



# Searching, screening and confiscation policy - September 2024

This document has been created using guidance from the Department for Education (DfE)

'Searching, screening and confiscation advice for headteachers, school staff and governing bodies January 2018' [Searching, screening and confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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## Summary

This policy is intended to explain the schools' powers of screening and searching students so that school staff have the confidence to use them. It explains the use of the power to search students without consent. It also explains the powers schools have to seize and then confiscate items found during a search. It includes statutory guidance which schools must have regard to.

## Searching with consent

- School staff can search a student for any item if the student agrees.
- 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 their pockets or if the teacher can look in the student's bag or locker and for the student to agree.
- Chaucer School has made clear in our relationship policy what items are banned.
- If a member of staff suspects a student has a banned item in their possession, they can instruct the student to turn out their pockets or bag and if the student refuses, the teacher can apply an appropriate response as set out in the school's behaviour policy.
- A student refusing to co-operate will be considered as being in possession of a banned item and will therefore be subject to consequences in line with being found in possession of such items.

## Searching without consent

Headteachers and staff authorised by them have a 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. A refusal to allow any search to occur will result in police contact being made.

Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- e-cigarettes and vapes
- tobacco and cigarette papers
- fireworks
- pornographic images (mobile phones will be searched for suspected 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 student).

## Confiscation

School staff can seize any prohibited item found because of a search. They can also seize any item; they consider harmful or detrimental to school discipline.

Schools' general power to discipline, as circumscribed by 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.

## Screening

What the law allows:

- Schools can require students 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 students.
- Schools' statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening.
- Any member of school staff can screen students.
- If a student refuses to be screened, the school may refuse to have the student on the premises. Health and safety legislation requires a school to be managed in a way which does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a student fails to comply, and the school does not let the student in, the school has not excluded the student and the student's absence should be treated as unauthorised. The student should comply with the rules and attend.

## Establishing grounds for a search

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in their possession a prohibited item. The teacher must decide in each case what constitutes reasonable grounds for suspicion. This will include

- Hearing other students talking about the item
- Noticing a student behaving in a way that causes them to suspect that the student is concealing a prohibited item.

The law allows 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. School staff might consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

## During the search

Chaucer staff have the power to search;

- clothes,
- possessions
- desks
- lockers

What the law says:

- The person conducting the search may not require the student 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, but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
- 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- A student's possessions can only be searched in the presence of the student 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.

## After The Search

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

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.
- 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 student.
- Where they find controlled drugs, 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 they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined above.
- Where they find 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.
- Where a member of staff finds tobacco, e-cigarettes, vapes, or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of such items as they think appropriate but this should not include returning them to the student.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.
- 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 the police as soon as reasonably practicable.

- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police. 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.

### **Telling parents about searches and confiscated items**

- 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.
- Chaucer School will inform the individual student's parents or guardians where any prohibited or banned item has been found and confiscated, though there is no legal requirement to do so.