



MILTON ABBEY

Search and Confiscation Policy

Milton Abbey School recognises its obligations under the European Convention on Human Rights (ECHR). Under article 8 of the Convention, pupils have a right to respect for their private life, meaning that pupils have the right to expect a reasonable level of personal privacy. However, this right is not absolute: justified and proportionate action on the part of the school is permitted in order to ensure the safety of the individual and community and to ensure that school rules are maintained and that dangerous items are not brought onto school premises.

This policy has regard to DfE guidance (January 2018) [Searching, screening and confiscation, Advice for Head teachers, school staff and governing bodies](#), the Education Act 1996 and Article 8 of the ECHR.

Prohibited items covered by this Search and Confiscation Policy 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 pupil).
- any item banned at Milton Abbey School under our Behaviour Policy (including vaping equipment and chewing gum).

General Principles

1. The Head delegates authority to arrange any search to the Senior Deputy Head, who may in turn appoint members of staff (with their agreement) to conduct a search.

2. Where possible, a member of the Leadership Team or Housemaster/Housemistress (HSM) will be present when a search is carried out. Searches should be made with a second adult (witness) present, unless safeguarding concerns indicate otherwise.

3. The staff member searching must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. A staff member can carry out a search of a pupil of the opposite sex and/ or without a witness present, but only where the member of staff reasonably believes that 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. Reasonable grounds for suspicion that banned, stolen or illegal items are being held, must be in place before a search is conducted and all searches must be lawful. For example, a member of staff may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.

5. Any searches should be proportionate to the value of, or risk factor posed by, the item(s) in question, and proportionate to the likelihood of the item(s) being found.

6. Details of all searches and outcome should be noted and kept on file (records to be held by Senior Deputy Head).

7. Any search of a pupil's person or personal property (clothing, bags, cases, pencil cases etc.) should only be conducted with the pupil's consent. Refusal by a pupil to allow a search will be referred to the Senior Deputy Head.

8. This policy applies to all pupils on or off school premises, while engaged in activity supervised by the school (e.g. sport fixtures, school trips).

9. The Senior Deputy Head will ensure that a record is kept of any search conducted and these records will be reviewed at least annually by the Head and presented to Governors, with any necessary adjustments made to procedure, based on these records or changes to guidance.

10. Any complaints arising from search and confiscation should be addressed via the school's Complaints Procedure.

Searches of school property

1. Any item may be searched for with pupil consent. Prohibited items (either illegal or against school rules) may be searched for without consent. A pupil's room and possessions (items reasonably considered under their control, including bags, drawers, bed, clothing, bags etc) may be searched according to the guidelines below. A member of staff may ask a pupil to turn out pockets and hand over outer clothes (coats, hats, jackets etc) for search, for example if staff suspect that smoking/vaping equipment, alcohol, drugs or legal highs are concealed.

2. Consent should be sought whenever possible, but it is not required and pupils should be informed of this.
3. Refusal of consent:
 - a. Every effort should be made to persuade a pupil to consent to a search - parents may be contacted to enable them to discuss the situation with the pupil where no consent is given.
 - b. Disciplinary measures proportionate to the circumstances may be taken if no consent is given, and police may be contacted. A refusal to allow the room/area/possessions to be searched will be taken as admission of possession of prohibited items.
4. The pupil will usually be present during the search and given the opportunity to hand over any contraband prior to the search.
5. Searches of school property may take place in the pupil's absence and locked storage may be forcibly opened where there is a strong suspicion of unauthorised or illegal items. The pupil will be informed of any search that has taken place.
6. There is no requirement to alert a parent to a search in advance; the pupil's parents will be informed by the HSM or Senior Deputy Head of any search that has taken place.
7. Confiscated items (found through search or confiscated in use on school premises/ during school activities):
 - a. unauthorised items will be returned to parents.
 - b. illegal items will be handed over to police or destroyed on their advice.
 - c. items allowed at school but being used outside guidelines (e.g. mobile phone in lesson or earphones while walking about school) will be returned to pupil after confiscation period.
 - d. stolen items will be handed to police or returned to the owner at the discretion of the Senior Deputy Head.

Digital searches

1. Searches of electronic devices (e.g. hard disks, laptops, mobile phones, cameras) will be subject to the principles above.
2. The data or files on an electronic device may be searched if there is a good reason to do so (i.e. the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or is in breach of the Acceptable Use Policy or Behaviour Policy).
3. The examination of electronic devices will, where possible, be undertaken by the Head of Personal Development and Community Engagement or IT Manager. The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident.

4. Parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
5. Staff must not view, copy, print, share, store or save imagery relating to the sending of nudes/semi-nudes (sometimes referred to as youth-produced sexual imagery), or ask a pupil to share or download. Any accidental viewing (e.g. if a young person shows an image before a member of staff can ask them not to, must be reported to the Designated Safeguarding Lead and appropriate support will be provided.
6. If inappropriate material is found on the device during a search, the matter will be referred to the Senior Deputy Head to decide whether the material should be deleted, retained as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. Examples of illegal activity would include:
 - child sexual abuse images (including images of one child held by another child)
 - material which potentially breaches the Obscene Publications Act (pornography)
 - criminally racist material
 - other criminal conduct, activity or materials
7. Following an examination of an electronic device, if the authorised member of staff has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so, or require the pupil to erase data or files (i.e. the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules).
8. School staff are reminded of the need to ensure the safekeeping of confiscated items (particularly electronic devices). These may be held securely by the HSM or Senior Deputy Head.