

# Blackfen School for Girls



## Screening, Searching, Confiscation Policy

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Chair of Governors: Mr W Stone

	Date	Name	Signature
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## **Statutory statement:**

Blackfen School provides a written statement of general principles to guide the headteacher in determining measures to promote good behaviour in the school and review it with governors every year. This policy forms part of our Behaviour Policy (July 2024) and is linked to the non-statutory advice and statutory guidance from the Department for Education (January 2023).

Schools' obligations under the European Convention on Human Rights (ECHR).

- Under article 8 of the European Convention on Human Rights students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect a 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 (or any public body) must be justified and proportionate.
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise the searching powers in a lawful way.

## **Rationale:**

Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learning. The purpose of this policy is to explain the school's powers of screening and searching students so that school staff have confidence to use them. It also explains the power which the school has to seize and then confiscate items found during a search.

## **Outcomes:**

A positive attitude to learning leads to success. Good behaviour has a positive impact on the life of the school community. Our expectation is that all students have respect for each other, the environment and themselves. Good behaviour ensures a safe school for all. Sometimes it is necessary for staff to follow procedures to search students for any item banned under the school rules as set out in the Behaviour Policy.

## **Procedures:**

### **Screening (see Appendix 1)**

The school can require a student to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the student. Any member of staff can screen a student with the Student Welfare Team.

### **Searching (see Appendices 2 - 6)**

Searching can play a critical role in ensuring that schools are safe environments for all students and staff. It is a vital measure to safeguard and promote staff and student welfare, and to maintain high standards of behaviour through which students can learn and thrive.

Headteachers and staff they authorise have a statutory power to search a student or their possessions where they have reasonable grounds to suspect that the student may have a prohibited item or any other item that the school rules identify as an item which may be searched for.

Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy. In all cases the Student Welfare Team will be involved.

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## **Confiscation (see Appendix 7)**

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or students;
- is prohibited, or identified in the school rules for which a search can be made; or
- is evidence in relation to an offence. Which must be passed to the police via the Student Welfare Team

## **Dealing with electronic devices (see Appendix 6)**

If an electronic device is found during a search any data or files on the device can be examined. If an image, data or file is found that can constitute as specified offence, then this will be passed to the Safeguarding Officer who must decide if the image should be delivered to the police.

If a student is seen or heard using an electronic device including speakers, ear phones or air pods, staff have the power to confiscate this item. Malicious communications will be sanctioned.

## **Recording (see Appendix 7)**

- Any incident where a student is searched must be reported immediately to the line manager of the member of staff involved.
- Any incident where a student is searched must be reported immediately to the Student Welfare Team.
- The Student Welfare Team must record the incident and inform parents/carers that the search has taken place.

## **Informing parents and dealing with complaints**

- Schools should reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should always be informed of any search for a prohibited item listed that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.
- Schools should consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.
- Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

## **Key roles**

Any member of staff can screen or search a student using the correct procedures. Any member of staff can confiscate banned or prohibited items.

The Student Welfare Team must always be involved in any search.

The Student Welfare Team has the responsibility of recording and monitoring incidents of screening and searching and should report these to the Deputy Headteacher.

## **Guidance & Legislation**

- DfE Guidelines January 2023
- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The schools (Specification and Disposal of Articles) Regulations 2012

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**Related documents:** Behaviour Policy, Home School Agreement, Teaching and Learning Charter, Use of Reasonable Force Policy.

## Appendix 1: Screening

### (In line with DfE Guidelines – January 2023)

- Screening can help provide reassurance to students, staff and parents that the school is taking measures to create a calm, safe and supportive environment.
- Schools' statutory power to make rules on student behaviour and their duties as employers in relation to the safety of staff, students and visitors enables them to impose a requirement that students undergo screening with or without consent.
- Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all students for weapons before they enter the school premises.
- Before considering the installation and use of any technology for screening, the headteacher will consult with the local police who may be able to provide advice about whether installation of these devices is appropriate.
- If the headteacher decides to introduce a screening arrangement, they will inform students and parents in advance to explain what the screening will involve and why it will be introduced.
- Where a student has a disability, the school will make any reasonable adjustments to the screening process that may be required.
- If a student refuses to be screened, the member of staff should consider why the student is not co-operating, and make an assessment of whether it is necessary to carry out a search.

## Appendix 2: Searching

- Searching can play a critical role in ensuring that schools are safe environments for all students and staff. It is a vital measure to safeguard and promote staff and student welfare, and to maintain high standards of behaviour through which students can learn and thrive.
- Headteachers and staff they authorise have a statutory power to search a student or their possessions where they have reasonable grounds to suspect that the student may have a prohibited item or any other item that the school rules identify as an item which may be searched for.
- The list of prohibited items is:
  - knives and 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 property of; any person (including the student).
- Under common law, school staff have the power to search a student for any item if the student agrees. The member of staff should ensure the student understands the reason for the search and how it will be conducted so that their agreement is informed.
- Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the student is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal

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exploitation. A search may play a vital role in identifying students who may benefit from early help or a referral to the local authority children's social care services.

- The school's behaviour policy outlines the banned items for which a search can be made. This includes the list of prohibited items above, and includes other items which a headteacher has decided are detrimental to maintaining high standards of behaviour and a safe environment:
  - Mobile/electronic devices
  - Aerosols/body sprays
  - Vapes
  - Medicines
  - Energy drinks
- The school's behaviour policy is communicated to all members of the school community to ensure expectations are transparent to all students, parents and staff, and provide reassurance that any searching of a student will be implemented consistently, proportionately and fairly, in line with the school's policy.
- When exercising these powers, we must consider the age and needs of students being searched or screened. This includes the individual needs or learning difficulties of students with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a student has a disability.
- School staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.
- Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy.
- The headteacher oversees the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all students and staff with support from the designated safeguarding lead (or deputy). All searches will include a member of the Student Welfare Team.
- The headteacher ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the student who is being searched. All searches will include a member of the Student Welfare Team.
- The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed above. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.
- If the designated safeguarding lead (or deputy) finds evidence that any student is at risk of harm, they should make a referral to children's social care services immediately (as set out in part I of Keeping children safe in education). The designated safeguarding lead (or deputy) should then consider the circumstances of the student who has been searched to assess the incident against potential wider safeguarding concerns.

## Appendix 3: Searching with consent

- A search can be considered if the member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the student has agreed.
- The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other students and staff.

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- Before any search takes place, the member of staff conducting the search should explain to the student why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

## Appendix 4: Searching without consent

- The authorised member of staff should always seek the co-operation of the student before conducting a search. If the student is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:
  - are in possession of a prohibited item;
  - do not understand the instruction;
  - are unaware of what a search may involve; or
  - have had a previous distressing experience of being searched.
- If a student continues to refuse to co-operate, the member of staff may sanction the student in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.
- If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the student. During this time the student should be supervised and kept away from other students.
- Staff will assess whether it's necessary to use reasonable force to conduct the search. Consideration will be given to whether this would prevent the pupil from harming themselves or others, damaging property or causing disorder.

## Appendix 5: During the Search

- The search must be conducted by a person of the same sex as the student. The member of staff witnessing the search must also be the same sex as the pupil being searched **if** this is reasonably practicable.
- The person conducting the search may not require the pupil to remove any 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 pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil's possessions can 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 to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

## Appendix 6: Intrusive Searches

- The police have the power to conduct more intrusive searches, which may involve the removal of items beyond outerwear. School staff do not have the power to conduct such searches, including the headteacher and authorised staff and such searches by police will only be taken on the school site in exceptional circumstances and in line with police powers of search and seizure.
- Only police who have been asked to come to the school may decide whether a search is necessary and carry it out. The police can only carry out a search if they:
  - Think this is necessary to remove an item related to a criminal offence, **and**
  - Reasonably consider the pupil might have concealed such an item

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- Calling police will be as a last resort. This means that before you decide to call the police into school we will first:
  - Make sure that we have exhausted other approaches
  - Carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search

## Appendix 6: Confiscation

The list below outlines appropriate actions to take with confiscated items:

- Any alcohol, tobacco, cigarette papers or fireworks must be disposed of.
- Controlled drugs must be passed to the police (as above).
- Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful or detrimental to good order and discipline
- Stolen items must be passed to the police (as above).
- Any article found which is used to commit an offence or cause injury or damage must be delivered to the police or disposed of, in line with school policy and British law.
- Any pornographic image may be disposed of unless they have reasonable grounds to suspect that its possession constitutes a specified offence in which case it must be delivered to the police as soon as possible.
- High energy drinks will be confiscated and disposed of.
- E-cigarettes/vapes will be confiscated and disposed of.
- Other items which are banned under the school rules will be either returned to the owner or disposed of dependent on circumstance

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any items they have confiscated, provided they acted lawfully.

## Appendix 7: Electronic devices:

- Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.
- As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.
- If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in Keeping children safe in education. The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: Sharing nudes and semi-nudes: advice for education settings working with children and young people.
- If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable, Via the Student Welfare Team.

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- In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State.
  - In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the school and disrupt teaching, or be used to commit an offence.
  - In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the student and/or the parent refuses to delete the data or files themselves.

## Appendix 8: Recording searches

- Any search by a member of staff for a prohibited item listed and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members should follow the school policy in these cases.
- Schools are encouraged to include in the record of each search:
  - the date, time and location of the search;
  - which pupil was searched;
  - who conducted the search and any other adults or pupils present;
  - what was being searched for;
  - the reason for searching;
  - what items, if any, were found; and
  - what follow-up action was taken as a consequence of the search.
- Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this.