

# RIPLEY ST THOMAS

A CHURCH OF ENGLAND ACADEMY



## Confiscation and Search Policy

Originator Mrs K Benter  
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Ripley St Thomas CE Academy  
Ashton Road  
Lancaster  
LA1 4RS

**t** 01524 64496

**e** [admin@ripley.lancs.sch.uk](mailto:admin@ripley.lancs.sch.uk)

**website** [www.ripleystthomas.com](http://www.ripleystthomas.com)

*An Education for Life*

## Confiscation & Search Policy

### Statement of Intent

Ripley St Thomas Church of England Academy is committed to safeguarding and promoting the welfare of all of the members of its community. Accordingly there may be occasions when it becomes necessary to confiscate items from a pupil or search a pupil, including searching personal belongings or lockers.

This policy sets out the circumstances in which such confiscations and searches can be carried out and the means by which it should be done, in accordance with the DfE guidance "Searching, screening and confiscation advice for headteachers, school staff and governing bodies", January 2018

### Confiscation of Items NOT Permitted in School

The following list establishes which items are not permitted in school; it is not exhaustive. Where such items are brought in to school and are seen by staff, our policy is to confiscate them.

The following gives some guidance as to which items are not permitted in school:

- Laser pens / laser keyrings
- Make up (*please see Uniform and Appearance policy*)
- Cigarettes, tobacco, cigarette papers, cigarette lighters, matches, e-cigarettes, vaping devices etc. (*Ripley is a smoke and vape free site.*)
- Alcohol, illegal drugs and substances that could present a risk eg legal highs (*see Drugs & Alcohol management policy*)
- Items that could be used as a weapon eg BB guns, penknives, modelling knives, fireworks, catapults, improvised bladed items
- Stolen items
- Pornographic images (paper copies or electronically held on phones or other devices)
- 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.
- Chewing gum
- Energy drinks

Staff may search for any of these items with or without consent. Any such items found during a search will not be returned to the pupil.

### Grounds for a Search

Teachers are permitted to undertake a search where they have reasonable grounds for suspecting that a pupil may have a prohibited item in his or her possession. This may be the result of observing behaviour, monitoring by CCTV, or comments made by other staff, pupils or parents.

The staff at Ripley permitted to conduct a search are all members of the pastoral staff and the senior leadership team. This policy also applies to authorised school trips where school rules are in force. In such cases the trip leader and other supervising staff are also permitted to carry out a search.

In all circumstances the consent of the student to conduct a search should be requested, although consent is not always needed. The school is not required to seek parental consent before carrying out a search. No member of school staff will be *required* to carry out a search. The member of staff who will carry out the search should be the same sex as the pupil and there must always be a staff witness, who is preferably the same sex as the pupil. Searches can take place in exceptional circumstances without a witness where there is a risk that **harm** will be caused to a person if the search is not conducted immediately and where it is not **reasonably practical** to summon another member of staff.

### **Searching with Consent**

The searcher should not ask the pupil to remove any clothing other than outer clothing (clothing not worn next to the skin or immediately over a garment that is being worn as underwear, but 'outer clothing' does include blazers, coats hats, shoes, boots, gloves and scarves). The search should only include the removal of outer clothing and searching pockets, but not an intimate search (this would only be carried out by a police officer).

A pupil's possessions (meaning any items/areas which the pupil has control of or responsibility for - this includes lockers and bags) should only be searched in the presence of the pupil and another member of staff, acting as a witness.

### **Searching without Consent**

If the student **refuses to comply**, this is not necessarily an admission of guilt; however the matter will be referred to a member of the Senior Leadership Team. A member of SLT will make a judgement about whether the pupil's refusal puts them or others at risk of harm. A decision about whether there are reasonable grounds for suspecting that the pupil is in possession of a prohibited item will be made. If this is the case then a search should be carried out as far as possible, eg bags and locker. Failure to comply fully will necessitate staff making a judgement as to whether to contact the police and parents.

This category of search should only be led by a member of the SLT.

A search of a student of the opposite sex to the searcher and without a witness present should **only** take place where there is a reasonable belief that there is risk of **serious harm** being caused to a person if the search is not conducted immediately and where it is not **reasonably practical** to summon another member of staff.

### **Confiscation**

If the decision is taken to confiscate an item then it will be placed in a secure location. The decision to return confiscated items will be taken by a member of SLT. The items listed on page 2 will not be returned to the pupil.

Electronic devices - a confiscated electronic device (eg phone) should be handed to the Assistant Principal, or, in their absence, the Vice Principal and the mobile devices policy should be adhered to. However if during a search an electronic device is found and it is suspected that it contains data or a file which has been, or could be, used to cause harm, to disrupt teaching or break the school rules the material should be deleted or the device retained as evidence (of a criminal offence or a breach of school discipline). It could also be passed to the police if the material is of such seriousness that it would require their involvement. The decision should be taken in consultation with a member of SLT.

**Informing parent/guardians**

The school is not required to inform parent/guardians before a search takes place or seek their consent to search their child, or to inform them that a search has occurred. The school will contact the parent/guardians if items on the banned list on page 2 are found.

**Complaints**

All complaints regarding the searching or confiscation of materials should be dealt with through the normal school complaints procedure. See the 'Complaints policy' on the school website.