



# SEARCH AND CONFISCATION POLICY 2024-25

Staff member responsible	Revision Date	Approved By	Approval Date	Reason
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### **Links to UNCRC**

This policy links to the following UNCRC articles:

- Article 16 - Protection of Privacy
- Article 19 - Protection from Violence

### **Links to other Dollar Academy policies**

This policy has links with the following Dollar Academy policies:

- Child Protection Policy
- Mobile Phone Policy
- Behaviour and Discipline Policy
- Critical Incident Plan
- Health and Safety Policy
- IT Responsible User Agreement
- Physical Touch and Intimate Care Policy

### **Guiding Principles**

Dollar Academy is committed to safeguarding the welfare of all children. It is our aim to cultivate an environment of mutual respect, in which pupils and staff are fairly and sensitively treated. The Academy will take all reasonable steps to maintain the usual high standard of safeguarding when conducting a search of a pupil's belongings or confiscating an item. Academy staff must act with due care, consideration and sensitivity, and remain mindful of the need to respect privacy.

There is a further requirement that Academy staff remember that the need to protect persons and/or property from injury and/or damage and from loss is paramount, and that this duty of care can in certain circumstances override all other protocols.

Professional judgement is to be used in all cases: if in any doubt, advice should be sought from a senior member of staff (usually a member of SSG), unless the urgency or another overriding aspect of a situation makes such referral impractical.

### **Procedures for conducting a search**

#### **Reasons for conducting a search**

A search of a pupil, their belongings and/or their locker may be conducted when a member of staff has reason to believe a pupil is in possession of any of the following:

- An item which contravenes the Academy's expectations,
- An item which is against the law,
- An item which could be used to harm oneself or others (including emotional harm),
- An item which is dangerous,
- An item which is believed to have been stolen.

#### **Expectations of members of staff**

The following conditions should be adhered to by the member(s) of staff conducting the search:

- The pupil's dignity and privacy are respected;
- There is a witness to the search; ideally the witness is another member of staff;
- The pupil receives an explanation as to why the search is being conducted;
- The search only happens once the pupil has consented to the search;
- Where reasonably possible a member of the Guidance Team or SSG is notified in advance of the search;
- Where reasonably possible the person conducting the search is of the same sex as the pupil being searched;
- The pupil should not be touched during the search by the member of staff;
- The pupil should be kept under close supervision whilst the search is conducted;
- After the search has taken place, it should be recorded in writing with SSG;
- The pupil's parent/carer is informed after the search.

### **Search of a pupil and their belongings, including lockers**

To conduct a search of a pupil and their belongings, including lockers, the pupil should be asked to:

- Inform the member of staff if there is anything in their possession which they should not have;
- Remove outer garments, e.g. jackets and blazers\*;
- Turn out their pockets;
- Pat down their body (this should not be done by the member of staff);
- Open their bag and their locker.

\*A pupil should not be asked to remove clothing that is worn next to the skin or immediately over a garment that is being worn as underwear.

Once the pupil's bag and locker are open, the member of staff is permitted to search these areas. The pupil should be present throughout the search.

### **Search of a boarding pupil's room and possessions**

To conduct a search of a boarding pupil's room and possessions, the pupil should be asked to:

- Inform the member of staff if there is anything in their possession which they should not have;
- Open all cupboards and drawers.

Once the pupil's cupboards and drawers are open the member of staff is permitted to search these areas. The member of staff may choose to ask the pupil to conduct the search, instructing the pupil where to look next. The pupil should be present throughout the search.

### **Search of electronic devices**

To conduct a search of a pupil's electronic device, the pupil should be asked to:

- Inform the member of staff if there is anything on their device which they should not have;
- Unlock their device and then under the instruction of the member of staff, navigate through different apps, allowing the member of staff to view the screen;
- At the request of the member of staff email or Teams message any screenshots to the member of staff;
- At the request of the member of staff erase any data or files from the device that the Academy believes contravenes the Academy's expectations.

The members of staff undertaking the search should ensure that they do not put themselves in a position where they could ever view indecent images of pupils.

### **Actions following the search**

The Academy will keep a record of all searches carried out, including the results of any search, and the actions taken following that search.

If an item of contraband is found, it should be confiscated (see below) and the pupil will be dealt with in line with the Academy's Behaviour and Discipline Policy.

If the search highlights a safeguarding concern in respect of any pupil, the Academy will follow the procedures set out in the Academy's Child Protection Policy.

If an item, data or files are discovered, which indicate a potential criminal offence, then the search should cease, items taken into safe keeping, and the Police informed.

### **Pupil consent**

The Academy is not required to have formal written consent from a pupil; verbal consent is sufficient.

In the case of initial refusal to co-operate, a member of SSG should contact parents/carers and ask them to persuade the pupil to submit to the request. In the case of continuing refusal to co-operate, a member of SSG should suspend and isolate the pupil and call the parents/carers to attend. If there is suspicion

that the pupil is in possession of an illegal item, the Police should be contacted.

### **Forced searches**

If a member of staff believes that a pupil possesses an item that could cause serious harm (including emotional), irrespective of intent, a forced search may take place, but only if following the above guidelines will increase the risk of serious harm.

At Dollar Academy, this search power may be exercised by staff where they have reasonable grounds for suspecting that a pupil has such items. These items could include:

- A weapon
- Illegal drugs
- 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, or damage to property.

To conduct a forced search of a pupil and their belongings, including lockers or room (for boarders), the member of staff should:

- Have where possible attempted to follow the above guidelines;
- Consider whether it is more appropriate for the Police to conduct the search;
- Consult with a senior member of staff first;
- Try to ensure there is a witness (ideally a member of staff) and, where possible, ensure the member of staff conducting the search is of the same sex as the pupil;
- Try to avoid physical contact with the pupil; sometimes this will not always be possible, but where contact needs to be made it should be in line with the Academy's Physical Touch and Intimate Care Policy;
- Try to avoid damage to the pupil's or Academy's property;
- Inform the pupil's parents/carers as soon as is practically possible after the search.

### **Procedure for confiscating an item**

Items found in the Academy or on a pupil's person may be confiscated for a reasonable period of time. An example of where a confiscation may take place is if a pupil is misusing a mobile phone during school hours.

If a member of staff confiscates an item during the school day it is handed to the School Office. Until it is handed to the School Office it should be kept safe, i.e. not left on the teacher's desk when the teacher is not there. Once handed to the School Office it will be kept in the safe.

When an item is confiscated, an indication of when the item is likely to be returned should be given at the time of confiscation by the member of staff who has confiscated the item. The length of confiscation should be reasonable and proportionate and, as in all matters, not unduly punitive. Consideration should be given to the possible consequences of keeping the item from the pupil, such as travel safety in the case of a confiscated mobile phone.

Academy staff will 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 Academy discipline or pupil safety and wellbeing.