

# Searching and Confiscation Policy

## Fairmead School



**Wellbeing Statement:** At Fairmead School we take a holistic approach to the wellbeing of our young people and staff. All policies are written with this in mind and consider the physical and mental wellbeing of our young people, staff and our school community.

Signed by: Mrs T Felstead

Date: 26th March 2026

Next review: March 2027

This policy applies to Fairmead School and references to the Head in this policy mean the Head teacher.

This policy has been authorised by the Governors and is available to parents/carers in the Policies folder on the school website.

## 1 Aims

1.1 Safety and Welfare: The central aim of this policy is to enable the school to carry out its duties to safeguard and promote the welfare of young people by ensuring that dangerous, illegal or disruptive items are removed from young people and dealt with safely and lawfully.

1.2 This policy also forms part of the school's whole school approach to promoting child safeguarding and wellbeing, which seeks to ensure that the best interests of young people underpins and is at the heart of all decisions, systems, processes and policies.

1.3 This policy also aims to ensure that the young people and parents/carers understand what will happen to items confiscated by staff and to discourage young people from bringing such items into school or on school trips.

## 2 Searching young people

2.1 School staff may search a young person and their possessions, lockers and accommodation (e.g. on a school trip, whilst in the care of the school) for any item if the young person agrees. If a member of staff suspects that a young person has a banned item in their possession, they can instruct the young person to turn out their pockets or bag. If the young person refuses, sanctions will be applied in accordance with this policy.

2.2 If a young person refuses to co-operate with a search the Head, and staff authorised by the Head, may use reasonable force to search a young person or a young people's possessions where they have reasonable grounds for suspecting that a young person has a "prohibited item" as listed in section 3.1.1 below in their possession. For the avoidance of doubt, reasonable force should not be used in a search for an item listed in section 3.1.2 below (items banned under school rules).

2.3 The Head has authorised the following staff to carry out searches without young person consent (where consent is not required) and to retain or dispose of items in accordance with this policy: Head of School; Assistant Heads; Phase leads and Trip Leaders.

2.4 All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a young person's property as a disciplinary penalty where it is reasonable to do so.

2.5 The school's policy on searching and confiscation has regard to the DfE guidance Searching, screening and confiscation: advice for schools (DfE, September 2022).

## 3 Prohibited items

3.1 The following are "prohibited items"

3.1.1 under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951): (a) knives or weapons, alcohol, illegal drugs and stolen items; (b) tobacco and cigarette papers, fireworks and pornographic images; (c) any article that a member of staff reasonably suspects has been, or is likely to be used: (i) to commit an offence; or (ii) to cause personal injury to, or damage to the property of, any person (including the young person); and

3.1.2 any item banned by the school rules that are identified as being items which may be searched for.

3.2 The school has banned these items as it reasonably believes them to be likely to cause harm or disruption. Young people must not have these items in their possession on school premises or at any time when they are in the lawful charge and control of the school

## 4 Conducting Searches

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

4.2 When exercising these powers the school must consider the age and needs to young people being searched or screened. This includes the individual needs or learning difficulties of young people with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a young person has a disability.

4.3 For all young people in Year 7 or below, parental consent will usually be sought, however, this is not a requirement and will not be sought in circumstances where the young person is deemed to be able to provide consent or in relation to “prohibited items” (see paragraph 3.1 above). Formal written consent is not required – it is sufficient for the young person (or parent/carer as appropriate) to agree.

4.4 If a young person refuses to co-operate with a search for a “prohibited item” as listed in section 3.1.1 above, a member of staff should assess whether it is appropriate to use such force as is reasonable to conduct the search.

4.5 The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the young person harming themselves or others, damaging property or causing disorder.

4.6 Where a young person is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation then a parent/carer’s co-operation will be sought.

4.7 If a young person refuses to co-operate with a search for items that are not “prohibited items” as listed in section 3.1 above, disciplinary action may be taken in accordance with the school’s Relationship policy.

4.8 If a search is considered necessary, but not required urgently, the advice of the head/ DSL and/or leadership staff should be sought. During this time the young person should be supervised and kept away from other young people.

4.9 Searches will be carried out on school premises or, if elsewhere, where the member of staff has lawful control or charge of the young person, for example on an educational visit or in training settings.

4.10 When young people travel outside England on a school trip, they may only be searched without consent if allowed by the law of that country.

4.11 If it is believed that a young person has a prohibited item, it may be appropriate for a member of staff to carry out:

4.11.1 a search of outer clothing; and / or

4.11.2 a search of school property (e.g. young people’ lockers or desks); and / or

4.11.3 a search of accommodation on an educational visit; and / or

4.11.4 a search of personal property (e.g. bag or pencil case).

4.12 Searches will be conducted in such a manner as to minimise embarrassment or distress. Staff will be the same sex as the young person being searched and there will be a witness (also a staff member) who, if possible, will be the same sex as the young person being searched. As a limited exception to this rule, staff can carry out a search of a young person of the opposite sex and / or without a witness present, but only where staff reasonably believe that there is a risk that serious harm will be caused to a person if a search is not carried out as a matter of urgency and in the time available it is not reasonably practicable to summon another member of staff.

4.13 A young person's possessions can only be searched in the presence of the young person 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.

4.14 Where the Head, or staff authorised by the Head, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and deal with that item in accordance with this policy. The staff member should also alert the designated safeguarding lead (DSL) or deputy and the young person will be sanctioned in line with the school's Relationship Policy to ensure consistency of approach.

## **5 Strip searching**

5.1 A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. More information is contained within the DfE advice to schools on Searching, Screening and Confiscation (July 2022).

5.2 While the decision to undertake a strip search itself and its conduct are police matters, school staff retain a duty of care to the young person(s) involved and should advocate for young person wellbeing at all times.

5.3 School staff will always 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.

5.4 In order to ensure young person's wellbeing, the school may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.

## **6 After a search**

6.1 Whether or not any items have been found as a result of any search the school will consider whether the reasons for the search or outcome give cause to suspect whether a young person is suffering or likely to suffer harm and whether any specific support is needed.

6.2 Where appropriate school staff will follow the school's Safeguarding and Child Protection Policy and procedures and speak to the designated safeguarding lead about possible pastoral support, early help intervention or a referral to young people's social care.

## **7 Recording searches**

7.1 Any search by a member of staff for a prohibited item listed in section 3.1.1 above, items banned by the school rules and all searches conducted by police officers will be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.

7.2 Records of the search will include:

7.2.1 the date, time and location of the search;

7.2.2 which young person was searched;

7.2.3 who conducted the search and any other adults or young people present;

7.2.4 what was being searched for;

7.2.5 the reason for searching;

7.2.6 what items, if any, were found; and

7.2.7 what follow-up action was taken as a consequence of the search.

7.3 The school will analyse any data gathered to consider whether searching falls disproportionately on any group/or groups and whether any actions should be taken to prevent this.

7.4 The information created in connection with this policy may contain personal data. The school's use of this personal data will be in accordance with data protection law. The school has published privacy notices on its website which explain how the school will use personal data. The school's approach to data protection compliance is set out in the school's data protection policies and procedures.

## **8 Confiscation**

8.1 Under the school's general power to discipline, a member of staff may confiscate, retain or dispose of a young person's property as a disciplinary penalty where it is reasonable to do so.

8.2 Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to school discipline.

## **9 Searching electronic devices**

9.1 An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break school rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff who will be able to assist in searching appropriate data and files and, if necessary their permanent erasure.

9.2 Devices owned by are constantly monitored via school monitoring platforms. IT staff, in conjunction with pastoral staff may request the school device for further investigation if there is good reason to believe that the device has been, or could be used to cause harm, to disrupt teaching or break school rules.

9.3 Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break school rules.

9.4 Subject to 9.5 below and the requirements set out in KCSIE 2025, if inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of school discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence.

9.5 Staff should consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect will put a person at risk.

9.6 Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should consult the advice set out in the Searching, screening and confiscation advice (for schools) and UKCIS guidance Sharing nudes and semi-nudes: advice for education settings working with young people and young people.

9.7 The school will comply with data protection law in relation to any search of an electronic device.

## **10 Disposal of confiscated items**

10.1 Alcohol: alcohol which has been confiscated will be destroyed.

10.2 Controlled drugs: controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of a senior member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the young person.

10.3 Other substances: substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline may be confiscated and destroyed. Where it is not clear whether or not the substance seized is a controlled drug, it will be treated as such and disposed of as above.

10.4 Stolen items: stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of a senior member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. In taking into account the relevant circumstances, the member of staff should consider: the value of the item; whether the item is banned by the school; whether retaining or returning the item may place any person at risk of harm; and whether the item can be disposed of safely.

10.5 Tobacco, cigarette papers or e-cigarettes: these will be destroyed.

10.6 Fireworks: will be passed to the Safeguarding Officer for safe storage and disposal. They will not be returned to the young person.

10.7 Pornographic images: pornographic images involving young people or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the young person is at risk of harm, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to Somerset Local Authority young people's social care.

10.8 Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to Somerset Local Authority young people's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.

10.9 An article that has been (or could be) used to commit an offence or to cause personal injury or damage to property: such articles may, at the discretion of a senior member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of. In taking into account all relevant circumstances the member of staff should consider: whether it is safe to dispose of the item; and whether and when it is safe to return the item.

10.10 Weapons or items which are evidence of an offence: such items will be passed to the police as soon as possible.

10.11 An item banned under school rules: such items may, at the discretion of the school or a member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. In taking into account all relevant circumstances, the member of staff should consider: the value of the item; whether it is appropriate to return the item to the young person or parent/carer; and whether the item is likely to disrupt learning or the calm, safe and supportive environment of the school.

10.12 Where staff confiscate a mobile electronic device that has been used in breach of school rules to disrupt teaching, the device will be kept safely until the end of the school day when it can be claimed by its owner, unless the Head considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 10.13 below. If a young person persists in using a mobile electronic device in breach of school rules, the device will be confiscated and must be collected by a parent/carer.

10.13 Electronic devices: if it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break school rules, including carrying out cyber-bullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a parent/carer and the young person may be prohibited from bringing such a device onto school premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

## 11 Communication with parents/carers

11.1 The school aims to work with parents/carers: There is no legal requirement for the school to inform parents/carers before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so.

11.2 Parents/carers should always be informed of any search for a prohibited item listed in paragraph 34 that has taken place and the outcome of the search as soon as practicable. A member of staff should inform parents/carers of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

11.3 In some circumstances it might also be necessary to inform parents/carers of a search for an item banned by the school policy.

11.4 We will keep a record of all searches carried out, in accordance with paragraph 7 above.

11.5 Complaints about searching or confiscation will be dealt with through the school's parental complaints policy and procedures.

11.6 The school will take reasonable care of any items confiscated from young people. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the school does not accept responsibility for loss or damage to property.