Searching and Confiscation Policy 2025 - 2026

Author:
C Phelps, Head
Approved by the Board of Governors:
August 2025
Date of next review:
August 2026

MORE HOUSE SCHOOL
KNIGHTSBRIDGE

Contents

1. Context **2**
2. Safeguarding **3**
3. Who will carry out a search and when **3**
'Reasonable grounds' 4
4. Search with Consent **4**
5. Search Without Consent **5**
6. Procedure for carrying out a search **5**
Before a search 5
If a pupil refuses to cooperate 5
Searching a pupil's clothes 6
Searching a student's possessions 6
7. Confiscation **6**
8. Dealing with Electronic Devices (statutory guidance) **7**
9. The Requirement to Strip Search **7**
Before a search 7
During the search 8
The Duty of Care of the School 8
After the search 8
10. Lockers **8**
11. Use of force **9**
12. Informing Parents **9**
13. Record Keeping **9**
14. Monitoring and Review **10**
15. Key Contacts **10**

1. Context

1.1 More House 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. At all times the 'best interests' of the child will remain the primary consideration.

1.2 This policy is a whole School policy and applies to all pupils. 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.

1.4 This policy has been written using advice taken from Searching, screening and confiscation: advice for Schools 2022 (use from 1 September 2022), and following the the publication of the Safeguarding review report on the case of Child Q. The School acknowledges its legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs (SEND) through the Equality Act 2010.

1.5 The School considers the rights of all students to expect a reasonable level of personal privacy, under Article 8 of the European Convention on Human Rights. Any 'interference' with this right by the School will be justified and proportionate.

1.6 The School will only consider the use of a search if there is good reason to. The School will consider that for the student, it could infringe upon their well-being and rights in the following way:

- Physical loss of privacy;
- Loss of sense of security, and/or
- Have an impact on a student's dignity or reputation.

2. Safeguarding

2.1 Children in possession of drugs, alcohol or weapons should be considered vulnerable and at risk of exploitation. Keeping Children Safe in Education 2025, highlights the need to be alert to potential risks of children who are:

- Showing signs of being drawn into antisocial or criminal behaviour;
- In challenging family circumstances, such as drug and alcohol misuse, and
- Misusing drugs or alcohol themselves.

2.2 A search can play a vital role in identifying students who would benefit from early help or a referral to the local authority children's social care services.

2.3 The Designated Safeguarding Lead (DSL) will make an immediate referral if they find evidence that the child is at risk of harm.

3. Who will carry out a search and when

3.1 Any staff member has the power to search pupils for any item if the pupil agrees.

3.2 Only the Head and the members of the Leadership Team authorised by the Head (and listed below) have the power to search a student for a prohibited or banned item, regardless of whether the pupil agrees:

- Director of Pastoral Care, and
- Director of Studies.

3.3 The authorised staff member must have permission from the Head and have 'reasonable grounds' to suspect that the student may have a prohibited or banned item.

3.4 Under law the staff member conducting the search must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should also be the same sex as the pupil being searched.

3.5 There is a limited exception to this rule. Staff can carry out a search of a pupil of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

'Reasonable grounds'

3.6 As there is no specific guidance on what 'reasonable grounds' to suspect a pupil has prohibited items means, the School deems the following as 'reasonable grounds':

- Hearing the student or other students talking about an item;
- Being told directly of an item;
- Seeing an item in a student's possession, and/or
- Noticing a student behaving in a way that causes suspicion that they are concealing an item.

4. Search with Consent

4.1 The School will take into account the age of the child when considering consent.

4.2 It is enough for the teacher to ask the pupil to turn out his or her pockets or if the teacher can look in the pupil's bag or locker and for the pupil to agree. They do not need written consent from the child.

4.3 The School makes clear in the Behaviour and Discipline Policy and in communications to parents and pupils what items are banned.

4.4 If a member of staff suspects a pupil has a banned item in their possession, they should contact the Head or Deputy Head.

4.5 Whilst the School will seek informed co-operation of the student, refusal of consent to a search raises the same kind of issues as where a pupil refuses to stay in detention, or refuses to stop any other unacceptable behaviour when instructed by a member of staff. In such circumstances, Schools can apply an appropriate sanction.

5. Search Without Consent

5.1 The Head and staff authorised by the Head 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 or weapons;
- Alcohol;
- Illegal drugs;
- Stolen items;
- Tobacco, cigarette papers, e-cigarettes (also known as Vapes) and/or associated paraphernalia;
- Lighters/matches;
- Fireworks;
- Pornographic images, and
- Any article a staff member 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 pupil).

Whilst E-Cigarettes are not directly listed in the Searching, Screening and Confiscation guidance DfE 2022 of prohibited items, E-cigarettes also known as Vapes are identified as prohibited against the School Rules. Therefore in line with DfE guidance, E-cigarettes also known as Vapes are listed as an item which may be searched for.

5.2 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 pupil, for example on School trips in England or in training settings.

6. Procedure for carrying out a search

Before a search

6.1 The Head or authorised member of staff should:

- Make an assessment of how urgent the search is, and consider the risk to other pupils and staff;
- Explain to the pupil why they are being searched, how and where the search will happen, and give them the opportunity to ask questions about it, and
- Always seek the pupil's cooperation.

If a pupil refuses to cooperate

6.2 In this case, the authorised member of staff should first consider why this is, and act proportionately. It may be that the pupil:

- Is in possession of a prohibited or banned item;
- May not understand the instructions or what a search will involve, and
- Has had a previous distressing experience of being searched.

6.3 If the pupil still refuses to cooperate:

- The staff member may sanction the student in line with the Behaviour and Discipline Policy;
- The staff member should assess whether it's necessary to use reasonable force to conduct the search, considering whether this would prevent the student from harming themselves or others, damaging property or causing disorder; and
- Reasonable force can be used to search for prohibited items but not other items banned by the School.

Searching a pupil's clothes

6.4 A search with a student should be carried out in an appropriate location that offers privacy from other students.

6.5 Authorised staff can search a pupil's pockets and require pupils to remove outer clothing, meaning clothes that are not worn directly next to the skin or over underwear. Outer clothing also includes:

- Gloves
- Scarves
- Shoes

6.6 Staff **cannot** ask students to take off any further items of clothing.

6.7 Authorised staff will be sensitive to whether a student is wearing outer clothing for religious reasons when conducting a search. For example, they would not require a female pupil to remove a headscarf being worn for religious reasons if the witness is male.

Searching a student's possessions

6.8 Authorised staff can search lockers and bags in the presence of the pupil and another member of staff (except in cases where there's a risk of harm and where it's not reasonably practicable to summon another member of staff - see section above on who can conduct a search for more detail).

6.9 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.

7. Confiscation

7.1 An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;
- is prohibited, or identified in the School Rules as an item for which a search can be made; or
- may be used as evidence in relation to an offence.

7.2 When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2022

8. Dealing with Electronic Devices (statutory guidance)

8.1 Where the person conducting the search finds an electronic device, they may examine any data or files on the device if they think there is a good reason to do so. This could include reasonable suspicion that the device has (or could be used to):

- Cause harm;
- Undermine the safe environment of the School or disrupt teaching, or
- Commit an offence.

8.2 If a staff member has good reason to suspect that the device contains an indecent image or video of a child, they **should not** view the data or files but should refer the incident to the DSL following the Safeguarding and Child Protection Policy.

8.3 Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

8.4 In determining a 'good reason' to examine or erase the data or files, the staff member must 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 to go against the expectation in the School's Behaviour and Discipline Policy.

8.5 If inappropriate material is found on the device it is up to the teacher to 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. If indecent images of a young person (under 18) are viewed by accident (e.g images stored on the device seen but were not searched for by the staff member), this should be reported to the DSL.

9. The Requirement to Strip Search

9.1 School staff are not allowed to carry out strip searches, including the Head and authorised staff. Only police who have been asked to come to the School may decide whether a search is necessary and carry it out. The Police can only carry out a search if they:

- Think this is necessary to remove an item related to a criminal offence, and
- Reasonably consider the pupil might have concealed such an item.

9.2 The School will only call the police into School as a last resort and will always put the best interests of the child first.

Before a search

9.3 Where reasonably possible, the School will inform a parent that a strip search will happen (and will **always** inform them after it's been carried out)

9.4 The School will make sure an 'appropriate adult' is present during the search. An 'appropriate adult' is classified as a person whose role is to safeguard the rights and welfare of children who are suspected of a criminal offence, by ensuring they're treated fairly and are able to participate effectively.

During the search

9.5 The police officers conducting a strip search **must** be the same sex as the pupil.

9.6 There **must** be at least 2 people present other than the pupil, including the 'appropriate adult'. The search may only take place without an appropriate adult if:

- It's an urgent case where there is risk of serious harm to the pupil or others, or
- The pupil explicitly states that they don't want an appropriate adult present for the search, and the appropriate adult agrees and signs a record of the pupil's decision.

9.7 The appropriate adult should be the same sex as the pupil, unless they specifically request someone else.

The Duty of Care of the School

9.8 The role of the School is to advocate for pupils' wellbeing at all times. A strip search can be highly distressing for the pupil, and for staff and other pupils affected.

9.9 The police **cannot** overrule the School's safeguarding duty, for example by requesting that the appropriate adult leave the room when they talk to the pupil.

9.10 Further details on the process the police must follow are available on DfE's searching, screening and confiscation guidance.

After the search

9.11 The safeguarding of the student will always be the centre of priority, regardless of whether a prohibited item is found. The pupil should have an opportunity to express their views regarding the search.

9.12 If a prohibited item is found the School will:

- Consider it a safeguarding matter as well as a police matter, and
- Involve relevant staff such as the DSL and treat the pupil as potentially vulnerable.

9.13 If a prohibited item is not found:

- A safeguarding approach will be taken to supporting the pupil to cope with the experience of being searched, and

- The School will consider the wider safeguarding issues that may have informed them of the need to search the student.

10. Lockers

10.1 Under common law powers, Schools are able to search lockers for any item provided the pupil agrees. Schools can also make it a condition of having a locker that the pupil consents to have these searched for any item whether or not the pupil is present.

10.2 If a pupil does not consent to a search (or withdraws consent) then it is possible to conduct a search without consent but only for the "prohibited items" listed above.

11. Use of force

11.1 See the Use of Force to Restrain/Control Pupils and Physical Contact with Pupils Policy found in the Behaviour and Discipline Policy.

12. Informing Parents

12.1 There is no requirement for the School to inform parents before a search.

12.2 The School will reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should **always** be informed if any search for a prohibited item listed above has taken place and of 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.

12.3 The School may consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the School policy.

12.4 Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the pupil or the School.

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

13. Record Keeping

13.1 There is a legal requirement for the School to keep records of

- Searches for prohibited items, and
- Any searches conducted by Police officers.

13.2 A record is kept on the Safeguarding platform (CPOMS), regardless of whether any items were found.

13.3 The following information will be recorded following a search:

- The date, time and location of the search;
- Which pupil was searched;

- Who conducted the search and any other adults or pupils present;
- What was being searched for;
- The reason for searching;
- What items, if any, were found, and
- What follow-up action was taken as a consequence of the search.

14. Monitoring and Review

14.1 Records are reviewed termly to analyse any trends within the School, and to identify any possible risks that may require a safeguarding response.

14.2 Data on searches will be reviewed to identify if any groups are disproportionately subject to searches.

15. Key Contacts

The Head is:

Claire Phelps, cphelps@morehousemail.org.uk

The Designated Safeguarding Lead is:

Suzanne Della-Porta, sdella-porta@morehousemail.org.uk

The Deputy Designated Safeguarding Leads are:

Michael Keeley, mkeeley@morehousemail.org.uk

and

Claire Phelps, cphelps@morehousemail.org.uk

The Director of Studies is:

Sinead O'Callaghan, socallaghan@morehousemail.org.uk