁷ [School and college security](#).

¹⁸ See [Equality Act 2010 and schools](#) for further guidance on the duty to make reasonable adjustments for pupils with a disability.

Confiscation

Items found as a result of a search

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

- poses a risk to staff or pupils;
- is prohibited, or identified in the school rules for which a search can be made (see paragraphs 2-3); or
- is evidence in relation to an offence.

Prohibited or illegal items

58. **Controlled drugs** must be delivered to the police as soon as possible unless there is a good reason not to do so.¹⁹ In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance in paragraph 59 below issued by the Secretary of State.

59. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. 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. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

60. **Other substances** which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

61. Where a person conducting a search finds **alcohol, tobacco, cigarette papers or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the pupil.

62. 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

¹⁹ Legally, schools do not have to give the name of the pupil from whom drugs have been taken to the police. Schools should consider this on a case-by-case basis. Please see the [DfE and ACPO drug advice for schools](#) for more information on the relevant powers and duties in relation to powers to search for and confiscate drugs, liaison with the police and with parents.

be delivered to the police as soon as reasonably practicable.²⁰ 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. See paragraphs 72-79 for further advice on searching electronic devices.

63. 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. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraph 64 below.

64. The member of staff should take into account 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.

65. Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible.

66. 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. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in paragraphs 67-68.

67. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of. In taking into account all relevant circumstances the member of staff should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item.

²⁰ [Section 62 of the Coroners and Justice Act 2009](#) defines prohibited images of children. [Section 63 of the Criminal Justice and Immigrations Act 2008](#) defines extreme pornographic images.

68. If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

69. Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the school rules**. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in paragraph 70.

70. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In taking into account all relevant circumstances, the member of staff should consider:

- the value of the item;
- whether it is appropriate to return the item to the pupil or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.

71. Members of staff should follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

Electronic devices

72. 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.

73. 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.

74. Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in paragraph 57, if there is good reason to do so.

75. If the 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 designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in [Keeping children safe in education](#). The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).

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

77. In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State in paragraphs 78 and 79 below.

78. In determining whether there is a '**good reason**' to **examine** the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

79. In determining whether there is a '**good reason**' to **erase** any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

Confiscation as a disciplinary penalty

80. Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so.²¹

81. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

²¹ [Section 91 of the Education and Inspections Act 2006.](#)

Further information

Other relevant departmental advice and statutory guidance

- [Behaviour in Schools guidance](#)
- [Schools and College security guidance](#)
- [Equality Act 2010 and schools guidance](#)
- [Keeping children safe in education guidance](#)
- [Use of reasonable force in schools guidance](#)
- [Working together to safeguard children guidance](#)
- [DfE and ACPO drug advice for schools](#)

Other advice

- [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)
- [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#)