

Searching and Retention and Disposal of Confiscated Items Policy

1. Introduction

- 1.1. This policy applies to all children and students in the Stephen Perse Foundation (the **Foundation**), including the Early Years Foundation Stage and boarding students.
- 1.2. This policy explains the Foundation's power to search students, including the power to search students without consent. It also explains the power the Foundation has to seize and then confiscate and potentially destroy items found during a search. It includes statutory guidance to which the Foundation must have regard.

2. Aims and Objectives

- 2.1. The aims of this policy are:
 - To ensure Foundation staff are aware of the rules, regulations and restrictions relating to searching students for prohibited items, so that they can have confidence in applying them; and
 - To set out the procedures to be followed when a search is conducted.

3. Where a search can be carried out

- 3.1. Searches may be carried out on school premises or elsewhere where the member of staff has lawful control or charge of the student, for example a sports match, school trip or visit. Powers to search without consent only apply in England.

4. Search with consent

- 4.1. School staff can search a student, their room or their possessions for any item if the student agrees. The ability to give consent may be influenced by the student's age or other factors. "Possessions" means any goods over which the student has or appears to have control, including in pockets, bags, desks, lockers, electronic devices and, in the case of boarders, bedrooms including any drawers, cabinets, cupboards etc in their room.
- 4.2. Written consent is not required - it is enough for the member of staff to ask the student to turn out their pockets or ask to look in the student's bag, locker or room and for the student to agree.

4.3. 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. If the student refuses, the staff member may apply an appropriate sanction as set out in the Foundation's Behaviour, Rewards and Sanctions Policy, in the same way that they would where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff.

5. Search without consent

5.1. The Principal and staff authorised by the Principal have a statutory power to search students, their rooms, lockers or their possessions without consent where they have reasonable grounds for suspecting that the student may have a prohibited item (for example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious). Prohibited items are:

- 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 student)

5.2. The Principal and authorised staff members can also search for any item banned by the School Rules or the Boarding Code of Conduct and Rules.

Conducting the search

5.3. Any search should be carried out sensitively to protect the privacy and reputation of the student, bearing in mind that a student's expectation of privacy increases as they get older.

5.4. Wherever possible, a search must be conducted in the presence of the student.

5.5. In all cases, two members of staff must be present - the first to conduct the search and the second to be present as a witness:

- The member of staff actually conducting the search must always be of the same sex as the student.
- Where a personal search is involved, the second member of staff must also be of the same sex as the student.

- Where a boarder's room is being searched but no personal search is involved, it is acceptable for the second member of staff to be of the opposite sex if a colleague of the same sex is not available.
- There is a limited exception to this rule. Staff can carry out a search of a student of the opposite sex without a witness present, but only where the staff member reasonably believes 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.

5.6. Certain staff, as detailed in the CCTV policy, can view CCTV footage in order to make a decision as to whether to conduct a search for an item.

5.7. Students should be asked to empty out their pockets. Students may only be asked to remove outer clothing (including gloves, hats, scarves, shoes and boots but not clothing worn next to the skin or immediately over a garment that is seen as underwear). Staff can only search outer clothing.

5.8. Members of staff can use such force as is reasonable when conducting a search for prohibited items, but not for items banned under the School Rules or the Boarding Rules. The Foundation notes that the use of force is very damaging to relationships, and as such is only used in exceptional circumstances. Please see the Physical Intervention (Positive Handling) Policy for further details.

6. Confiscation

6.1. School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

6.2. When deciding what to do with the confiscated items, staff will follow the guidelines set out in the DfE's [Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies \(2018\)](#). Any controlled drugs, and any items suspected of being controlled drugs, would normally be handed over to the police. The same would usually apply to any items believed to have been stolen.

7. Mobile phones and other electronic devices

7.1. If a member of staff reasonably suspects that a student's mobile phone (or other electronic device) has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so.

7.2. Staff may also delete 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.

- 7.3. The member of staff 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, break the school rules or go against the expectation in the Foundation’s Behaviour, Rewards and Sanctions Policy.
- 7.4. If staff have reasonable grounds to suspect that a mobile phone or electronic device contains evidence in relation to an offence, they must give the device to the police as soon as it is reasonably practicable.
- 7.5. 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.
- 7.6. If a staff member does not find any material that they suspect is evidence in relation to an offence, and decides not to give the device to the police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of school discipline.

8. Informing parents

- 8.1. Our policy at the Foundation is to share any concerns or relevant information with parents wherever possible, unless we have reason to believe that doing so could potentially be harmful to the student concerned.
- 8.2. There is no statutory requirement on schools to inform parents before a search takes place or to seek their consent to conduct the search. However, we will normally contact parents after any search regardless of the outcome. We will inform parents in the event of alcohol, illegal drugs or potentially harmful substances being found.
- 8.3. If a parent makes a complaint, the Foundation’s Complaints Policy and Procedures should be followed.

9. Record Keeping

- 9.1. A written record must be made of any search, giving an explanation of the reasons for conducting the search, the circumstances in which it was conducted, who was present, what was searched, the outcome of the search and, where relevant, details of decisions made regarding any items of concern that may have been found. Records of all searches must be recorded in the student’s behaviour management records in SIMS.

10. Access to students' rooms in boarding houses

- 10.1. Staff and contractors working for the school need to be able to access student rooms during the teaching day for cleaning and maintenance work.
- 10.2. The school also reserves the right for the Head of Boarding, boarding staff and other members of staff to have access to student rooms at other times where there is a need to do so.
- 10.3. If "prohibited items" as defined above, items banned under the School Rules or Boarding Code of Conduct and Rules or items that clearly should not be in students' rooms are found on such occasions, the items will be confiscated and the matter will be dealt with in the same manner as if the item(s) were to be found in the course of a search.

Please refer to:

- Anti-Bullying Policy
- Behaviour, Rewards and Sanctions Policy
- Boarding Code of Conduct and Rules
- Physical Intervention (Positive Handling) Policy
- Safeguarding and Child Protection Policy
- School Rules and Codes of Conduct
- Technology Acceptable Use Policy

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Version Control

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