



KING EDWARD VI
SCHOOL LICHFIELD

Searching and Confiscation Policy

Reviewed & Ratified by governors at Student & Staff Welfare Committee on:	27 th September 2018
To be reviewed:	October 2020
To be reviewed by:	Assistant Headteacher (Inclusion and Student Support)

Headteachers and staff authorised by them have a statutory power (outlined in Department for Education guidelines) to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items include:

- 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). (See Appendix 1 for further guidance)

The Headteacher and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Authorised staff

Any member of the Senior Leadership Team
Achievement Leaders
Assistant Achievement Leaders
Any member of the Student Support Team

Confiscation

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.

Searching with consent

Schools' common law powers to search:

School staff can search students with their consent for any item. Staff are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.

If a member of staff suspects a student has a banned item in his/her possession, they will instruct the student to turn out his pockets or bag and, if the student refuses, the staff member can apply an appropriate punishment as set out in the school's behaviour policy.

A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, the school will apply an appropriate disciplinary penalty.

Searching without consent

At King Edward VI School, staff have the power to search without consent for:

- Knives or weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- 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; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The staff member conducting the search will be the same sex as the student being searched.

There will be a witness (also a staff member) and, if possible, they will be the same sex as the student being searched.

Staff members will only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The staff member will decide in each particular case what constitutes reasonable grounds for suspicion.

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.

In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search will bear in mind that a student's expectation of privacy increases as they get older.

During the search

The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.

A student's possessions can only be searched in the presence of the student 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.

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. Such force cannot be used to search for items banned under the school rules.

After the search

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.

Where any article is thought to be a weapon it will be passed to the police.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

A staff member carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Where a staff member conducting a search finds alcohol, they may retain and dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the student.

Where they find controlled drugs, these will be delivered to the police as soon as possible.

Where they find other substances which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called 'legal highs'. Where staff suspect a substance may be controlled they will treat them as controlled drugs as outlined above.

Where they find stolen items, these will be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.

Where a member of staff finds tobacco or cigarette papers they will retain and dispose of them.

As with alcohol, this means that the school will dispose of tobacco or cigarette papers as they think appropriate but this will not include returning them to the student.

Fireworks found as a result of a search will be retained and will not be returned to the student.

If a member of staff finds a pornographic image, they will dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it will be delivered to the police as soon as reasonably practicable.

Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.

Where an article that has been (or could be) used to commit an offence or to cause personal injury or damage to property is found it will be delivered to the police or returned to the owner. It may also be retained or disposed of.

Where a member of staff finds an item which is banned under the school rules they will discuss this with a member of senior staff who will take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

Any weapons or items which are evidence of an offence will be passed to the police as soon as possible.

Parental Contact

When a student has been searched, parents/carers will be informed by the school, regardless of the outcome of the search.

Sanctions

The discovery of any prohibited items will result in sanctions being applied in line with the school's behaviour policy. The level of sanction will be decided by a member of the school's SLT, but may include one or more of the following:

- Loss of privileges

- Detention
- Isolation
- Fixed Term Exclusion
- Permanent Exclusion

References:

1. DfE Guidance, 'Searching, Screening and Confiscation: Advice for Headteachers, School Staff and Governing Bodies', February 2014.

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Appendix 1: List of Banned Items

In the interests of the health and safety of students, staff, other members of the school community and visitors to the school, the school asks parents and students to ensure that any inappropriate and dangerous items, or any inappropriate and harmful substances, are not brought in to school.

In the majority of cases the application of common sense will easily determine what should not be brought in to school. The list below is not exhaustive but is intended as a guide. The specified items on the list, and any item that would fall into the first 3 categories, should not be brought in to school.

Sanctions under the Behaviour Policy may be applied to any student found in possession of any banned item or any item that the school deems to be unsuitable and dangerous. The school reserves the right to exclude students in extreme cases, or when students or parents have received warnings about banned items.

1. FIRE LIGHTING EQUIPMENT

- Matches, lighters, etc.

2. DRUGS and SMOKING EQUIPMENT

- Cigarettes
- E-cigarettes/shisha/vape
- Tobacco
- Any form of illegal drug or so-called 'legal highs' including Nitrous oxide/'laughing gas'
- Any other drugs except medicines covered by the Prescribed Medicines Procedure
- Cigarette papers
- Alcohol
- Solvents

3. WEAPONS and OTHER DANGEROUS IMPLEMENTS or SUBSTANCES

- Knives, including pen knives and craft 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), Tasers.
- Fireworks or explosives of any kind including 'fun snaps'
- Dangerous chemicals (e.g. strong acids and alkalis, bleaches, hair dyes, etc.)

4. Other Items

- Any form of liquid based correction fluid (*N.B. students may use correction tape and correction tape devices*)
- Chewing gum
- Energy drinks
- Offensive material (pornographic, homophobic, racist, extremist, etc.)
- Note: the school reserves the right to confiscate cameras or mobile phones and to delete any unauthorised pictures or video recordings of students or staff