



WOODBRIIDGE
HIGH SCHOOL

Searching and Confiscation Policy

POLICY STATEMENT:

All searching and confiscation that takes place within the school is carried out under the updated Department for Education Guidance (DfE) 'Searching, Screening and Confiscation' (July 2022) ('the Guidance'). This policy should be read in conjunction with that guidance.

Headteachers and staff authorised by them have a legal authority to search any student for any item listed in the Guidance, and also any item banned under the school rules, if the student agrees. Refusal to agree could result in a sanction or searching without consent, or both, as set out below. Authorised staff includes the Leadership Group, Year Co-ordinators and Behaviour Support Officers.

Headteachers and staff authorised by them have a legal authority to search students or their possessions, without consent and using reasonable force, where they suspect the student has certain items. Under the Guidance, these items are knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images.

Headteachers and staff authorised by them have a legal authority to confiscate students' property or other items found during a search where they suspect that the item poses a risk to staff or students, where it is prohibited under the rules, or where it is evidence in relation to an offence. They should return, retain, pass on or dispose of confiscated items in line with the Guidance.

Headteachers and staff authorised by them have a legal authority to examine electronic devices confiscated as a result of a search for files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour. They should consider all relevant safeguarding guidance and ensure that an appropriate safeguarding response is made.

The circumstances of each individual case will need to be considered in determining the length of the confiscation. For example, if a student is continually having possessions confiscated, it might be necessary to hold onto the item until an appointment is made between the parent and the Year Co-ordinator. At this meeting it should be reiterated that such items are not permitted in the school and the reasons why. The parent should be advised that if there is a repeat offence, the item could be retained for a longer period of time, up to a maximum of the end of the current school term.

PROCEDURES

Searching Students with Consent

School staff can search students **with their consent** for any item which is listed in the Guidance or banned by the school rules.

- Only staff authorised by the Headteacher should conduct a search of students' possessions. This includes the Leadership Group, Year Co-ordinators and Behaviour Support Officers. Other staff should refer matters where they feel a search is necessary to one of these members of staff.
- Formal written consent from the student for this sort of search is not required. The member of staff conducting the search should explain the reasons for the search and seek the student's consent.
- An appropriate place for the search should be found. This must be away from other students and must be on school premises or where the member of staff has lawful control of the student, for example on school trip.
- The search should be conducted by a member of staff of the same sex as the student, and there should be a second member of staff present to witness the search, unless the matter is of extreme urgency (such as the risk or imminent serious harm) and it is not practical to find a member of staff of the same sex / and or a witness.

- Staff may search students' outer clothing, pockets, possessions, desks or lockers. Students may not be asked to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment worn as underwear, as well as hats, shoes and scarves. Students may be asked to turn out their pockets as part of a search. Possessions includes bags, lockers and any area under the student's control.
- All searches of students' possessions must be undertaken in the presence of the student and a witness, except where there is the risk of serious harm if the search is not conducted immediately.
- A hand held metal detector (security wand) can be used to assist with a search. This will be passed over the body around 6 inches away to ensure no banned or prohibited items are concealed.
- Special and individual authorisation must be obtained from the Headteacher or one of the Leadership Group to search the contents of electronic devices.
- These powers do not authorise a member of staff to conduct a 'strip search'.

A student refusing to co-operate with such a search raises the same kind of issues as a student who refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, schools can apply an appropriate disciplinary sanction, and / or search without consent where this is deemed to be necessary, especially if the search is required urgently.

After a 'with consent' search:

- All searches must be recorded on the SIMS database, including the reasons for the search and whether anything was found.
- Searches for prohibited items as set out under the Guidance (knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images) must also be recorded on CPOMS and reported to the DSL/DDSL to decide whether safeguarding responses are required.
- Parents/Carers should always be informed of searches for prohibited items as set out under the Guidance (knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images). It is good practice also to inform parents/carers of other searches and the reasons for them.
- The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances, in line with the policy statement above.
- The law protects members of staff from liability in any proceeding brought against them for any loss of or damage to, any item they have confiscated, provided they acted lawfully.

Confiscation

Any member of staff may confiscate visible property that is banned under the rules, such as items below and also including items banned under the Mobile Phone Acceptable Use Policy or Uniform and Equipment Policy.

If a member of staff needs to confiscate property from students (for example: clothing, jewellery, a mobile telephone or headphones) they should adhere to the following procedures:

- All items of clothing (only) are to be kept by the teacher/member of staff confiscating and NOT sent to Wynndale/Mallards offices.
- Inform the student that you are confiscating the item and that the item is not permitted in the school. Tell them when and where it can be collected.

- Identify a reasonable time when the item can be collected by the student. Under normal circumstances, it should be within 24 hours. Outdoor coats need to be returned at the end of the same day.
- Mobile telephones or headphones confiscated because they have been seen or heard in school must be placed in a confiscation envelope with the student's name and tutor group and be handed in at either Mallards or Wynndale office. They can be collected at the end of the school day for the student concerned.
- If this is a repeat offence, the student is to see their Year Co-ordinator to arrange collection from the appropriate office. The YC will issue the student with a note stating when they can collect the item (this ensures that item is not moved around the school unnecessarily).
- Staff confiscating valuable items other than mobile telephones or headphones should complete a 'Staff Confiscation Form' (kept in staffrooms and offices) showing item, date, student name/tutor group and the name of the member of staff confiscating, confirmation of when and to whom the item should be returned (no items should be returned to students before 3.10pm). The form and confiscated item should then be given to the appropriate office, preferably in an envelope. **NO ITEM WILL BE ACCEPTED BY OFFICE STAFF WITHOUT THE COVERING FORM.**
- ALL ITEMS CONFISCATED in the MALLARDS BUILDING and the surrounding area (including the SPORTS HALL, BUSINESS CENTRE AND FITNESS SUITE) should go directly to the MALLARDS OFFICE only, and ALL ITEMS CONFISCATED in the WYNNDALE OR RODING BUILDINGS and the surrounding area should go directly to WYNNDALE OFFICE only.
- A record of the confiscation item will be kept on the SIMS database.

Searching a Student Without Consent

The Headteacher, or school staff who have been authorised by the Headteacher (currently only Members of the Leadership Group, Year Co-ordinators and the Behaviour Support Team) may under the Guidance search students **without consent** and using reasonable force for any item that is specifically set out in paragraph 3 of the Guidance only. These items are knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images. Staff may not search without consent for other items not set out in the Guidance, but banned under the school rules.

A search can take place if there are reasonable grounds for suspecting that a student is in possession of any of the above items. The member of staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or notice a student behaving in a suspicious manner. The school can rely on CCTV footage to help reach their decision. These powers apply regardless of whether any prohibited item is found on the student.

All the requirements as for a search conducted with consent also apply for a search conducted without consent, including staff of the same sex and the student, witnesses, the recording of searches and informing parents.

The power to search 'without consent' enables a 'personal search', involving the removal of outer clothing and searching of pockets, but it is categorically not an intimate search or 'strip search'. The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment worn as underwear, as well as hats, shoes and scarves.

A student's possessions can only be searched with the student and another member of staff present unless there is a risk of serious harm to a person if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff. 'Possessions' mean any goods over which the student has or appears to have control, such as bags.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

After a 'without consent' search:

- All searches must be recorded on the SIMS database, including the reasons for the search and whether anything was found.
- Searches for prohibited items as set out under the Guidance (knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images) must also be recording on CPOMS and reported to the DSL/DDSL to decide whether safeguarding responses are required.
- Parents/Carers should always be informed of searches for prohibited items as set out under the Guidance (knives and weapons, alcohol, illegal drugs, stolen items, any article that it is suspected is likely to be used to commit an offence or cause injury, tobacco and cigarette papers, fireworks and pornographic images). It is good practice also to inform parents of other searches and the reasons for them.
- The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'without consent' search so long as it is reasonable in the circumstances, in line with the policy statement above.
- The law protects members of staff from liability in any proceeding brought against them for any loss of or damage to, any item they have confiscated, provided they acted lawfully.

Disposal of Confiscated Items

- Anything the person conducting the search has reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs or stolen items) or is evidence in relation to an offence can be removed by a member of staff.
- Alcohol can be retained or disposed of.
- Controlled drugs must be delivered to the police as soon as possible, unless there is good reason why not, in which case the drugs must be disposed of. If staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug they should retain it as evidence (unless of course the circumstances make disposal safer than retention for the staff member involved).
- In the event of finding other substances not believed to be controlled drugs, these can be confiscated where a member of staff believes them to be harmful or detrimental to good order and discipline.
- High value (Laptops/Airpods) or illegal (alcohol/fireworks) or stolen items must be delivered to the police unless there is good reason not to, in which case the stolen item should be returned to the owner.
- Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

Strip Searches

- A strip search is a search involving the removal of more than outer clothing (see above).
- Strip searches on school premises can only be carried out by police officers, but the school retains a duty of care the student at all times.

- Before calling the police to the school to investigate a matter that may require a search, any member of staff must refer the matter to the Headteacher, DSL or one of the Deputy Headteachers. The decision about whether to involve the police will be theirs.
- If the police become involved, members of school staff must be present at all stages and parents/carers must be fully informed in advance of any search being carried out. The school must ensure that this happens, even if the police do not choose to do so, unless informing parents will put the child at risk.
- Full attention to be paid to the full Guidance on any strip searches conducted by police in school.

Banned Items at Woodbridge High School*

1. Any weapons – real or fake/replica
2. All illegal drugs and related paraphernalia
3. Alcohol
4. Tobacco and cigarette papers
5. Lighters
6. Vapes
7. Vaping liquid
8. Laughing gas
9. Bangers/snaps
10. Fireworks
11. Party poppers
12. Laser pointers
13. Water balloons
14. Spray paint
15. Any stolen item
16. Pornographic images
17. Any article that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence or injure a person or damage property
18. Any other item which a school policy specifies as banned

***this is not an exhaustive list**

Reviewer: Caroline Moore (DSL/ AHT)

Approval: Approved by PDC on 1st November 2023 and Curriculum & Standards Committee on 7th November 2023.

Date of Next Review: Autumn 2024.