



Whitstable Junior School

**Searching,
screening and
confiscation
Policy**

Governors' Committee Responsible: Strategy Committee

Policy Originator: Headteacher

Status: Non-Statutory

Review Period: Annual

Date approved: September 2025

Next review date: September 2026

Our Vision

Children at Whitstable Junior School will excel and become inspired, self-motivated and confident learners in a safe environment.

Staff at WJS will continue to develop their knowledge and practice of the curriculum and how to keep children safe. They will inspire and motivate children to learn in a happy, safe and calm environment. Staff will work together in partnership with parents, governors, the community and other professionals to achieve outstanding outcomes for all children.

Background

This policy is based on the Department for Education advice for headteachers, school staff and governing bodies document entitled: 'Searching, screening and confiscation' DfE July 2022 which states that the school's practice of searching should be based upon a culture of safe, proportionate and appropriate searching which safe guards the welfare of all pupils and staff with support of the DSLs. It also refers to paragraph 2 of Keeping Children Safe in Education (KCSIE 2025)

Objectives of this policy

To outline the policy and legal powers the schools 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

The law allows school staff to search a pupil for any item if the pupil agrees. The headteacher, AHTs or other member of the Senior Leadership Team have a 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.

Prohibited items are:

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 pupil).
- an article specified in regulations:
 - tobacco and cigarette papers;
 - fireworks; and
 - pornographic images.

The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil 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 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).

Guidance to staff

Searching with consent

Under common law, school staff have the power to search a 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. Written consent is not required from the pupils (such as asking the pupils to turn out his or her pockets or if the teacher can look in a pupils' bag or locker and for the pupil to agree.) School staff will remind parents of items which are banned.

If a member of staff suspects a pupil has a banned item in his/her bag and if the pupil refuses, the teacher can apply an appropriate punishment as set out in the school's behaviour policy. A pupil refusing to co-operate with such a search is a form of unacceptable behaviour, and in such circumstances, the school will apply an appropriate sanction.

What can be searched for?

- Knives, weapons, alcohol, illegal drugs and stole
- Tobacco and cigarette papers, vapes, fireworks and pornographic images
- Electronic devices, without consent or parental permission, if there is a suspicion that the pupil has a device prohibited by school rules, or the staff member has good reason to suspect the device may be used to:
 - cause harm,
 - disrupt teaching,
 - break school rules,
 - commit an offence,
 - cause personal injury,
 - or damage property.
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or cause personal injury to, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.
- 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.
- 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.
- Any data, files or images that are believed to be illegal must be passed to the police as soon as practicable, including pornographic images of children, without deleting them.
- Any data, files or images that are not believed to be unlawful, may be deleted or kept as evidence of a breach of the school's behaviour policy.

During the search

The law states:

- 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.
- The member of staff conducting the search must be of the same

sex as the pupil being searched. There must be another member of staff present as a witness to the search.

- The person conducting the search may not require the pupils to remove 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 pupils 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 pupils 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, vapes, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.
- The school will inform the individual pupil's parents or carers where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.

If inappropriate material is found on a pupil's device by the teacher, the Designated Safeguarding Lead will decide whether they should delete the 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.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline. 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. By WJS School exercising these powers lawfully it must demonstrate that it has also acted in accordance with Article 8.

School has the statutory power to make rules on pupil behaviour as set out in Section 89 of the Education and Inspection Act 2006 for all maintained schools.

Recording searches

Any search by a member of staff for a prohibited item listed above and all searches conducted by police officers should be recorded on CPOMS, 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.

Informing parents

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 in paragraph 3 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.

The advice will be kept under review and updated as necessary.

The school's policies reflect the new guidance. Link below to guidance.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091132/Searching_Screening_and_Confiscation_guidance_July_2022.pdf

“Searching, screening and confiscation at school July 2022” must be read alongside UKCCIS [UK Council for Child Internet Safety \(UKCCIS\)](#) guidance. Link below

- [Sexting in schools and colleges: responding to incidents and safeguarding young people](#)