Thrunscoe Primary and Nursery Academy

Confiscation and Searches Policy

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1. Aim

This policy aims to ensure searching, screening and confiscation is conducted in line with DfE's latest guidance on searching, screening and confiscation.

2. Legislation and statutory requirements

This policy is based on advice from the Department for Education (DfE) on:

- Behaviour in schools: advice for headteachers and school staff 2022
- Searching, screening and confiscation: advice for schools 2022
- The Equality Act 2010
- Keeping Children Safe in Education 2026
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
- Use of reasonable force in schools
- Supporting pupils with medical conditions at school

It is also based on the Special Educational Needs and Disability (SEND) Code of Practice.

In addition, this policy is based on:

- Schedule 1 of the Education (Independent School Standards) Regulations 2014; paragraph 7 outlines a school's duty to safeguard and promote the welfare of children, paragraph 9 requires the school to have a written behaviour policy and paragraph 10 requires the school to have an anti-bullying strategy
- DfE guidance explaining that academies should publish their behaviour policy and anti-bullying strategy

Exclusions:

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained academies, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools and academies powers to exclude pupils:

Section 52 of the Education Act 2002, as amended by the Education Act 2011
The Academy Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
Sections 64-68 of the Academy Standards and Framework Act 1998

In addition, the policy is based on:

Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
Section 579 of the Education Act 1996, which defines 'academy day'
The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

This policy complies with our funding agreement and articles of association.

3. Possession of prohibited Items

These are:

- Mobile Phones (when permission has not been sought and agreed)
- Knives or weapons
- Alcohol

- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- E-cigarettes or vapes
- Fireworks
- Pornographic images
- Any article a staff member 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)

Any prohibited items found in pupils' possession will be confiscated. These items will not be returned to pupils. We will return confiscated Mobile Phones.

4. Mobile Phones

It is important that our academy, with our governors, take a clear decision on our response to pupils bringing mobile phones into the academy and that this is made clear to both pupils and parents.

At our academy:

- Nursery to Year 4 pupils are forbidden from bringing a personal mobile phone to the academy. If a child, in these year groups, brings a phone to the academy the agreed procedure is that this will be handed over to a member of staff who will send it to the office for safe keeping during the day. This can then be collected at the end of the day from the office by a parent. **
- Parents will be informed that the academy **will not** be held responsible for the security of a mobile phone brought into the academy.
- Pupils in Year 5 and 6 are permitted to bring a mobile phone to the academy, to support safety issues if they come to the academy independently or on a case by case basis agreed with the academy at the request of their parent/carer.
- All mobile phones should be named and handed into the class teacher at the beginning of the day who will keep it in a cupboard/draw out of sight/reach of pupils and collected at the end of the day.

If parents want their child to bring a phone it is on the understanding that they agree with the following limitations on use, namely:

- Mobile phones must be switched off at all times during the school day, including break and lunchtimes, and remain switched off whilst pupils are on academy premises.
- It is not permitted to film, photograph anyone on academy grounds.
- The phone will be kept in the classroom out of pupils' reach, e.g. a secure draw or cupboard
- The academy does not accept responsibility for the security of a mobile phone brought into the academy.

** Exceptions will be made for pupils to support safety issues, if a child comes to school independently at the request of their parent/carer; when a mobile phone device is required to support medical needs such as diabetes and/or any other case by case basis agreed with the academy.

We will also confiscate any item detrimental to academy discipline. These items will be returned to pupils after discussion with senior leaders and parents, if required.

5. Searching a Pupil

Searches will only be carried out by members of staff who have been **authorised to do so by the Headteacher**, or by the Headteacher themselves.

Academy teachers, academy HLTAs (whilst covering classes) and the DSL/Deputy DSLs are all authorised by the headteacher to search to ensure efficiency and effective safeguarding of pupils and staff.

Subject to the exceptions below, authorised members of staff carrying out the search will be of the same sex as the pupil, and there will be another member of staff present as a witness to the search.

Authorised members of staff of a different sex to the pupil can carry out a search without another member of staff as a witness if:

- The authorised 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 the 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

When an authorised member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a written record of the search is kept and uploaded onto CPOMs.

If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the Headteacher, designated safeguarding lead (or deputies) or senior members of staff who may have more information about the pupil. During this time the pupil will be supervised and kept away from other pupils.

A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in section 3 for which a search can be made, or if the pupil has agreed (in which case the member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed).

An appropriate location for the search will be found. Where possible, this will be away from other pupils. The search will 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.

- Before carrying out a search the authorised member of staff will:
- Assess whether there is an urgent need for a search
- Assess whether not doing the search would put other pupils or staff at risk
- Consider whether the search would pose a safeguarding risk to the pupil
- Explain to the pupil why they are being searched
- Explain to the pupil what a search entails – e.g. “I will ask you to turn out your pockets and remove your scarf”
- Explain how and where the search will be carried out
- Give the pupil the opportunity to ask questions
- Seek the pupil’s co-operation

If the pupil refuses to agree to a search the member of staff will 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
- Have had a previous distressing experience of being searched

If a pupil continues to refuse to co-operate, the member of staff can give an appropriate behaviour sanction.

If they still refuse to co-operate, the member of staff will contact the select appropriate [headteacher/designated safeguarding lead (or deputy)/pastoral lead], to try to determine why the pupil is refusing to comply.

The authorised member of staff will then decide whether to use reasonable force to search the pupil. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items identified in section 3, but not to search for items that are only identified in the school rules.

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

An authorised member of staff may search a pupil's outer clothing, pockets, possessions, desk or locker.

'Outer clothing' includes:

- Any item of clothing that isn't worn wholly next to the skin or immediately over underwear (e.g. a jumper or jacket being worn over a t-shirt)
- Hats, scarves, gloves, shoes or boots

Searching pupils' possessions

Possessions means any items that the pupil has or appears to have control of, including:

- Desks
- Lockers
- Bags

A pupil's possessions can be searched for any item if the pupil agrees to the search. If the pupil does not agree to the search, staff can still carry out a search for prohibited items (listed in section 3) and items identified in the school rules.

An authorised member of staff can search a pupil's possessions when the pupil and another member of staff are present.

If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

Informing the designated safeguarding lead (DSL)

The staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in section 3
- If they believe that a search has revealed a safeguarding risk

All searches for prohibited items (listed in section 3), including incidents where no items were found, will be recorded in the school's safeguarding system.

Informing parents/carers

Parents/carers will always be informed of any search for a prohibited item (listed in section 3). A member of staff will tell the parents/carers as soon as is reasonably practicable:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the school has taken, including any sanctions that have been applied to their child

Support after a search

Irrespective of whether any items are found as the result of any search, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

If this is the case, staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider whether pastoral support, an early help intervention or a referral to children's social care is appropriate.

Strip searches

The authorised member of staff's power to search outlined above does not enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

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 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.

Before calling the police into school, staff will 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 will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.

Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the pupil(s) involved. Staff retain a duty of care to the pupil involved and should advocate for pupil wellbeing at all times.

Communication and record-keeping

Where reasonably possible and unless there is an immediate risk of harm, before the strip search takes place, staff will contact at least 1 of the pupil's parents/carers to inform them that the police are going to strip search the pupil, and ask them whether they would like to come into school to act as the pupil's appropriate adult. If the school can't get in touch with the parents/carers, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for information about the role of the appropriate adult).

The pupil's parents/carers will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises, and monitor them for any trends that emerge.

Who will be present

Police officers carrying out the search must be of the same sex as the pupil being searched.

For any strip search that involves exposure of intimate body parts, there will be at least 2 people present other than the pupil, except in urgent cases where there is risk of serious harm to the pupil or others.

One of these must be the appropriate adult, except 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

If this is the case, a record will be made of the pupil's decision and it will be signed by the appropriate adult.

If the pupil's parent/carer would like to be the appropriate adult, the school will facilitate this where possible.

No more than 2 people other than the pupil and appropriate adult will be present, except in the most exceptional circumstances.

An appropriate adult not of the same sex as the pupil may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil is permitted to be present, and the search will not be carried out in a location where the pupil could be seen by anyone else.

The appropriate adult will:

- Act to safeguard the rights, entitlements and welfare of the pupil
- Not be a police officer or otherwise associated with the police
- Not be the headteacher

- Be of the same sex as the pupil, unless the pupil specifically requests an adult who is not of the same sex

Care after a strip search

After any strip search, the pupil will be given appropriate support, irrespective of whether any suspected item is found. The pupil will also be given the opportunity to express their views about the strip search and the events surrounding it.

As with other searches, the school will consider whether the pupil may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

Staff will follow the school's safeguarding policy and speak to the designated safeguarding lead (DSL). The DSL will consider whether, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.

Any pupil(s) who have been strip searched more than once and/or groups of pupils who may be more likely to be subject to strip searching will be given particular consideration, and staff will consider any preventative approaches that can be taken.

If a pupil is found to be in possession of a prohibited item the staff member will alert the designated safeguarding lead (or deputy) and the pupil will be sanctioned in line with this policy to ensure consistency of approach.

6. Monitoring arrangements

This Confiscation and Searches policy will be reviewed by the Headteacher, Behaviour Lead and full Governing Body every two academic years. At each review, the policy will be approved by the Headteacher and full Governing Body.

7. Links with other policies

This behaviour policy is linked to the following policies:

- Behaviour Policy
- Positive Handling Policy
- Anti-Bullying Policy
- Safeguarding Policy
- Emotional Health and Well-Being Policy.