



# Holy Rood Catholic Primary School, Swindon



## Searching, Screening and Confiscation Policy 2024 - 2026

## School Vision:

### Belong

At Holy Rood Catholic Primary School, we aim to provide a nurturing and inclusive environment enthused by the Spirit of Christ to enable everyone to make a positive contribution, both to the school and the wider community. We will show love, compassion and respect for others.

A sense of unity will be created by forming relationships that are based on trust, loyalty, forgiveness and acceptance; we will endeavour to act justly and be peacemakers as Christ's disciples, inspired by the Gospel values.

We will encourage a sense of responsibility and help children learn to appreciate God's world around them through reflection, mission, prayer, healing and peace.

### Learn

We resolve to develop a sense of awe and wonder at God's creation for our children - where creativity flourishes and everyone is inspired to learn, demonstrating a curiosity about the world around them.

We will strive to ensure that all of our learners are able to face new challenges with confidence, in a Christian learning environment where informed risk taking and a resilient attitude are welcomed, encouraged and achieved.

Our positive and enthusiastic approach to teaching and learning will motivate every person. Each will know that they are uniquely loved by God. We will continue to enjoy our learning and reflect on our efforts and achievements, inspiring us to always try our best.

### Achieve

The children will be determined in their daily challenges, gaining confidence in their own ability, imagining what they could achieve with continued effort and commitment and working to fulfil the exclusive plan God has for each of them.

By fully engaging in all aspects of school, children will have had the opportunity to go on to become ambitious and competent individuals, always striving to achieve their full potential and positively participating in God's world.





## Background

This policy is based on the Department for Education advice for head teachers, school staff and governing bodies '[Searching, screening and confiscation](#)' DfE July 2022

## Objectives:

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

## Searching:

Staff can search any pupil for any item if the pupil agrees. . 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.

The Head Teacher, and authorised staff, have the statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item.

The authorised staff are the following; Head Teacher, safeguarding lead, deputy safeguarding leads. The Head Teacher may also give authorisation to a male member of staff when this is required.

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 or to cause personal injury to, or damage the property of, any person (including the pupil)

The Head Teacher and authorised staff can also search for any item banned by the school rules, which has been identified as an item which may be searched for.



## **Confiscation:**

Staff can seize any prohibited item found as a result of a search. They can also seize any item, which they consider harmful or detrimental to school discipline.

## **Searching without consent**

- The Head Teacher or a member of staff authorised by the Head Teacher can search without consent of child or their parent/carer if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.
- A member of staff must be the same sex as the pupil being searched and there must be a witness (also a member of staff) and, if at all possible, they should be the same sex as the pupil being searched.
- If you believe the child is at risk of serious harm if you do not search them immediately, then the search can be conducted on a child of the opposite sex and with or without a witness.
- Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupils, for example on school trips in England.

## **During the search**

The law states:

- The person conducting the search may not request the pupils to remove clothing other than outer clothing.
- 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.
- It does NOT enable or allow an intimate search going further than that which only a person with more extensive powers (e.g. police officer) can do.
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been, or could be, used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

## **Electronic Devices:**

- If it is suspected that the device has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, or be breaching any of our

school policies e.g. Behaviour or Acceptable Use, then data or files on the device can be examined.

- This can be done under the powers of ‘without consent’ search if it is reasonably suspected to be used to commit an offence or cause personal injury or damage to property.
- If inappropriate material is found on a pupil’s device, the Designated Safeguarding Lead or one of the Deputy Safeguarding Leads will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.
- Any material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image must not be deleted and must be given to the police as soon as reasonably possible.
- Holy Rood Catholic Primary School may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

#### **After the search:**

- The Head Teacher can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.
- Any offensive weapon, controlled drugs, stolen items (unless low value e.g. pencil cases), pornographic images that are a specified offence (i.e. extreme or child pornography) must be passed to the police.
- The school will inform the individual pupil’s parents or carers where a search has taken place, though there is no legal requirement to do so.

If a search has taken place, this will be recorded on CPOMS by the member of staff who conducted the search. The record will include, date, time and place of search and what the outcome was.

#### **Schools obligation under the EU Convention on Human Rights:**

Under article 8 of the European Convention on Human Rights, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect 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 must be justified and proportionate. The powers of search in the Education Act 1996 are compatible with Article 8.

#### **Screening:**

Holy Rood Catholic Primary School can require pupils to undergo screening by a walk-through or hand-held metal detector. We do not have such devices. The advice will be kept under review and updated as necessary.