



MILTON ABBAY SCHOOL

SEARCH AND CONFISCATION POLICY	
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Contents

Contents	1
1. Statement of intent.....	2
2. Legal framework	2
3. Roles and responsibilities	2
4. Screening	4
5. Authorising members of staff	4
6. List of prohibited and banned items	4
Prohibited items	4
Banned items	4
Items allowed at school but being used outside guidelines	4
7. Searching with consent.....	4
8. Searching without consent.....	5
9. Privacy.....	6
10. During the search.....	6
11. Strip searches	7
12. After the search.....	8
Confiscation, retention and disposal of prohibited items	8
Aftercare following a strip search	9
13. Recording a search	9
14. Informing parents	9
15. Electronic devices	10
Indecent images of pupils	11
16. Staff conduct	11
17. Monitoring and review	11

1. Statement of intent

Milton Abbey School appreciates and understands 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. The school will ensure that, as far as possible, this right is respected. We aim to ensure that members of staff have the confidence to search and screen pupils, and to confiscate items as necessary, and that this is enacted in a calm, safe and supportive manner.

Nevertheless, the school also takes seriously its obligation under health and safety legislation for searching, screening and confiscation to be managed in a way which does not expose pupils or staff members to unnecessary risks. This policy sets out the framework in which the school will meet this obligation by outlining the circumstances in which pupils can be screened and searched. The policy also outlines the legal powers to seize and confiscate items during a search.

2. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- DfE (2023) 'Searching, Screening and Confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2023) 'Behaviour in Schools'
- DfE (2024) 'Keeping children safe in education 2024'
- DfE (2023) 'Schools and college security guidance'
- DfE (2018) 'Equality Act 2010: advice for schools'
- DfE (2023) 'Working together to safeguard children'
- DfE (2012) 'Drugs: advice for schools'

This policy operates in conjunction with the following school policies:

- Pupil Behaviour Policy
- Use of Reasonable Force Policy
- Complaints Policy and Procedures
- Disciplinary Policy and Procedure
- CCTV Policy
- Safeguarding Policy and Child Protection Procedures
- Online Safety Policy

3. Roles and responsibilities

The governing body will be responsible for:

- Ensuring this policy is implemented within the school and its effectiveness is monitored.

The Headmaster will be responsible for:

- Authorising members of staff to search pupils for prohibited items and items banned by the school, according to its policies.
- Ensuring the procedures in this policy are implemented consistently across the school.

- Assessing on a case-by-case basis whether a search should be undertaken by a member of security staff.
- Overseeing the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is established and maintained.
- Ensuring the Designated Safeguarding Lead (DSL) is called on for support during, or after, searching, as appropriate.
- Ensuring a sufficient number of staff are appropriately trained on how to lawfully and safely search a pupil, including managing pupils who are not co-operating with the search.
- Ensuring all staff understand their rights and the rights of any pupils being searched.
- Ensuring the DSL (or their deputy) is informed of any instances where a staff member had reasonable grounds to suspect that a pupil was in possession of a prohibited item.
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Determining whether searches for items banned by the school's policies should be recorded.
- Consulting with the local police prior to installing and using any devices for the purposes of screening.
- Ensuring parents and pupils are informed about the use of screening devices prior to their use, and the reasons why any devices need to be used.
- Ensuring that prohibited items and items banned by the school are outlined in the relevant policies and are communicated with staff, parents and pupils.
- Reviewing this policy on an annual basis.

The headmaster 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.

The DSL will be responsible for:

- Managing any safeguarding concerns that are raised by staff members who have conducted a search and by pupils subject to a search.
- Making referrals, in line with the school's child protection procedures, where there is evidence from a search that a pupil is at risk of harm.
- Ensuring procedures are in place, and are being followed, for when a safeguarding incident arises.
- Ensuring procedures are in place for staff to alert them of instances when they had reasonable grounds to suspect a pupil was in possession of prohibited items and when a prohibited item has been found.
- Considering the circumstances of any pupils who are at risk of harm as a result of the search to assess whether there is a wider safeguarding concern.
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Advising staff on any aftercare required by a pupil as a result of a search.

Staff members will be responsible for:

- Acting in line with this policy when screening or searching a pupil or confiscating items.
- Ensuring that the culture of safe, proportionate and appropriate searching is maintained.
- Adhering to the relevant guidance and policies and familiarising themselves with which items are prohibited and/or banned by the school.
- Ensuring they implement sanctions fairly, proportionately, and in line with the school's Behaviour Policy.
- Raising safeguarding concerns with the DSL (or their deputy) as soon as reasonably practicable.
- Maintaining their duty of care for any pupils subject to a search, including a strip search, and protecting their welfare at all times.

4. Screening

The school does not currently have any screening processes for weapons in place.

5. Authorising members of staff

Only the headmaster and authorised members of staff have the authority to search pupils without their consent. Staff members authorised by the headmaster with these powers are:

- Chris Barnes, Senior Deputy Head
- Martyn Peel, Head of Boarding
- Zoe Livingston, Deputy Head Pastoral

The Senior Deputy Head has the Headmaster's authority to instruct any member of the Leadership Team or Housemaster/Housemistress (HSM) to conduct a search without a pupils' consent.

The Headmaster will make clear which items each authorised staff member is permitted to search for.

When deciding which members of staff will be authorised to undertake searches under these powers, the Headmaster will consider whether each member of staff requires any additional training to enable them to carry out their responsibilities safely and lawfully.

Where possible, a member of the Leadership Team or 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.

6. List of prohibited and banned items

Prohibited items

Prohibited items include:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any item that a 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 the property of, any person (including themselves)

Banned items

Banned items include any item banned at Milton Abbey School under our Pupil Behaviour Policy (including vaping equipment, psychoactive substances – previously 'legal highs', and chewing gum).

Items allowed at school but being used outside guidelines

Some items, such as mobile phone or earphones may be used at certain times or in certain places but not at others. These items will be confiscated by staff and will be returned to the pupil after a suitable period. The confiscation will be recorded in line with the Pupil Behaviour Policy.

7. Searching with consent

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.

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

Any member of staff will have the authority to search pupils for any item, **if the pupil consents**. Formal written consent will not be required for this sort of search and informed verbal consent will suffice. All staff members will ensure that any pupil subject to a search with consent understands the reason for the search and how it will be conducted.

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. The pupil will usually be present during a room search and given the opportunity to hand over any contraband prior to the search.

A member of staff may ask a pupil to turn out pockets and hand over outer clothes (coats, hats, jackets etc) for search if staff suspect that a pupil is in possession of a banned item (e.g. smoking/vaping equipment, alcohol, drugs or psychoactive substances).

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.

Searches with consent will be undertaken on the basis that a pupil is, or is suspected to be, in possession of a prohibited or banned item as identified in this policy and the Behaviour Policy.

Searches with consent will be implemented consistently, proportionately, fairly, and in line with this policy at all times.

The school will ensure that banned items are made clear in communications with parents.

If a member of staff suspects a pupil is in possession of a banned item, the pupil will be instructed to turn out their pockets, desk and/or bag.

When exercising their authority to search with consent, staff members will assess and consider the age and needs of the pupil being searched. Where required, reasonable adjustments will be put in place where a pupil has additional needs or a disability.

8. Searching without consent

The headmaster and authorised staff have the statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may be in possession of a prohibited item. The staff member will decide what constitutes reasonable grounds for suspicion on a case-by-case basis.

An item banned by the school rules will only be searched for without consent if it is identified in this policy and/or the Behaviour Policy that it is an item that can be searched for.

Staff members who are not authorised by the headmaster to implement searches without consent will not do so. Where a search is required, and the pupil does not give their consent to be searched, unauthorised staff members will contact an authorised member of staff immediately.

Authorised members of staff will assess whether a search without consent is needed urgently and consider the risk to staff and other pupils if a search is not conducted.

Before a search without consent is conducted, the authorised member of staff will explain to the pupil why they are being searched and how the search will take place. They will also provide the pupil an opportunity to ask any questions.

Where possible, the authorised member of staff will seek the co-operation of the pupil prior to the commencement of the search without consent. The pupil may be sanctioned in line with the Behaviour Policy if they refuse to co-operate.

Where a pupil refuses to cooperate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. Staff will only be permitted to use reasonable force when conducting a search for prohibited items but will not use force to search for items banned only under school rules. The decision to use reasonable force should be made on a case-by-case basis and staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder. All instances where staff have to use reasonable force will be conducted in line with the school's Use of Reasonable Force Policy.

9. Privacy

Pupils will only be searched by staff members who are the same sex as them. All searches will be witnessed by another member of staff who will be, where possible, the same sex as the pupil being searched.

Where a staff member is not the same sex as the pupil subject to a search, they will summon a staff member of the same sex as the pupil, where practicable. The summoned staff member will be the one to conduct the search.

A search will only be conducted by a person who is not the same sex as the pupil being searched, or without a witness, where:

- The staff member reasonably believes that there is a risk of serious harm if the search is not conducted immediately **and**;
- It is not reasonably practicable to summon another member of staff.

Under the exceptional circumstances outlined above, the member of staff conducting the search will consider that a pupil's expectation of privacy increases as they get older.

When a member of staff conducts a search without a witness, they will report the search immediately to another member of staff and ensure there is a record kept of the search.

The school may consider the use of CCTV footage in order to decide whether to conduct the search for an item. Any CCTV usage will be conducted in line with the school's CCTV Policy.

Authorised staff members will ensure that an appropriate location on the school premises is used for searching. Where possible, this location will be away from other pupils. Searches will only be undertaken off school premises where the authorised staff member has lawful control of the pupil, e.g. on a school trip or sporting fixture.

10. During the search

The person conducting the search may not require the pupil to remove any clothing other than outer clothing.

Definitions:

- **"Outer clothing"** – clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear, e.g. hats, shoes, gloves.
- **"Possessions"** – any goods over which the pupil has or appears to have control, including desks, lockers and bags.

A pupil's possessions, their locker or desk will 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 if the search is not conducted immediately.

Staff will always remain aware that the power to search without consent **only** enables a personal search involving the removal of outer clothing and the searching of pockets, desks, lockers, etc. Staff will never conduct an intimate search, and remain aware that only a person with more extensive powers, i.e. a police officer, can conduct an intimate search.

If a pupil does not consent to a search or withdraws their consent, then they may be subject to a search without consent, but only for prohibited items.

11. Strip searches

The definition of a **"strip search"** is a search that involves the removal of more than outer clothing (see definition of outer clothing in section 10). Staff members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.

Staff members will never conduct a strip search on a pupil – strip searches will only be conducted by police officers.

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.12 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.

Strip searches will be conducted in a private area of the school, away from others.

Prior to making the decision to call police into school, the DSL, or their deputy, must be consulted in order to assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering a suspected item. The final decision to conduct the strip search will rest solely with the police and the role of the school is to advocate for the safety and wellbeing of the pupil.

Strip searches will only be considered where:

- It is absolutely necessary to undertake this type of search, **and**;
- Where other, less invasive approaches cannot be conducted or have already been exhausted, **and**;
- It is deemed necessary by a police officer to recover an item related to a criminal offence and they have reasonable grounds to suspect the pupil has concealed the item.

In the event that a strip search is deemed necessary, this policy will follow the processes stipulated in the DfE guidance 'Searching, Screening and Confiscation advice for schools' 2022. Any strip searches deemed necessary will therefore be carried out only by the police and entirely in accordance with the DfE's updated guidance.

Whenever a strip search involves the exposure of intimate body parts, the school will ensure that at least two people are present, other than the pupil, where one of whom will be an appropriate adult. Where the pupil's parent wishes to act as the appropriate adult, the school will facilitate this where possible. These circumstances may not apply if the strip search is urgent or there is a risk of serious harm to the pupil or others.

Unless in urgent or high-risk cases, strip searches that involve the exposure of intimate body parts will only take place without an appropriate adult where the pupil explicitly states, in the presence of the appropriate adult, that they do not want the appropriate adult to be present during the search. A record will be made of the pupil's decision.

Strip searching can be highly distressing for the pupil involved as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that 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.

Records of all strip searches will be kept and monitored by the school.

12. After the search

Staff members will use their discretion to confiscate, retain and/or destroy any item found due to a search with the pupil's consent, so long as it is reasonable in the circumstances. Where any item is reasonably suspected to be an offensive weapon, it will be passed to the police. The school's general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where reasonable to do so.

Staff members will be legally protected from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Confiscation, retention and disposal of prohibited items

Staff members carrying out a search will be permitted to seize any item they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Prohibited or illegal items are to be dealt with as follows:

- **Alcohol** will be retained or disposed of as appropriate; the alcohol will not be returned to the pupil.
- **Controlled drugs** will be delivered to the police as soon as possible; however, they may also be disposed of if the staff member thinks there is a good reason to do so. In these cases, the member of staff must safely dispose of the drugs. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of the controlled drug, they should deliver them to the police.
- **Other substances** which are not believed to be controlled drugs, will be confiscated if the staff member believe them to be detrimental to behaviour, discipline and safety.
- **Stolen items** will be delivered to the police as soon as possible or returned to the owner if there is a good reason to do so.
- **Tobacco or cigarette papers** will be retained or disposed; they will not be returned to the pupil.
- **Fireworks** will be retained or disposed; they will not be returned to the pupil.
- **Pornographic images** may be disposed of unless there are reasonable grounds to suspect that its possession constitutes a specified offence, i.e. the image is extreme or child pornography; in these cases, the staff member will deliver the image to the police as soon as possible.
- An item that has been, or is likely to be, **used to commit an offence or to cause personal injury or damage to property** will be delivered to the police, returned to the owner, or retained or disposed of.
- **Weapons or items which are evidence of an offence**, will be passed to the police as soon as possible.
- **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.

It is at the discretion of authorised staff to decide whether there is a 'good reason' not to deliver stolen items or controlled drugs to the police. In determining what a good reason is, the member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the item.

In relation to stolen items, the police will not be involved in dealing with low-value items (e.g. bags or clothing); however, it may be appropriate for the school to contact the police if high-value items (e.g. laptops), or illegal items (e.g. fireworks) are involved.

Aftercare following a strip search

Pupils subject to a strip search will be provided with appropriate support, regardless of whether a prohibited item is found. Safeguarding processes will be followed where necessary, giving attention to the pupil's wellbeing. The DSL will be involved in any safeguarding processes.

Pupils subject to a strip search will always be given the opportunity to ask questions about the search and express their views following it.

Staff will give particular consideration to the wellbeing and safeguarding of any pupils and/or groups of pupils who have been subject to a strip search with unusual frequency. Where required, preventative approaches will be put in place in order to avoid harm to the identified pupil, or group of pupils', wellbeing.

13. Recording a search

Details of all searches, irrespective of outcome, which involve prohibited items, or items banned by our Behaviour Policy and those conducted by police officers, should be recorded on MyConcern*. This is to ensure that the DSL or their designated deputies can identify any searches that may flag safeguarding concerns. The Safeguarding Team will also analyse searches periodically to ensure they understand patterns of concern within the school community, including where particular groups might be disproportionately represented within the search records.

Records of searches for prohibited items, both by staff and by the police, will include:

- The date, time and location of the search.
- The name of the pupil subject to the search.
- The name of the individual who conducted the search.
- The name of any other adults or pupils present during the search.
- The item being searched for.
- The reason for the search.
- Whether the item was found.
- Any other items found.
- What follow-up actions were taken as a consequence of the search.

All searches for banned items will be recorded.

14. Informing parents

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 that a search that has taken place.

The pupil's parents will be informed when a search of their child is conducted in order to recover prohibited items.

In some circumstances, the school may need to inform the pupil's parents about the search for a banned item, e.g. in the interests of safeguarding the pupil.

Where a strip search is requested, the school will inform the pupil's parents of the search before it is conducted, unless there is an immediate risk of harm. Where there is an immediate risk of harm, the pupil's parents will be informed about the strip search as soon as possible.

Complaints about searching, screening or confiscation will be managed via the school's complaints procedure, in line with the Complaints Policy.

15. Electronic devices

Staff should consult with the DSL for guidance specific to online safety prior to viewing any material on a pupil's electronic device. Where the material on a device may constitute indecent images of children, the guidance below will be followed.

If an electronic device that is prohibited by the school rules or that is reasonably suspected to have been, or is likely to be, used to commit an offence or cause personal injury or damage to property is found during a search, the staff member is permitted to examine any data or files on the device where there is good reason to do so.

Parental consent is not required in order to search a pupil's electronic device if it has been seized in a search without consent.

Staff will consider whether an appropriate safeguarding response is required if they reasonably believe that any images, data or files found on a pupil's electronic device is likely to put others at risk. The staff member will involve the DSL immediately where this is the case.

Staff members have the authority to delete data or files if they believe there is a good reason to do so, unless the device is suspected to be relevant to an offence, or contains a pornographic image of a child or an extreme pornographic image. In these cases, files and data will not be deleted and the device will be given to the police.

It will be considered a good reason if the staff member reasonably suspects that the data or files on the device have been, or could be, used to cause harm, disrupt teaching or break the school rules.

Any electronic device that has been seized which is prohibited by the school rules, and there are reasonable grounds to suspect that it contains evidence relating to an offence, will be given to the police as soon as possible.

If a member of staff does not find any material they suspect is evidence in relation to an offence, and decides to not give the device to the police, they are permitted to decide whether it is appropriate to delete any files or data from the device or retain the device as evidence of a breach of school rules.

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

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).

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.

Indecent images of pupils

Staff must never intentionally view any indecent image of a child.

Staff will be aware that creating, possessing, and distributing indecent imagery of children is a criminal offence, regardless of whether the imagery is created, possessed, and distributed by the individual depicted; however, staff will ensure that pupils are not unnecessarily criminalised.

The examination of electronic devices will, where possible, be undertaken by a member of the safeguarding team except where the incident is in relation to sharing nudes/semi nudes of young people where this will be examined by the Headmaster (or a member of staff delegated by the Headmaster) in line with Sharing Nudes guidance in the school's Safeguarding Policy. 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.

Where a member of staff becomes aware that an electronic device they are searching involves indecent images of a child, they will refer this to the DSL as soon as possible and follow the school's Sharing Nudes guidance in the school's Safeguarding Policy.

Where there is reason to believe that indecent imagery being circulated will cause harm to a pupil, the DSL escalates the incident to the appropriate children's social care services. Where indecent imagery of a pupil has been shared publicly, the DSL will work with the pupil to report the imagery to websites on which it has been shared and will reassure them of the support available.

16. Staff conduct

All staff members are expected to act in accordance with this policy. Any breach of this policy will be managed in line with the school's Disciplinary Policy and Procedures. Staff members who conduct searches without consent but are not authorised to do so will be managed in line with the Disciplinary Policy and Procedures. Under no circumstances will a member of staff conduct the strip search of a pupil.

Staff members will consider the age, needs and wellbeing of pupils at all times during searching and screening procedures.

17. Monitoring and review

The Senior Deputy Head will ensure that records of searches are reviewed at least annually by the Headmaster and presented to governors with any necessary adjustments made to these procedures based on these records or changes to guidance.

This policy will be reviewed on an annual basis by the Headmaster.

Any changes to this policy will be communicated to all members of staff, pupils and their parents.