
 HOLYPORT COLLEGE	Searching, Screening and Confiscation	
	Effective Date: 2 March 2023	Version No: 1.4

Title	SEARCHING, SCREENING AND CONFISCATION
Person responsible for policy formulation, implementation, maintenance and evaluation	Head Master
Persons consulted	GWC
Adopted by Governors on	2 nd July 2014
Current Review	March 23
Date of future review	March 26

REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved/Noted	
			By	Date	By	Date
v1.0	2 July 2014	New Policy	-	-	James Bell	2 July 2014
V1.1	26 April 2019	Periodic review	-	-	SMT	26 April 2019
V1.2	10 June 2021	Periodic review	SGA	June 2021	GWC	June 2021
V1.3	01 September 2022	Updated guidance from DfE	SGA	September 2022	GWC	November 2022
V1.4	09 February 2023	Update	SGA	February 2023	GWC	2 March 2023

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POLICY DOCUMENT REVIEW

This Policy document is subject to a periodic review (every 3 years) by Holyport College that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. Holyport College reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

Introduction

This policy is formulated with reference to the DfE publication *Searching, screening and confiscation: Advice for schools*, published in July 2022.


- The Head Master is responsible for overseeing the school’s practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained.
- The Head Master will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not co-operating.
- The DSL will be informed of any searches where it is suspected that a student is in possession of a prohibited item.
- If the DSL finds evidence that a student is at risk of harm, he will make a referral to children’s social care services immediately.

Searching with consent

- Any member of school staff may search any pupil if the pupil agrees;
- Agreement may be indicated verbally or in writing;
- Wherever practical, such a search will be conducted using the same approach as noted below in the ‘Methodology’ section.

Searching without consent

- The Head Master or a staff member directly authorised by him may search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.
Prohibited items are:

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- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- e-cigarettes and vapes
- 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 Head Master or a staff member directly authorised by him 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.
- Any such item found may be confiscated by the College.
- The College may require any pupil to be screened using a metal detector without physical contact from a staff member.
- CCTV footage may be used in establishing grounds for a search, but is not required to establish reasonable grounds;

Location of a search


- Searches without consent will only be carried out on school grounds or in other locations, where the pupil is under the charge of school staff, for example on school trips (in England), co-curricular activities, sports fixtures or in training settings.
- The powers only apply in England.

Methodology

- In respect of pupil's privacy, and in line with safeguarding, any search will be conducted in the presence of two staff members of the same gender as the pupil;
- In cases where an immediate danger is reasonably believed, a search may be conducted by a single staff member of either gender;
- Pupils will not be asked to remove any clothing during a search other than outer clothing such as hats, gloves, scarves, shoes, boots and overcoats;
- Force may only be used as a last resort and in the case of reasonable belief of the presence of illegal items, not items only prohibited by school rules;

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- 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. Should a more extensive and/or intrusive search be deemed necessary, Thames Valley Police will be contacted;
- Under common law powers, schools are able to search lockers and desks for any item provided the pupil agrees.
 - If a pupil does not consent to a search (or withdraws consent) then it is possible to conduct a search without consent but only for the prohibited items listed in the '*Searching without consent*' section above.
- Searches of boarding dormitories are conducted in line with the principles above and always in the presence of the pupil concerned, except where there is reasonable cause to suspect an immediate danger.
- Any item found in breach of the law or College rules during a search may be confiscated, retained or disposed of by the College, with the exception of controlled drugs, weapons, extreme or child pornography, stolen items, or items constituting evidence of an offence, which will be handed to Thames Valley Police.
 - 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 child pornography) in which case it must be delivered to Thames Valley Police as soon as reasonably practicable.
- Searching electronic devices
 - Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.
 - If it is suspected that an indecent image of a child may be discovered, the staff member conducting the search should never intentionally view the image and must never copy, print, share, store or save it. The staff member should confiscate the device and hand it to the DSL, who will follow the principles set out in Keeping Children Safe in Education.
 - If a member of staff finds any image, data or file that they suspect might constitute a specified offence, they will deliver the device to the police.
 - In exceptional circumstances members of staff may dispose of the image or data if there is good reason to do so. In determining a 'good reason' to examine or erase, the member of staff will have regard to the guidance issued by the Secretary of State (paras 78-79 of Searching, Screening and Confiscation – Advice for Schools, 2022).

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- When conducting a search, the College will consider the age and needs of the pupil(s) being searched. This includes the individual needs or learning difficulties of students with Special Educational Needs and will make reasonable adjustments where a student has a disability.

Implications for staff

- Staff members may refuse to undertake a search. This excludes the Head Master and Deputy Head Master;
- Training will be made available to staff who may be requested to undertake searches;
- 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.

Telling parents/carers/guardians and dealing with complaints


- Schools are not required to inform parents 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 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.

Screening

- The law allows schools to require pupils to undergo screening by a walk-through or hand-held metal detector, even if they do not suspect them of having a weapon and without pupil consent.
- The Head Master does not currently have plans to install any technology for screening.

Confiscation

- The authorised staff member conducting a search may confiscate any item that they have reasonable grounds for suspecting:
 - poses a risk to staff or students
 - is prohibited, or identified in the College rules

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- is evidence in relation to an offence
- Controlled drugs will be delivered to the police
- Other substances which are not believed to be controlled will also be delivered to the police
- Alcohol, tobacco, cigarette papers and fireworks will be disposed of in a sensible and manner
- If a pornographic image is discovered, this will be deleted unless there are grounds to suspect that its possession constitutes a specified offence, in which case it will be delivered to the police as a matter of urgency.
- Where stolen items are discovered, the Head Master should be informed and he will follow the guidance issued by the Secretary of State (para 64 of Searching, Screening and Confiscation – Advice for schools, 2022).
- Any weapons or items which are evidence of a suspected offence will be passed to the police
- 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 highlighted to the Head Master, who have regard for the guidance issued by the Secretary of State (paras 67-68 of Searching, Screening and Confiscation – Advice for Schools, 2022).
- In deciding what to do with items banned under the school rules, the member of staff should take into account the guidance issued by the Secretary of State (para 70 of Searching, Screening and Confiscation – Advice for Schools, 2022).


Confiscation as a disciplinary measure

- The College reserves the right to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
- 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.

Strip searching

Strip searches can only be carried out on College premises by police officers. The College will follow the guidance in the DfE *Searching Screening and Confiscation – Advice for Schools 2022 (paras 35-43)*, ensuring that the duty of care to the student(s) is of paramount importance and will advocate for student wellbeing at all times.

Recording searches

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Any search by a member of staff for a prohibited item (listed above) and all searches conducted by police officers will be recorded on MyConcern, including whether or not an item was found. The following information will be recorded:

- Date, time, location of the search
- Name of student who was searched
- Who conducted the search
- The reason for the search
- What was being searched for
- What was found, if anything
- Any follow-up action taken as a result of the search

Informing parents/carers/guardians

The College will inform parents/carers/guardians of any search for a prohibited item, including the outcome of the search. This will be done in a timely manner.