



## BLESSED HUGH FARINGDON CATHOLIC SCHOOL

### SEARCHING, SCREENING AND CONFISCATION POLICY AND PROCEDURES

All that happens in Blessed Hugh Faringdon Catholic School occurs within the context of the school's Mission Statement (in accordance with the Trust Deed for the maintenance and advancement of the Catholic religion).

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**Persons Responsible: SLT and Headteacher**

**Committee: Full Governing Body**

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As a Catholic school, founded on, and committed to upholding the teaching of the Church, we believe that Jesus is present in the day-to-day life of our community and that each member of our community has a divine origin and an eternal destiny. In discharging our responsibilities, we are guided by the principles of Catholic social teaching [CST], in which the following core values are constituted: dignity, solidarity, the common good, the option for the poor, the promotion of peace, care for creation, the dignity of work and the value of participation in society. These principles are demonstrated in our core, and wider, curriculum, in our care of students, in our work with the disadvantaged and in the outward-facing approach to our local community, our nation and to the world. As our moral compass, CST guides us in all our school activities, including the formulation, upholding, and reviewing of school policies.

As a Catholic school, we regard the following characteristics as central to the human flourishing of everyone – students, staff, and Governors – in our community. Our aspirations for our students are that their experience of teaching develops in them a lived belief, an authentic sense of true happiness, a lived sense of family, an experience of care and a vocation for service.

To achieve these aspirations, teaching and learning will privilege the following core virtues for every member of our community.

**Grateful** for their own gifts, for the gift of other people, and for the blessings of each day; and generous with their gifts, becoming men and women for others.

**Attentive** to their experience and to their vocation; and discerning about the choices they make and the effects of those choices.

**Compassionate** towards others, near and far, especially the less fortunate; and loving by their just actions and forgiving words.

**Faith-filled** in their beliefs and hopeful for the future.

**Eloquent and truthful** in what they say of themselves, the relations between people, and the world.

**Learned**, finding God in all things; and wise in the ways they use their learning for the common good.

**Curious** about everything; and active in their engagement with the world, changing what they can for the better.

**Intentional** in the way they live and use the resources of the earth, guided by conscience; and prophetic in the example they set to others.

## Introduction

Ensuring school staff and students feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure student and staff welfare is protected and helps schools establish an environment where everyone is safe. This guidance meets the requirements of the up-dated DfE Advice ([Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)) and is effective from 1<sup>st</sup> September 2022. This Protocol links with the:

- Safeguarding and Child Protection Policy
- Behaviour for Learning Policy
- E-Safety Policy

## Searching

1. Searching, which is very rare at Blessed Hugh Faringdon, can play a critical role in ensuring that our school is a safe environment 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.
2. The Headteacher and the staff authorised by him 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 <sup>OR</sup> any other item that the school rules identify as an item which may be searched for.
3. The list of prohibited items are: (this list is not exhaustive or limited to)
  - knives and weapons;
  - alcohol;
  - illegal drugs;
  - stolen items;
  - 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)
  - an article specified in regulations:
    - tobacco and cigarette papers;
    - fireworks;
    - pornographic images;
    - we also prohibit the bringing of vapes into school and their use in school.

Further clarification on what constitutes a weapon (Thames Valley Police, October 2022):

### **What is a weapon?**

- Offensive per se i.e., those items made for the use of causing injury to the person. Examples are a truncheon, a rice flail, a butterfly knife.
  - Adapted for use and used as a weapon. The example given in the case of Simpson was of a bottle deliberately broken.
  - Any article which has a blade or is sharply pointed.
  - A substance capable of burning human skin by corrosion. It would not cover, for example, household bleach or standard household cleaners or liquids such as table vinegar which are not strong enough to burn human skin by corrosion. It would, however, capture strong drain cleaners and unblockers, brick and patio cleaners, paint strippers and industrial cleaning agents which members of the public may purchase for legitimate purposes.
4. 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.
  5. 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 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.
  6. When exercising these powers, the school 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.
  7. 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
  8. 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). At Blessed Hugh this also includes incidents being reported to Governors, though keeping the student's name anonymous.
  9. 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. The staff member will also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk. A form has been established, on our electronic system, for this purpose.
  10. If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) will then consider the circumstances of

the student who has been searched to assess the incident against potential wider safeguarding concerns

## The Process of Searching

1. 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
2. The authorised member of staff will assess how urgent the need for a search is and should consider the risk to other students and staff.
3. Before any search takes place, the member of staff conducting the search will 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.
4. Searches will take place in an appropriate setting within the school, and, in accordance with the Human Rights Act, Article 8, any search will be done with dignity and by appropriate members of staff (see section 3: 'Who'). Searches will not take place in classrooms or in any environment with other students or unauthorised staff present.
5. The authorised member of staff will 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.
6. 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
7. 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.
8. If the student still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified but not to search for items which are identified only in the school rules. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder from other students. The search must only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip

## Who

1. The law states the member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search. This staff member should be of the same sex as the student as far as is practical.
2. There is a limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present **only**:

- if the member of staff carrying out the search reasonably believes there is 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 member of staff who is same sex as the student **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff.<sup>10</sup>

In our school, nominated staff include the senior leadership team, Year Leaders, DDSLs, named Pastoral and Achievement Co-ordinators, the SENDCO, Head of the Autism Resource, their Assistant Managers and the Sixth Form Administrator. Where this changes, staff will be notified by the Headmaster or DSL. Searches for knives and weapons, illegal drugs and pornographic Images are conducted by the SLT and DDSLs, only, with the exception of circumstances outlined in 2 above.

3. When a member of staff conducts a search without a witness, they will immediately report this to another member of staff and ensure a record of the search is kept via our electronic reporting system. See paragraphs 44-46 on recording searches.

### **The extent of the search**

1. A member of staff may search a student's outer clothing, pockets, possessions, desks, or lockers.
2. The person conducting the search must not require the student to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear. The student can also be asked to remove hats, shoes, boots, or scarves.
3. Possessions means any goods over which the student has or appears to have control - this includes desks, lockers, and bags.
4. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the student agrees. Schools can make it a condition of having the locker or space that the student agrees to have these searched. If the student withdraws their agreement to search, a search may be conducted both for the prohibited items listed in paragraph 3 and any items identified in the school rules for which a search can be made.
5. A student's possessions can only be searched in the presence of the student 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.
6. The member of staff may use a metal detector to assist with the search.

### **Strip Searches**

The member of staff's power to search outlined above does not enable them to conduct a strip search, which is a matter for the police, though in the unlikely event such a search is undertaken by the police on school grounds, or to the knowledge of school staff, school staff retain a duty of care to the student(s) involved and should advocate

for student wellbeing. Before calling police into school, staff should assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the student suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place.

Where a strip search takes place an appropriate adult, (a member of the school staff) must be present to support the student.

## Recording searches

Any search by a member of staff for a **prohibited item** listed in paragraph 3 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.

Details may include:

- the date, time, and location of the search.
- which student was searched;
- who conducted the search and any other adults or students 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.

Our electronic form complies with this guidance and is located on the Intranet thus permitting a central record to be maintained.

## Informing parents

1. Parents will **be** informed of any search for a **prohibited item** 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.
2. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.

## Screening

1. Screening can help provide reassurance to students, staff, and parents that the school is taking measures to create a calm, safe and supportive environment.

2. Schools' statutory power to make rules on student behaviour<sup>15</sup> and their duties as employers in relation to the safety of staff, students and visitors<sup>16</sup> enables them to impose a requirement that students undergo screening.
3. 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.
4. 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.
5. The Headteacher will inform students and parents in advance to explain what the screening will involve and why it will be introduced, though not the specific time or date.
6. Where a student has a disability, the school will ensure this is taken into consideration.
7. 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. A metal detector may be employed where appropriate.

### **Confiscation of Items found as a result of a search**

1. 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 (see paragraphs 2-3); or
  - is evidence in relation to an offence.

### **Prohibited or illegal items**

1. In line with instructions from Thames Valley Police, **controlled drugs** must be delivered to the police as soon as possible and with regard to the following guidance issued by the DfE. ([Drugs: advice for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/controlled-drugs-advice-for-schools))
2. Where 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 and follow the procedure above.
3. **Other substances** which are not believed to be controlled should also be delivered to the police, or disposed of safely, if the member of staff, in consultation with the Headmaster, DSL or Deputy Headmaster, believes they could be harmful.
4. Where a person conducting a search finds **alcohol, tobacco, cigarette papers, vapes or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the student.
5. If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is an extreme or an indecent image of a child) in which case it must be delivered to the police as soon as reasonably practicable. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images. See paragraphs 72-79 for further advice

on searching electronic devices. Where we are made aware of a pornographic image and have reasonable grounds to seek it and view it, 2 authorised members of staff should be present.

6. Where a member of staff finds **stolen items**, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning it to the owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the guidance issued by the Secretary of State and summarised below.
7. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:
  - the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable.
  - whether the item is banned by the school.
  - whether retaining or returning the item to the owner may place any person at risk of harm; and
  - whether the item can be disposed of safely.
8. Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible.
9. Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should be delivered to the police as soon as reasonably practicable, returned to the owner, retained, or disposed of. In deciding what to do with such an item, the member of staff must have regard to the DfE guidance ([Statutory guidance: Offensive Weapons Act 2019 \(accessible\)](https://www.gov.uk/government/guidance/statutory-guidance-offensive-weapons-act-2019) - GOV.UK ([www.gov.uk](https://www.gov.uk)))
10. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner, or disposed of. In taking into account all relevant circumstances the member of staff should consider:
  - whether it is safe to dispose of the item and;
  - whether and when it is safe to return the item.
11. If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.
12. Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the school rules**.
13. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In taking into account all relevant circumstances, the member of staff should consider:
  - the value of the item.
  - whether it is appropriate to return the item to the student or parent; and
  - whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.



14. Members of staff should follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

## Electronic devices

1. 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.
2. 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.
3. Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in paragraph 57, if there is good reason to do so.
4. 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 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people))
5. If a member of staff finds any image, data, or file that they suspect might constitute a specified offence, then it must be delivered to the police as soon as is reasonably practicable.
6. 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 DfE Guidance in paragraph 19 above.
7. 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.
8. 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.

### **Confiscation as a disciplinary penalty**

1. Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
2. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.