OFG Education

# SEARCHING, SCREENING AND CONFISCATION POLICY

**SEARCHING,SCREENING & CONFISCATION POLICY**

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## Terminology

- "Our teams" and" "team member/s" include everyone working in Outcomes First Group's settings and services in a paid or unpaid capacity, including employees, consultants, agency staff, trainees and contractors. For Blenheim schools, volunteers are included in this definition.

- "Parents and carers" refer to the person or -people with legal parental responsibility for the child/young person

- "Students" refers to all children and young people being educated and supported at the setting or service

## 1.0 Policy statement

The safety and security of our students and team members is our highest priority and essential to establishing a calm, supportive learning environment. The appropriate use of searching, screening and confiscation powers helps to establish a secure environment where everyone feels safe.

This policy outlines the principles and procedures for searching, screening, and confiscation for education settings in the Outcomes First Group. It ensures practices are lawful, proportionate, and sensitive to our children and young people with additional and complex needs.

## 2.0 Legal & Policy Framework

This policy has been developed in line with relevant legislation and government guidance, including:

- Education Act 1996 and 2011
- Human Rights Act 1998
- Equality Act 2010 and Advice for schools
- Searching, Screening and Confiscation Guidance
- Keeping Children Safe in Education (KCSiE)
- SEND Code of Practice: 0-25 years
- Police A Criminal Evidence Act (PACE) Code C 2019
- Section 45 of the Violent Crime Reduction Act 2006 (Wales)
- Health and Safety at Work etc. Act 1974

This policy must be read and implemented alongside the school's/ college's and Group's other policies, in particular the:

- Safeguarding Policy
- Behaviour Policy
- Human Rights Policy
- Restrictive Interventions including the use of Reasonable Force Policy
- Serious Incident Notification Policy
- Mobile & Smart Technology Policy

All team members must be aware of:

- the school's/college's legal powers for searching, screening and confiscation
- de-escalation and behaviour regulation strategies
- how additional and complex needs and previous trauma affect communication, consent and distress
- trauma-informed and neurodivergence-affirming approaches

## 3.0 Principles

- Safeguarding is always our highest priority
- Any interventions will be reasonable, necessary, and proportionate
- Any search, screening or confiscation will be carried out in accordance with the DfE's Searching, Screening and Confiscation Guidance
- Our students will be treated with dignity and respect at all times
- Team members will always consider the student's individual needs communication preferences, sensory profile, and possible trauma history
- Reasonable adjustments will be made in relation to the individual's needs

## 4.0 Searches

The headteacher/principal and team members authorised by the headteacher/principal have the right to search a student for:

- any items with the student's informed consent
- where they have reasonable grounds to suspect the student has prohibited or banned items, with or without the student's consent

Please see ***Appendix A*** for a list of prohibited and banned items.

When deciding whether to carry out a search, team members should consider:

- The need to safeguard all students by confiscating harmful, illegal, or disruptive items, **and**
- The safeguarding needs, rights and wellbeing of the student suspected of possessing these items, including the potential:
- Loss of privacy when clothes, bags or possessions are searched
- Loss of a sense of security, if they feel they are being monitored and/or searched without reason
- Impact on their dignity or reputation if they are searched or suspected of possessing prohibited items
- The student's individual needs

### 4.1 Searching possessions

Authorised team members can search lockers, desks and bags in the presence of the student and another team member, except in cases where there's a risk of serious harm if the search is not done immediately and where it is not reasonably practicable to summon another team member.

Metal detectors can be used to help with these searches.

### 4.2 Carrying out a search of a student

The headteacher/principal or authorised team member should:

- Make an assessment of how urgent the search is and consider the risk to other students and team members.
- Explain to the student why they are being searched, and how and where the search will happen, and give them the opportunity to ask questions about it.
- Always seek the student's co-operation.
- A second adult must always be present, ideally one known and trusted by the student.

### 4.3 Team member conducting the search

The authorised team member conducting the search must be the same sex as recorded for the student being searched (in line with DFE Guidance); and another team member must be present as a witness to the search. The only exception is if a team member believes there is a risk that serious harm will be caused to a

person if the search is not carried out as a matter of urgency, and in the time available, it is not reasonably practicable for the search to be carried out by a team member who is the same sex as the student, or it is not reasonably practicable for the search to be carried out in the presence of another team member.

When a team member conducts a search without a witness, they must immediately report this to the headteacher/principal and Designated Safeguarding Lead (DSL), and record this on the setting's electronic monitoring system.

### 4.4 Location of search

The search should take place in an appropriate location that offers privacy from other students and students. This must be on the school/college premises or where the team member has lawful responsibility or charge of the student, such as on a school trip.

Authorised team members can search a student's pockets and ask them to remove outer clothing, meaning clothes that are not worn directly next to the skin or over underwear, such as hats, scarves, shoes, boots, coats, jackets and gloves. Team members cannot ask students to take off any further items of clothing.

When conducting a search team members must be sensitive to a student wearing outer clothing for religious reasons and the meaning this has for the individual.

### 4.5 Refusal to co-operate

If the student is not willing to co-operate with the search, the team member should consider the reasons for this, which might include the student:

- is in possession of a prohibited item
- does not understand the instruction
- is unaware of what a search may involve, or
- has had a previous distressing experience of being searched

Where the team member still considers a search to be necessary but not urgent, they should seek the advice of the headteacher/principal or DSL. During this time the student should be supervised and kept away from other students.

If the student continues to refuse to co-operate, the team member should carefully consider whether it is appropriate to use reasonable force to conduct the search. This must only ever be done for prohibited items listed in ***Appendix A***, and as a last resort response to maximise safety and minimise harm. As such, it must be reasonable, proportionate, and where there is an imminent or immediate risk of harm to self or others. Please also see the ***Restrictive Interventions including the use of Reasonable Force Policy***

The headteacher/principal should ensure that a sufficient number of team members are appropriately trained in how to lawfully and safely search a student who is not co-operating, so that these trained team members can support and advise other team members if this situation arises. All team members must understand their rights and the rights of the student being searched.

## 5.0 Searches by police

In some situations, it may be necessary to call the police into school/college. The best interests of the student and fellow students must be considered as the highest priority. Before a decision to call the police is made, the school/college should first:

- Make sure that other approaches and options have been exhausted
- Carefully weigh up the risks to the student's mental and physical wellbeing with the need to conduct a search

## 5.1 Strip searches

Team members, including the headteacher/principal and authorised team members, are **not allowed to carry out strip searches**. Only police who have been asked to come to the school/college may decide whether a search is necessary and carry it out.

The police can only carry out a strip search if they:

- Think this is necessary to remove an item related to a criminal offence, **and**
- Reasonably consider the student might have concealed such an item

Please see the ***Serious Incident Notification Policy*** for the internal process for notifying serious incidents to senior leaders and the executive team.

## 5.2 Duty of care

The role of team members is to advocate for students' wellbeing at all times. A strip search can be highly distressing for the student, and for team members and other students affected.

**All team members need to be aware that the police cannot overrule your safeguarding duty, for example, by requesting that the appropriate adult leave the room when they talk to the student.** Please refer to page 13 of the DfE's Guidance on Searching, Screening and Confiscation for further information about the process the police must follow.

The DSL has a specific responsibility, as set out in KCSiE, to keep the headteacher/principal informed of issues, especially ongoing inquiries under Section 47 of the Children Act 1989 and police investigations. This includes being aware of the requirement for children to have an Appropriate Adult (PACE Code C 2019).

## 5.3 Appropriate adult

Children and vulnerable adults have the right to have an appropriate adult present during a strip search.

An appropriate adult is usually a parent, guardian, or another responsible adult (like a social worker or trained volunteer) who supports and safeguards the child/vulnerable adult's welfare during police procedures.

The appropriate adult ensures the child/vulnerable adult:

- Understands what's happening
- Is treated fairly and respectfully
- Is protected from intimidation or misunderstanding their legal rights

Police are expected to delay strip searches until an appropriate adult can be present, unless waiting would risk harm or destruction of evidence.

Following any strip search, the school/college must consider:

- the student's immediate emotional wellbeing;
- whether additional safeguarding concerns are present;
- whether a referral to children's social care is required;
- whether risk assessments require updating, and
- what on-going support should be offered to the student and family.

The DSL should ensure these considerations are documented.

**6.0 Recording searches**

A record must be made of any search undertaken on the setting's electronic recording system whether or not any items were found. This includes any search conducted by police officers.

The following information should be recorded:

- The date, time and location of the search
- Name of the student who was searched
- Name of the adult who conducted the search and any other adults or students present
- The reason for the search
- List of items found, if any
- Follow-up action taken as a consequence of the search, if any

These records should be reviewed regularly by the headteacher/principal and DSL to identify any trends in the searches carried out at the school/college to identify any possible patterns or risks that may require a safeguarding response.

Parents/carers should normally be informed of searches involving prohibited items or safeguarding concerns unless doing so would place the child at increased risk of harm or be contrary to advice from children's social care or the police.

**7.0. Awareness of bias**

The 2022 Safeguarding Practice Review - Child Q, into the case where a student was strip-searched at school without parental consent, found that "racism (whether deliberate or not) was likely to have been an influencing factor in the decision to undertake a strip search." (p.6)

All team members must be aware and vigilant about possible biases, including unconscious and implicit bias, affecting decisions to carry out or escalate searches.

Records of searches must be reviewed regularly by the headteacher/principal and DSL to identify patterns, trends and any disproportionality relating to protected characteristics, SEND, looked-after status, care experience or other vulnerabilities. Findings should be used to inform safeguarding practice, team member training and policy review.

**8.0. Confiscation**

Authorised team members can confiscate any item they find that they have reasonable grounds to suspect:

- poses a risk to others
- is a prohibited or banned item
- is evidence in relation to an offence

Please see ***Appendix B*** for a list of actions to take for different items.

For other items banned under your school's rules, consider the following when deciding whether to return, retain or dispose of the item:

- the value of the item
- whether returning the item to the owner may place someone at risk of harm, or disrupt learning
- whether it's appropriate to return the item
- whether the item can be practically and safely disposed of

Records of confiscations must be kept by the school/college.

Where a confiscated electronic device contains material that raises a safeguarding concern, including child-on-child abuse, online abuse, exploitation, extremist content, indecent images, or the sharing of nude or semi-nude images, team members must respond in line with the ***Safeguarding Policy*** and government guidance on sharing nudes and semi-nudes. The DSL must be informed without delay.

**8.1 Searching electronic devices**

Team members may examine data or files on an electronic device where they reasonably suspect the device contains material that:

- poses a risk of harm to an individual
- may be used to commit an offence
- may contain evidence relating to a safeguarding concern, or
- may breach school/college rules

Any search of an electronic device must be reasonable, proportionate and carried out in accordance with relevant legislation, DfE guidance, data protection

requirements and the ***Safeguarding Policy***. Where evidence of a safeguarding concern is identified, the device should be secured and the DSL informed immediately.

### 8.2 Safeguarding Concerns arising from searches or confiscation

Any search or confiscation that identifies a safeguarding concern, including possession of controlled drugs, weapons, indecent images, evidence of child-on-child abuse, exploitation, radicalisation concerns or other serious risks, must immediately be referred to the DSL.

The DSL will assess whether:

- children's social care should be informed
- the police should be involved
- a risk assessment is required
- parents/carers should be notified, and
- additional support should be put in place for the child

### 9.0. Screening

Screening is the use of a walk-through or a hand-held metal detector to scan students before they enter the school/college site.

Schools and colleges can require students to undergo screening. Any such arrangements should be proportionate and risk-based. The local police should be consulted before the introduction of screening technology to advise about whether installing the devices is appropriate.

Before new screening measures are introduced, the school/college must inform students and parents/carers/those with parental responsibility, with an explanation of what it will involve and why it is being introduced.

Reasonable adjustments to the screening process must be made where a student has a disability or where screening may cause distress or sensory overload.

### 10.0 Parcels and Deliveries

Students and families must not arrange for personal parcels or deliveries to be sent to the school/college unless this has been agreed in advance. The Headteacher/Principal may authorise deliveries in specific circumstances, including within residential settings where receipt of items from home may support the student's wellbeing and help maintain family relationships.

All deliveries for students must be received by the school/college office or another authorised team member. To safeguard students and team members, the school/college reserves the right to record, hold, refuse or inspect any parcel or delivery where there are concerns about its contents, safety, legality or suitability. Any inspection will be conducted in accordance with this policy, taking account of the student's dignity, age, communication needs and individual circumstances. Wherever practicable, the student will be present when a parcel is opened.

Prohibited, illegal, unsafe or otherwise restricted items will not be passed to the student. Such items may be retained, confiscated, disposed of or referred to the police, as appropriate. Parents/carers will normally be informed unless doing so would place a child at risk. Any safeguarding concerns will be managed in accordance with the ***Safeguarding Policy***.

Food deliveries must be agreed in advance and must take account of allergies, medical conditions, dietary requirements, individual healthcare plans, storage arrangements and any relevant risk assessments.

Parents/carers should contact the school/college before arranging a delivery if they are unsure whether an item may be accepted.

## Appendix A  List of Prohibited Items

The non-exhaustive list of prohibited items is:

- knives, weapons and imitation weapons
- any article that the team member reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury to, or damage to property of  any person (including the student themself)
- alcohol
- Illegal drugs
- nitrous oxide canisters
- cigarettes, tobacco, cigarette papers; electronic cigarettes and vapes
- stolen items
- fireworks;
- pornographic images
- laser pens
- an article specified in regulations

**Appendix B  Actions to be taken with confiscated items**

The table below shows the different actions that need to be taken with certain types of confiscated items, depending on what they are.

| | |
|---|---|
| Controlled drugs, or substances you suspect are controlled drugs or could be harmful | Deliver to the police (or safely dispose of if there is a good reason to do so) |
| Alcohol | Retain or dispose of as appropriate |
| Tobacco or cigarette papers | Retain or dispose of as appropriate |
| Fireworks | Retain or dispose of as appropriate |
| Stolen items | Deliver to the police, or return to the owner, retain or dispose of (if there's good reason to do so – see the advice on page 18 of the guidance). |
| Weapons or items which are evidence of a suspected offence | Deliver to the police as soon as possible |
| Items that have been (or are likely to be) used to commit an offence or cause injury or property damage | Deliver to the police, return to the owner, retain or dispose of (see the advice on pages 18 and 19 of the DfE guidance) |
| Pornographic material | Dispose of (see the section below for guidance) |
| Pornographic material that you suspect constitutes a specific offence (i.e., it is extreme or an indecent image of a child) | Deliver to the police as soon as possible |

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