



St. Ethelbert's Catholic Primary School and Nursery

Searching, Screening and Confiscation Policy

Date of Policy Issue/Review: 1st September 2025/31st August 2026

Name of Responsible Person: Mr S Marshall

Role of Responsible Person: Headteacher

Signature of Responsible Person: Simon Marshall

Signature of Headteacher: S.D. Marshall

Signature of Chair of Governors: Maureen Francis

Our vision for St Ethelbert's Catholic Primary School is to be 'a school with high expectations for all, in the light of Christ'. All pupils will be given every opportunity to achieve their potential and encouraged to learn about and develop their hidden talents in order to reach high levels of achievement. All members of our school community will be fully equipped to meet all pupils' needs through appropriate professional development. St Ethelbert's will be an outstanding school.

Background

This policy is based on the Department for Education advice for headteachers, school staff and governing bodies 'Searching, screening and confiscation' DfE July 2022

Objectives of this policy

To outline the policy and legal powers the schools has for screening and searching pupils. It also outlines the powers the school has to remove such items found during a search.

Searching

- The law allows school staff to search a pupil for any item if the pupil agrees.
- The headteacher, Deputy Head or other member of the Leadership Team have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:
 - 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 the property of, any person (including the pupil).
- The headteacher and authorised staff can also search for any item banned by the school rules, which has been identified as an item which may be searched for.

Guidance to staff:

Searching with consent:

- The Headteacher/Deputy Headteacher and any members of the Leadership Team can search pupils with their consent for any item
- Formal written consent is not required from the pupils (such as asking the pupils to turn out his or her pockets or if the teacher can look in a pupils' bag or locker and for the pupil to agree.
- If a member of staff suspects a pupil has a banned item in his/her bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy.
- A pupil refusing to co-operate with such a search is a form of unacceptable behaviour, and in such circumstances, the school will apply an appropriate disciplinary penalty.

Searching with consent:

What can be searched for?

- Knives, weapons, alcohol, illegal drugs and stolen items; and
- Tobacco and cigarette papers, fireworks and pornographic images; and
- electronic devices, without consent or parental permission, if there is a suspicion that the pupil has a device prohibited by school rules, or the staff member has good reason to suspect the device may be used to:
 - cause harm,
 - disrupt teaching,
 - break school rules,
 - commit an offence,
 - cause personal injury,
 - or damage property.
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or 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 Headteacher/Deputy Headteacher and any members of the Senior Leadership Team must be the same sex as the pupil being searched; and there must be a witness (also a member of staff) and, if at all possible, they should be the same sex as the pupil being searched.

- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or in charge of the pupils, for example on school trips in England.
- Any data, files or images that are believed to be illegal must be passed to the police as soon as practicable, including pornographic images of children, without deleting them.
- Any data, files or images that are not believed to be unlawful, may be deleted or kept as evidence of a breach of the school's behaviour policy.

During the search

The law states:

- The person conducting the search may not require the pupils to remove 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 pupils have or appears to have control – this includes desks and bags.
- A pupil's possessions can only be searched in the presence of the pupils 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.
- It does NOT enable or allow an intimate search going further than that, which only a person with more extensive powers (e.g. police officer) can do
- The school will inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- If inappropriate material is found on a pupil's device by the teacher, the Designated Safeguarding Lead (headteacher) will decide whether they should delete that material, retain it 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.

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. Under article 8 of the European Convention on Human Rights, pupils have a right to respect

for their private life. In the context of these particular powers, this means that pupils have the right to expect reasonable level of personal privacy. The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school must be justified and proportionate. The powers of search in the Education Act 2011 are compatible with Article 8. By St Ethelbert's Catholic Primary School exercising these powers lawfully it must demonstrate that it has also acted in accordance with Article 8. Schools' has the statutory power to make rules on pupil behaviour as set out in Section 89 of the Education and Inspection Act 2006 for all maintained schools.

Screening

We do not have such devices.

The advice will be kept under review and updated as necessary.

Guidance can be downloaded from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf