



Colliers Green CofE Primary School

Colliers Green, Cranbrook, Kent. TN17 2LR

Document Control Sheet

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Document History

Date:	Summary of Changes:
September 2023	A new policy written using the guidance from the DfE that was updated in 2022.

Colliers Green Primary School Searching, Screening and Confiscation Policy

This policy is based on DfE guidance that was reviewed and updated in 2022: [guidance on searching, screening and confiscation](#). This followed the publication of the [Safeguarding Practice Review](#) report on the case of Child Q, where a pupil was strip-searched without parental consent at school. The Safeguarding Practice Review highlighted the need to put safeguarding at the centre of every school's approach to handling searches.

The updated DfE guidance places a bigger emphasis on the safeguarding duty of schools. This includes:

- Which staff members can search pupils
- Recording certain searches in your school's safeguarding system
- What you should do before, during and after a search
- Guidance on strip searches and supporting the pupil afterwards
- The importance of staff understanding the rights of the pupil being searched.

Whilst some of the issues detailed in this policy are less likely to take place in a primary school environment, particularly police involvement, they have been included for clarity and for consistency with national guidance.

1) Who can conduct a search?

The headteacher and members of staff authorised by the headteacher have the power to search a pupil for a prohibited or banned item, regardless of whether the pupil agrees (sections [550ZA and 550ZB](#) of the Education Act 1996, and paragraph 10 in the guidance).

- Staff authorised by the headteacher may conduct a search if the pupil agrees to the search, **or**
- The authorised staff member has 'reasonable grounds' to suspect that the pupil may have a prohibited or banned item

Under law:

- The person carrying out the search **must** be the same sex as the pupil being searched
- There **must** be another member of staff present as a witness to the search

The only exception to this is if:

- The searcher reasonably believes that there is a risk of serious harm being caused to a person if a search isn't carried out urgently **and**
- It's not reasonably practical to summon another member of staff (to carry out the search or act as a witness) within the time available

The member of staff witnessing the search must also be the same sex as the pupil being searched **if** this is reasonably practicable ([paragraph 6\(d\)](#) of section 550ZB of the Education Act 1996).

When an authorised staff member conducts a search without a witness, they should immediately report it to another member of staff, and make sure that a record is kept.

2) What can be searched for?

Headteachers and authorised staff members can search a pupil for:

- Any items with the pupil's informed consent
- Prohibited or banned items, with or without the pupil's consent

2.1 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
 - Cause personal injury (including the pupil) or damage to property

This list is set out in [The Education Act 1996](#) and paragraph 3 of the DfE's guidance on searching, screening and confiscation.

3) How a search will be carried out

3.1 Before the search:

The headteacher or authorised staff member should:

- Make an assessment of how urgent the search is, and consider the risk to other pupils and staff
- Explain to the pupil why they are being searched, how and where the search will happen, and give them the opportunity to ask questions about it
- Always seek the pupil's cooperation

3.2 If a pupil refuses to co-operate:

- In this case, the authorised member of staff should first consider why this is, and act proportionally. It may be that the pupil:
 - Is in possession of a prohibited or banned item
 - Doesn't understand your instructions or what a search will involve
 - Has had a previous distressing experience of being searched
- If the pupil still refuses to cooperate:
 - They may be sanctioned in line with the school's behaviour policy
 - If the member of staff does not think that a search is needed urgently, they should seek advice from the headteacher, DSL or pastoral member of staff. During this time, the pupil should be supervised somewhere away from other pupils
 - It should be assessed whether it is necessary to use reasonable force to conduct the search. It should be considered whether this would prevent the pupil from harming themselves or others, damaging property or causing disorder. Note: reasonable force can only be used to search for prohibited items but not other items banned in your school.

3.3 Searching a pupil's clothes

- The pupil will be searched in an appropriate location that offers privacy from other pupils.
- Authorised staff can search a pupil's pockets and require pupils to remove outer clothing, meaning clothes that are not worn directly next to the skin or over underwear. Outer clothing also includes:
 - Hats
 - Scarves
 - Shoes or boots
- Staff cannot ask pupils to take off any further items of clothing.

Staff should be sensitive to whether a pupil is wearing outer clothing for religious reasons when conducting a search. For example, a female pupil shouldn't be required to remove a headscarf she's wearing for religious reasons if the witness is male.

3.4 Searching a pupil's possessions

- Authorised staff can search lockers, desks and bags in the presence of the pupil and another member of staff (except in cases where there's a risk of harm and where it's not reasonably practicable to summon another member of staff).

3.5 Only police can conduct a strip search

School staff are not allowed to carry out strip searches, including the headteacher and authorised staff. 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

The police will only be called into school as a last resort

Before calling the police, school staff should put the best interests of the child first and:

- Make sure that all other approaches have been exhausted
- The risks to the pupil's mental and physical wellbeing have been weighed up with the need to conduct a search
- Where reasonably possible, parents will be informed that a strip search will happen (and always inform them after it's been carried out)
- Make sure an 'appropriate adult' is present during the search (see below)
- Insist that the police officers conducting a strip search must be the same sex as the pupil
- Ensure that there are at least 2 people present other than the pupil, including the 'appropriate adult'.
- Ensure that the search may only take place without an appropriate adult if:
 - It's an urgent case where there is risk of serious harm to the pupil or others, or
 - The pupil explicitly states that they don't want an appropriate adult present for the search, and the appropriate adult agrees and signs a record of the pupil's decision
 - The appropriate adult should be the same sex as the pupil, unless they specifically request someone else.

Safeguarding will always be put at the centre when supporting the pupil, regardless of whether a prohibited item is found. The pupil will have an opportunity to express their views regarding the search.

If a prohibited item is found, the school will:

- Consider it a safeguarding matter as well as a police matter
- Involve relevant staff such as the DSL and treat the pupil as potentially vulnerable

If a prohibited item is not found, the school will:

- Take a safeguarding approach to supporting the pupil to cope with the experience of being searched
- Consider the wider issues that may have informed the decision to request a search in the first place

4) Recording searches

Colliers Green Primary School will use CPOMS to record:

- Any searches for prohibited items
- Any search conducted by police officers
- Plus, whether or not any items were found.

The DfE suggests that the following is included in each record:

- 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
- What follow-up action was taken as a consequence of the search

5) Confiscation

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so. They should reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of the school or disrupt teaching
- Commit an offence

5.1 Discovery of pornographic material

If inappropriate images, video, or other material are discovered the school may dispose of them (see page 20 of the [DfE's guidance](#) for advice on when this is advised).

If the school has reasonable grounds to suspect that their possession is related to a specific illegal offense, the material will not be destroyed, but the material, or device containing the material, will be handed over to the police as soon as possible.

If staff suspect they may find an indecent image or video of a child on a device, viewing it should be avoided and they should never copy, share, or save it.

The incident will be referred to the DSL who will follow the DfE's [guidance](#) on responding to pornographic image-sharing in education settings.

For more support on handling these situations, see articles on [responding to child-on-child abuse](#) and [talking to pupils about sexism and assault](#).

6) Screening

Colliers Green Primary School does not possess any equipment that can be used to screen pupils.