



SIKH ACADEMIES TRUST  
Faith Inspired Education

# **SAT STATUTORY GUIDANCE ON A. SEARCHING B. SCREENING C. CONFISCATION POLICY**

## **SAT STATUTORY GUIDANCE ON A. SEARCHING B SCREENING C CONFISCATION**

### **Introduction**

Using searching, screening and confiscation powers appropriately is an important way to ensure pupil and staff welfare is protected and helps schools establish an environment where everyone is safe.

Before screening or conducting a search of a pupil, it is vital that we consider our obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by a school (or any public body) must be justified and proportionate.

### **A. Searching**

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item (items that the school rules identify as an item) which may be searched for.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed below or any other item that the school rules identify as an item which may be searched for.

The list of DfE prohibited items is:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- 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 property of any person (including the pupil)
- an article specified in regulations:
  - tobacco and cigarette papers
  - e-cigarettes or vapes
  - fireworks
- pornographic images.

Items banned under school rules:

- offensive weapons (including replicas)
- knives, including pen knives
- razors

- catapults
- guns of any kind, including replicas and BB guns
- laser pens and LED torches
- knuckle dusters and studded arm bands, bracelets, etc.
- whips or similar items such as long chains
- pepper sprays and gas canisters (e.g. CS gas)
- fireworks, poppers or explosives of any kind
- cigarettes, tobacco, e-cigarettes and any form of smoking/vaping device
- alcohol
- any form of illegal drug, psychoactive substance or associated paraphernalia
- obscene or offensive material (pornographic, homophobic, racist, etc.)
- indecent images on mobile phone or other devices
- pornography
- stolen property
- any item when it is used or intended to harm or threaten; for example: chemicals, tools, fire starting items
- any item used for, or suspected to be used for, unlawful purposes
- any item deemed unnecessary within the school's premises.

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

The school's behaviour policy outlines the banned items for which a search can be made. This includes the list of prohibited items, and includes other items which the school has decided are detrimental to maintaining high standards of behaviour and a safe environment.

When exercising their powers, schools must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability. School staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.

### **The role of the headteacher, the designated safeguarding lead and authorised members of staff**

- Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. This guidance should be followed and the person witnessing the search should be a permanent member of staff. The headteacher may not require any other member of staff to undertake a search if they refuse.
- The headteacher should oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead.
- The headteacher should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-

operating, so that these trained staff can support and advise other members of staff if this situation arises.

- The designated safeguarding lead should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item. The staff member should also involve the designated safeguarding lead without delay if they believe that a search has revealed a safeguarding risk.

### **Before searching**

- A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the pupil has agreed.
- The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.
- Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions. The authorised member of staff should always seek the co-operation of the pupil before conducting a search.
- If the pupil is not willing to co-operate with the search, the member of staff should 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; or have had a previous distressing experience of being searched.
- If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.
- If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead or pastoral member of staff who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.
- If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified above, but not to search for items which are identified only in the school rules.
- See SAT policy on use of reasonable force or the guidance on the [Use of reasonable force in schools](#). The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.
- It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching for possessions or the pupil themselves.

### **During a search**

**Where** - An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must 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.

**Who** - The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search. There is a limited exception to this rule: this is that a member of staff can search a pupil of the opposite sex and/or without a witness present **only**:

- if the 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 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 a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

### **The extent of the search**

- A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.
- The person conducting the search must not require the pupil 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 that is being worn as underwear, as well as hats, shoes, boots or scarves.
- 'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.
- A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed above and any items identified in the school rules for which a search can be made.
- A pupil's possessions can only be searched in the presence of the pupil 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.
- The member of staff may use a metal detector to assist with the search. The member of staff's power to search outlined above does not enable them to conduct a strip search.

### **Strip searching – please seek permission and approval of the headteacher before considering a potential strip search.**

- A strip search is a search involving the removal of more than outer clothing (see paragraph 29). Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C.

- While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.
- Wherever there is police involvement, an appropriate adult will remain with the pupil at all times.
- Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted.
- Once the police are on school premises, the decision on whether to conduct a strip search lies solely with the police, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.
- Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

### **The process the police must follow during a strip search**

- Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult.
- If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible.
- Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil.
- Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.
- PACE Code C states that 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.

### **After-care following a strip search**

- Pupils should be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead.
- Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.

### **After a search**

- Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed.
- Where this may be the case, school staff should follow the school's child protection policy and speak to the designated safeguarding lead. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.
- If a pupil is found to be in possession of a prohibited item listed above, then the staff member should alert the designated safeguarding lead and the pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

### **Recording searches**

Any search by a member of staff for a **prohibited item** listed and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found.

Staff members are encouraged to include in the record of each search:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

### **Informing parents**

- Parents should **always** be informed of any search for a **prohibited item** listed above that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.
- Schools should consider that, in some circumstances, it might also be necessary to inform parents of a search for an item banned by the school policy. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

## **B. SCREENING – WE DO NOT ALLOW SCREENING OF INDIVIDUALS OR THE STUDENT POPULATION.**

### **C. CONFISCATION - Items found as a result of a search**

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;

- is prohibited, or identified in the school rules for which a search can be made or
- is evidence in relation to an offence.

### **Prohibited or illegal items**

Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible. Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of.

Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the school rules**.

- **Controlled drugs** must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs.
- **Other substances** which are not believed to be controlled such as vapes should also be delivered to the police, or disposed of, if the member of staff believes they could be harmful.
- Where a person conducting a search finds **alcohol, tobacco, cigarette papers or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the pupil.
- 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 an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.
- Where a member of staff finds **stolen items**, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning them to their owner is not practicable.
- The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. The member of staff should consider the following:
  - the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable
  - whether the item is banned by the school
  - whether retaining or returning the item to the owner may place any person at risk of harm
  - whether the item can be disposed of safely.



## Electronic devices

Electronic devices, including mobile phones, can contain 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.

As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search if there is good reason to do so. If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images.

When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead as the most appropriate person to advise on the school's response.

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.

In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State:

In determining whether there is a **'good reason' to examine** the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.

In determining whether there is a **'good reason' to erase** any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable.