John Perry Primary School

Searching and Confiscation Policy

This policy covers many articles from the UN Convention on the Rights of the Child. Some key ones are listed below.

UNCRC Article 3 – Best interests of the child
UNCRC Article 16 – Right to privacy
UNCRC Articla3 19 – Protection from violence, abuse and neglect

Searching and confiscating must be justified, necessary and respectful of a child's dignity

Last reviewed on: February 2026

Next review due by: February 2027

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Background

This policy is based on the Department for Education's advice for headteachers, school staff and governing bodies *'Searching, Screening and Confiscation' DfE July 2022.*

Policy Objectives

- To outline the policy and legal powers the school has for screening and searching pupils.
- To outline the powers the school has to seize and then confiscate items found during a search.

Searching

1. Under common law, the Executive Head Teacher, Head of School, other member of the Leadership Team or any other member of staff authorised by the Executive Head Teacher have the power to search pupils for any item if the pupil agrees, under the common law (paragraph 4 of the DfE guidance). The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

2. Searching can play a critical role in ensuring that John Perry Primary is a safe environment for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

3. The Executive Head Teacher, Head of School, other member of the Leadership Team or any other member of staff authorised by the Executive Head Teacher have a statutory power to search a pupil or their possessions regardless of whether the pupil agrees (sections 550ZA and 550ZB of the Education Act 1996, and paragraph 10 in the guidance) where they have reasonable grounds to suspect that the pupil may have a prohibited or banned item listed below, or any other item that the school deems or identifies as an item which may be searched for.

4. The list of prohibited items is:

    - Knives and weapons
    - Alcohol
    - Illegal drugs
    - Stolen items
    - Tobacco and cigarette papers
    - E-Cigarettes / Vapes
    - Fireworks
    - Pornographic images
    - Mobile Phones
    - 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).

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5. Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil 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 pupils who may benefit from early help or a referral to the local authority children's social care services.
6. When exercising their powers, John Perry Primary will consider the age and needs of pupils being searched. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

The role of the Executive Head Teacher, the Designated Safeguarding Lead and Authorised Members of Staff

1. Only the Executive Head Teacher, a member of the Strategic Leadership Team (SLT) or a member of staff authorised by the Executive Head Teacher can carry out a search. The Executive Head Teacher can authorise individual members of staff to search for specific items, as explained above.

2. In the absence of the Executive Head Teacher, a member of the SLT and/or the Designated Safeguarding Lead (or deputy/ies) can authorise individual members of staff to search for specific items.

3. Members of staff should immediately involve the Executive Head Teacher, Designated Safeguarding Lead (or deputy/ies) without delay if they believe that a search has revealed a safeguarding risk.

4. If the Executive Head Teacher, SLT, Designated Safeguarding Lead (or deputy/ies) find evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of Keeping Children Safe in Education 2025). They should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

Before Searching

The member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil 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 pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

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During a Search

An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises, or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Who

The law states that the member of staff conducting the search must be of the same sex as the pupil being searched. There must also be another member of staff present as a witness to the search.

The Extent of the Search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search must not require the pupil 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, as well as hats, shoes, boots or scarves.

'Possessions' means any goods over which the pupil has, or appears to have, control - this includes desks 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.

After a Search

Whether or not any items have been found as a result of any search, the Executive Head Teacher, SLT or Designated Safeguarding Lead (or deputy/ies) will consider whether the reasons for the search, the search itself or the outcome of the search give cause to suspect that the pupil is suffering, is likely to suffer harm and/or whether any specific support is needed.

Where this may be the case, staff will follow the school's child protection policy and speak to the Executive Head Teacher, SLT or Designated Safeguarding Lead (or deputy/ies) as set out in Part 1 of the Keeping Children Safe in Education 2025 document. They will then consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

Recording Searches

Any search by a member of staff for a prohibited item listed above should be recorded in the school's safeguarding reporting system – Safeguard - including whether or not an item is found. This will allow the Designated Safeguarding Lead (or deputy/ies) to identify possible risks and initiate a safeguarding response, if required. The member of staff recording the incident on Safeguard will need to include the following after 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

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• the reason for searching

• what items, if any, were found

• what follow-up action was taken as a consequence of the search.

Informing Parents

Parents should always be informed of any search for a prohibited item, listed above, 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.

Any complaints about searching or confiscation should be dealt with through the normal school complaints procedure.

Confiscation

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

• poses a risk to staff or pupils

• is a prohibited item, as listed above

• is evidence in relation to an offence.

Prohibited or Illegal Items

Controlled drugs must be delivered to the police as soon as possible, unless there is a good reason not to do so. 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 and deliver them to the police. Other substances which are not believed to be controlled should also be delivered to the police.

Where a person conducting a search finds alcohol, tobacco, e-cigarettes, vapes, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate, but should not return them to the pupil.

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 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.

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 them to their owner is not practicable.

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The member of staff should consider 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.

Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible. 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.

Electronic Items

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.

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 Executive Head Teacher, SLT or Designated Safeguarding Lead (or deputy/ies) as the most appropriate person to advise on the school's response. Where reports of this nature are made, John Perry Primary will follow the principles as set out in the Keeping Children Safe in Education 2025 document.

The UK Council for Internet Safety will also provide the school with guidance on how to support school staff and Designated Safeguarding Leads with regard to sharing nude and semi-nude images: 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 this must be delivered to the police as soon as is reasonably practicable.

Please also refer to the DfE document Searching, Screening and Confiscation Advice for Schools, July 2022:

https://assets.publishing.service.gov.uk/media/62d1643e8fa8f50bfbefa55c/Searching__Screening_and_Confiscation_guidance_July_2022.pdf

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Links to other policies:

- Behaviour Policy
- Safeguarding and Child Protection Policy

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