

Searching and Confiscation Policy

9 October 2026

About This Document

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History

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1. Introduction

1.1. The Vine Christian School fully recognises the responsibility it has under section 157 of the Education Act 2002 to have arrangements in place to safeguard and promote the welfare of children.

1.2. This policy is a whole school policy and applies to all students including those in the EYFS. Care and consideration will be given to the age of the child when following the guidance in this policy.

1.3. This policy applies to all staff, volunteers, and contractors, paid and unpaid, working in the school including governors and trustees.

1.4. This policy has been written regards to Searching, Screening and Confiscation: guidance for schools (DfE, July 2022, as updated), Keeping Children Safe in Education 2026, the statutory Mobile phones I schools guidance applying from 1 September 2026 and the Independent School Standards. The DfE searching guidance applies to independent schools in England.

https://www.gov.uk/government/publications/searching-screening-and-confiscation

1.5. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010.

1.6. Key Principles (from current DfE Searching, Screening and Confiscation guidance)

i. Safeguarding first – the best interests of the pupil must always be at the heart of any decision to search.

ii. Lawful – searches must be justified and comply with statutory powers.

iii. Proportionate – only carried out when necessary and no more intrusive than necessary.

iv. Necessary – balancing pupil rights with safeguarding and school order.

v. Respectful – minimising embarrassment or distress.

vi. Supportive – always follow-up wit pastoral or safeguarding support where appropriate.

2. Search with Consent

2.1. School staff may search a pupil for any item where the pupil agrees. Before any search, staff should seek the pupil's cooperation and take account of the pupil's age, understanding and any additional needs.

2.2. It is enough for a member of staff to ask the pupil to turn out their pockets, or to ask whether they may look in the pupil's bag or locker, and for the pupil to agree. Written consent is not required.

2.3. The school will make clear in its Behaviour Policy, school rules and communications to parents and pupils which items are banned and which banned items may be searched for. If the school wishes authorised staff to use the statutory search power for non-statutory banned items such as e-cigarettes/vapes or mobile phones, those items must be identified in the school rules as items for which a search may be made.

2.4. If a member of staff suspects that a pupil has a banned item, they should first seek the pupil's cooperation. Where the item is a statutory prohibited item, or an item identified in the school rules as searchable, an authorised member of staff may conduct a search without consent where the statutory conditions are met.

2.5. If a pupil refuses to cooperate, staff should consider the reasons for refusal, including and safeguarding concern, disability, special educational need, communication difficulty or previous distressing experience. An appropriate sanction may be applied in accordance with the Behaviour Policy, but reasonable adjustments and the pupil's welfare must be considered.

3. Search without Consent

3.1. The Headteacher and members of staff authorised by the Headteacher have a statutory power to search a pupil or the pupil's possessions without consent where they have reasonable grounds for suspecting that the pupil may have a prohibited item. For this purpose, prohibited items include the statutory prohibited items below and any item identified in the school rules as an item for which a search may be made. The statutory prohibited items are:

i. knives or weapons
ii. alcohol
iii. illegal drugs
iv. stolen items
v. tobacco and cigarette papers
vi. fireworks
vii. pornographic images
viii. 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 the property of, any person (including the student)

3.2. Non-statutory banned items are:

i. The statutory list does not include e-cigarettes or vapes. If these, mobile phones or other non-statutory banned items are to be searchable without consent, they must be identified in the school rules as items for which a search may be made.

3.3. The member of staff conducting the search must be the same sex as the pupil being searched, and there must be a witness who is also a member of staff. Where reasonably practicable, the witness should also be the same sex as the pupil.

3.4. There is a limited exception. A search may be carried out by a member of staff of the opposite sex and/or without a witness only where the member of staff reasonably believes there is a risk that serious harm will be caused to a person if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff.

4. Establishing Grounds for a Search

4.1. Before carrying out a search without consent, the authorised member of staff should assess the urgency and risk, consider the pupil's age and needs, explain why the search is being carried out and how and where it will take place, and give the pupil an opportunity to ask questions. The pupil's cooperation

should always be sought first. Reasonable grounds may arise from information from others, observed behaviour, CCTV or other.

4.2. In the exceptional circumstances when it is necessary to search a pupil of the opposite sex or without a witness, the member of staff should have particular regard to the pupil's privacy, dignity, age, vulnerability and any additional needs.

4.3. The statutory power may be used where the member of staff has reasonable grounds for suspicion even if the item in not ultimately found or is later found not to be illegal or stolen.

4.4. The Headteacher and Pastoral Principal can view CCTV footage to decide as to whether to conduct a search for an item.

4.5. Searches without consent may only be carried out on school premises or elsewhere where the member of staff has lawful control or charge of the pupil, for example on a school trip in England.

4.6. After every search, whether or not an item is found, staff should consider whether the circumstances indicate that the pupil is suffering, or is likely to suffer, harm and whether pastoral support, Family Help or a referral to children's social care or another agency may be required. Any safeguarding concern must be reported to the DSL or Deputy DSL without delay.

5. Confiscation

5.1. School staff can seize any prohibited item found because of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

5.2. When deciding what to do with confiscated items, staff will follow the current DfE Searching, Screening and Confiscation guidance and the school's Behaviour and Safeguarding policies.

6. Dealing with Electronic Devices (DfE guidance)

6.1. Where an electronic device is found during a lawful search, an authorised member of staff may examine data or files on the device where there is a good reason to do so. Any decision to retain, erase or pass on data must follow the DfE guidance and take account of safeguarding, data protection and the need to preserve evidence.

6.2. A good reason to examine data or files exists where the member of staff reasonable suspects that the data or file has been, or could be, used to cause harm, disrupt teaching, commit an offence or breach the school Behaviour Policy or school rules.

i. If material on the device may constitute evidence of an offence, staff should not delete it. The device and/or relevant material should be secured and passed to the police as soon as reasonably practicable where required by the DfE guidance or police advice.

ii. If other inappropriate material is found, the member of staff should consider the nature and seriousness of the material, whether it should be retained, whether the DSL should be involved and whether the police or other agencies should be contacted. Staff should not erase material where doing so could destroy evidence or interfere with a safeguarding response.

iii. Where a device may contain nudes or semi-nudes involving children, including images generated or digitally altered using artificial intelligence, staff must follow the school's Safeguarding and Child

Protection Policy, Sharing Nudes and Semi-Nudes Policy and current UKCIS guidance. All incidents involving the making or sharing of nudes or semi-nudes require a safeguarding response, whether consensual or non-consensual.

iv. Staff must not intentionally view, copy, print or share child sexual imagery. If such material is encountered, staff should stop viewing it, secure the device, inform the DSL immediately and follow safeguarding procedures and any advice from the police or other relevant agencies. The material must not be deleted unless this is clearly authorised under the applicable guidance and safeguarding arrangements.

v. Any search or confiscation involving an electronic device must be handled in a way that protects the pupil's privacy and preserves evidence while ensuring that safeguarding concerns are acted on promptly.

7. Guidance for Carrying out a Search: What the Law Says

7.1. The person conducting the search may not require the student to remove any clothing other than outer clothing.

7.2. '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.

7.3. Possessions' means any goods over which the student has or appears to have control, including desks, lockers and bags.

7.4. A pupil's possessions should normally be searched in the presence of the pupil and another member of staff. The limited serious-harm exception applies where delay would create a risk of serious harm, and it is not reasonably practicable to summon another member of staff.

7.5. The statutory power permits a personal search involving removal of outer clothing and searching of pockets. School staff must not carry out an intimate or strip search.

7.6. Reasonable adjustments must be made for disabled pupils and pupils with special educational needs. Staff should also consider communication needs, trauma, cultural factors and any other vulnerability when deciding whether and how to search.

8. Lockers and Desks

8.1. Under common law, the school may search lockers and desks for any item where the pupil agrees. The school may also make it a condition of using a locker or desk that it may be searched in accordance with the school rules.

8.2. Where a pupil does not consent, an authorised member of staff may search a locker, desk or other possessions without consent only where the statutory search power applies, including for a statutory prohibited item or an item identified by the school rules as searchable.

8.3. Where a pupil resists a search, force may only be used where the law permits and where it is reasonable and proportionate. Staff must follow the school's Physical Intervention Policy and current DfE guidance.

9. Use of Force

9.1. See Physical Interventions Policy

9.2. Strip Searches

i. School staff must never conduct a strip search. If staff believe an item may be concealed under clothing and recovery is necessary, they should consider whether police involvement is absolutely necessary, balancing the risk of the suspected item against the potentially traumatic impact of a strip search and considering less intrusive alternatives wherever possible. Any police strip search much comply with PACE Code C 2023 and current DfE guidance.

ii. Where the police decide that a strip search involving exposure of intimate parts is necessary, the school will seek to ensure safeguards in PACE Code C are followed.

- The search must be conducted by the police. Where intimate parts may be exposed, there should normally be two people present other than the pupil, one of whom is the appropriate adult, and the searching officer must be of the same sex as the pupil. School staff should raise concerns if the required safeguards do not appear to be followed.
- Unless there is an immediate risk of harm and where reasonably practicable, the school should inform a parent before a police strip search takes place. Parents must also be informed as soon as practicable after the search, unless a safeguarding reason requires a different approach in consultation with relevant agencies.
- The DSL must be informed. After any strip search, the pupil will be offered appropriate safeguarding and pastoral support whether or not an item is found and will be given an opportunity to express their views about the incident.
- Every police search, including any strip search, will be recorded in the school's safeguarding reporting system, including the reason for the search, who was present, the outcome, parent notification and any follow-up action.

iii. The school will always balance safety and the need to recover a harmful item with the pupil's rights to privacy, dignity and safeguarding, with particular regard to vulnerable pupils and those with SEND.

10. Informing Parents

10.1. There is no general requirement to inform parents before an ordinary school search. Different arrangements apply where police involvement or a possible strip search is being considered, as set out above.

10.2. Parents will always be informed as soon as practicable after a search for a statutory prohibited item. They will be told the outcome of the search, any item confiscated and any resulting sanction or safeguarding action. For searches for other school-rule items, the school will follow its Behaviour Policy and consider the seriousness and circumstances of the incident.

10.3. If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed.

10.4. Parents are informed about the school's approach to searching through the Behaviour Policy, school rules and related procedures.

11. Safeguarding Follow-up

11.1. Following any search, staff should consider the pupil's welfare and whether additional support is needed. Where the circumstances suggest abuse, exploitation, criminal involvement, self-harm, risk from others or another safeguarding concern, the DSL or Deputy DSL will consider appropriate support, Family Help and/or referral in accordance with the Safeguarding and Child Protection Policy.

12. Record Keeping

12.1. In line with DfE guidance, every search for a statutory prohibited item and every search conducted by the police will be recorded in the school's safeguarding reporting system, whether or not an item is found.

12.2. The record should include the date, time and location of the search; the item searched for; the reason for the search; who conducted and witnessed it; the outcome; any item confiscated; any use of force; parent notification; and any follow-up or safeguarding action.

12.3. The school will also record other searches where there is a safeguarding concern, refusal to cooperate, use of force, significant confiscation or further disciplinary or pastoral action.

12.4. The DSL and Deputy DSL should be informed where a search concerns a statutory prohibited item and without delay where a search reveals or gives rise to a safeguarding concern