



SEARCHING AND CONFISCATION OF PUPIL PROPERTY (YEARS 3 TO 13)

In the general course of College life, given pupils' good conduct overall and taking into account the very good relationships between pupils and staff, it is rare that searching pupils is necessary. There are however some occasions when a search may be necessary.

Searches may be necessary to find stolen property or to find illegal or other items which are banned from the College (e.g. alcohol, drugs, cigarettes, tobacco and weapons) and associated items.

There are two types of search, a search conducted with the consent of the pupil and a search conducted without the consent of the pupils. There are different rules applying to each.

If a theft is reported, a member of the Senior Management Team should be informed (whether at the College or when away from it) before any search takes place. He/she will advise what course of action should take place.

Searching with the consent of pupils (any member of staff)

- The staff member conducting the search should ask the pupil to turn out his pockets, show the contents of a drawer or bag, or show the contents of their room or their car.
- The search should be conducted in the form of requests rather than instructions.
- The searches may be carried out by any individual member of staff. However, it is preferable to have another member of staff present if practicable.
- A pupil refusing to co-operate with such a search may face a disciplinary penalty.

Searching without the consent of pupils (nominated staff only)

- A search 'without consent' may only take place if the College has reasonable grounds for suspecting that the pupil is in possession of a prohibited item (eg alcohol, cigarettes, tobacco, illegal drugs, weapons, pornographic images or stolen property).
- The member of staff must decide whether there are reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.
- A review of CCTV footage may help staff decide whether to conduct a search. The College's rules regarding the viewing of CCTV footage are set out in its CCTV Policy.

- The following staff are authorised by the Master to carry out searches without a pupil's consent: The Senior Management Team, Heads of School, Heads of Year, Boarding Housemasters and any member of staff in charge of an educational visit or a sports fixture.
- Members of staff may refuse to conduct a search.
- A pupil's possessions can only be searched in the presence of the pupil and another member of staff.
- The teacher conducting the search should be of the same gender as the pupil being searched and the search must be witnessed by another member of staff. If possible, this witness should also be of the same gender as the pupil being searched, although it is recognised that this may not be practicable in certain circumstances such as school trips.
- Searches without consent can only be carried out on the College premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips.
- The power to search without consent enables a search involving the removal of outer clothing and searching of pockets. The person conducting the search cannot require the pupil to remove any 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. It includes hats, shoes, boots, gloves and scarves.

- After a search ‘without consent’ has taken place, the pupil's parents should be informed that the search has taken place, what, if anything, was found and the sanctions (if any) applied.

Search of Lockers & Desks

It is a condition of having a locker or desk at the College that pupils consent to have these searched for any item whether or not they are present.

Search of Electronic Devices

Where the member of staff conducting the search finds an electronic device that is prohibited by the school rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police.

The member of staff should reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the College Code of Conduct.

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, should not be deleted prior to giving the device to the police.¹

The member of staff can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of the College Code of Conduct.

All College staff are aware that behaviours linked to sexting put a child in danger. The College's approach to sexting is reflected in our [Safeguarding Policy](#).

The UK Council for Child Internet Safety (UKCCIS) Education Group has published guidance for schools regarding sexting: [Sexting in schools and colleges: Responding to incidents and safeguarding young people](#).

File Note of Searches

After any pupil search has been conducted (with or without consent) a file note should be written for the pupil's file and a copy sent to the Deputy Master Pastoral, detailing:

- The pupil's name
- Where and when the search took place
- Whether the pupil consented to the search
- What was being searched for
- Who was present
- What (if anything) was found
- Whether any items were confiscated

Confiscating Items

- A member of staff carrying out a "with consent" search can use their reasonable discretion to confiscate, retain and/or destroy any item found as a result.
- A member of staff carrying out a "without consent" search can seize anything they have reasonable grounds for suspecting is a prohibited item (e.g. weapon, illegal drugs or stolen property) or is evidence in relation to an offence

¹ Section 62 of the Coroners and Justice Act 2009 defines prohibited images of children. Section 63 of the Criminal Justice and Immigrations Act 2008 defines extreme pornographic images.

- Banned or illegal items (including weapons and drugs), or those suspected as such, found in a search should be confiscated and given to the Deputy Master Pastoral. Weapons, illegal drugs and other items evidencing a criminal offence will be passed on to the police. With regard to stolen items, the police do not need to be involved with low value items but the College may judge it appropriate to contact the police if the stolen items are valuable or illegal.
- The College is entitled to confiscate, retain or dispose of property as a disciplinary penalty, where reasonable to do so.

Returning confiscated items

Items confiscated in less serious circumstances (e.g. personal electronic equipment being used inappropriately during lessons), should be kept safely by the member of staff and arrangements made for their return. Where practical, they may be taken to the relevant school office for collection by the pupil at an agreed time such as the end of school. Staff should use discretion when confiscating items which are merely distracting: these may be returned at the end of the lesson with the instruction that they should not reappear in lessons.

Further Guidance

For further guidance please consult the Deputy Master Pastoral and/or refer to the Department for Education Guidance [“Searching, Screening and Confiscation”](#).