



# **Confiscation and Search Policy Pix Brook Academy**

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## **Confiscation and Searches**

Following the Safeguarding and Practice Review on the case of Child Q the updated DfE guidance places an emphasis on safeguarding at the centre of all schools' approach to handling searches. This policy reflects that guidance. Searching, screening and confiscation is conducted in line with the DfE's [latest guidance on searching, screening and confiscation](#).

Following guidance set out by the Education and Inspections Act 2006 and Searching, Screening and Confiscations July 2022, our members of staff are authorised to use confiscation as a disciplinary sanction if it is lawful. This means that staff may confiscate or seize items in the possession of students that are illegal, or banned by the school. It is our first priority to ensure that students are in a safe and secure environment when they are in our care, and any items that may jeopardise the safety of other students or themselves will be taken off students without notice. A teacher or someone who has lawful control of the child can search a pupil with their permission to look for any item that the school's rules say must not be brought into school. Principals and other members of staff authorised by them have the power to search a pupil without the pupil's consent if they suspect they are in possession of 'prohibited items'. Prohibited items that can be searched for without consent include:

- knives or weapons
- alcohol
- illegal drugs
- "legal highs"
- stolen items
- e-cigarettes, tobacco and cigarette papers
- Fireworks
- pornographic images
- articles that have been or could be used to commit an offence or cause harm.
- Mobile phones

The Education Act 2011 allows for staff seizing an electronic device to examine any data or files on the device if they think there is good reason to do so. These data or files may be erased before returning the item if they believe there is good reason to do this. Any cigarettes and e-cigarettes confiscated in school will be destroyed. The school's Searching, Screening and confiscation policy outlines the action the school will take if searching Screening or Confiscation is needed at Pix Brook Academy.

Parents/carers will always be informed for any search of a prohibited item. A member of staff will inform parents /carers as soon as is reasonably practicable.

### **Confiscation**

Any prohibited items found in a pupil's possession as a result of a search will be confiscated. These items will not be returned to the pupil.

We will also confiscate any item that is harmful or detrimental to school discipline. These items will be returned to pupils after discussion with senior leaders and parents, if appropriate.

## Searching a Pupil

Searches will only be carried out by a member of staff who has been authorised to do so by the Principal, or by the Principal themselves.

Subject to the exception below, the authorised member 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. Where practicable the additional adult will be of the same sex.

An authorised member 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 the Principal or the DSL (or DDSLs), and ensure a written record of the search is entered 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 Principal, DSL (or DDSLs) or pastoral member 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 if the pupil has agreed.

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 academy 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 can give an appropriate behaviour sanction.

If they still refuse to co-operate, the member of staff will contact the Principal/DSL (or DDSL), to try and determine why the pupil is refusing to comply.

The authorised member of staff will consult with the Principal/DSL (or DDSLs) and together decide whether or not 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 from causing disorder.

The authorised member of staff can use reasonable force to search for any prohibited items identified in section this policy.

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

Outer clothing includes:

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

### **Searching Pupils' Possessions**

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

- Desks
- Lockers
- Bags
- Pencil cases

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.

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 (or DDSLs) 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.
- If they believe that a search has revealed a safeguarding risk.

All searches for prohibited items, including incidents where no items were found, will be recorded in the academy's safeguarding system, CPOMS.

### **Informing Parents/Carers**

Parents/carers will always be informed of any search for a prohibited item. This will happen as soon as is reasonably practicable:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the academy 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 academy 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 safeguarding policy and speak to the DSL. The DSL will consider if 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 academy premises will only be carried out by police officers in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

Before calling the police to the academy, 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 PBA's premises, the decision on whether to conduct a strip search lies solely with them. The academy 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, staff will contact at least one of the pupil's parents/carers to inform them that the police are going to strip search their child before strip search takes place, and ask them if they would like to come into school to act as their child's appropriate adult. If the academy can't get in touch with the parents/carers, or they aren't able to come into the academy to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for 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. On PBA's safeguarding system, CPOMS, records will be kept of strip searches that have been conducted on academy premises. The records will be monitored for any trends that may emerge.

## **Who Will be Present**

For any strip search that involves exposure of intimate body parts, there will be at least two 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 by the appropriate adult of the pupil's decision on the academy's safeguarding system, CPOMS.

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

The appropriate adult will:

- Act to safeguard the rights, entitlement and welfare of the pupil
- Not be a police officer or otherwise associated with the police
- Not be the Principal
- Be of the same sex as the pupil, unless the pupil specifically requests an adult who is not of the same sex

Except for an appropriate adult of a different sex if the pupil specifically requests it, no one of a different sex will be permitted to be present and the search will not be carried out anywhere where the pupil could be seen by anyone else.

## **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, PBA 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 academy's safeguarding policy and speak to the DSL. The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.