SEARCHING, SCREENING & CONFISCATION POLICY

The Courtyard offers a tailored educational and social provision with a holistic approach. We aim to equip our students with the skills and experiences needed to discover and thrive with increased independence in their next stage of life.

SEARCHING, SCREENING and CONFISCATION - POLICY STATEMENT

Approval Committee:	**Full Governing Body**
Author:	**Head of The Courtyard**
Last reviewed:	**Autumn 2026**
Next review date:	**Autumn 2029**
Required to publish on website?	**No**
Statutory?	**No**

Background

At the Courtyard we have an established Safeguarding and Pastoral team who have effective steps and policies in place to protect the safety and welfare of students and staff. We have a duty of care to ensure we are a safe and safeguarded setting and therefore actively promote good relationships so that people can work together with the common purpose of helping everyone to learn.

We recognise that some of our students may occasionally exhibit unacceptable behaviour because of their particular needs or disabilities but the way that challenging behaviours are managed within the Courtyard demonstrates a commitment to our vision and values by using a range of strategies which can be wholly personalised to the needs and complexities of the students who attend our school.

Objectives of this policy

This policy is based on the Department for Education advice for Headteachers, school staff and governing bodies 'Searching, screening and confiscation' DfE January 2018 to outline the legal powers the school has for screening and searching students. It also outlines the powers the school has to seize and then confiscate items found during a search.

Searching

School staff can search any pupil for any item if the pupil agrees. The Headteacher, Deputy Head or other member of the Pastoral Team have a statutory power to search students 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 and cigarette papers
- 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 to, or damage the property of, any person (including the pupil).
- The Headteacher and authorised staff can also search for any item banned by the school rules, which has been identified as an item which may be searched for.

Confiscation

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

Searching with consent:

- School staff can search students with their consent for any item
- Formal written consent is not required from the students (such as asking the students to turn out his or her pockets or if the teacher can look in a students' bag or locker and for the pupil to agree.
- The behaviour policy, shared with children and parents, will clearly state any items which are banned.
- If a member of staff suspects a pupil has a banned item in his/her bag and if the pupil refuses the search, the member of staff can apply an appropriate punishment as set out in the school's behaviour policy.

Searching without consent:

- The Headteacher or a member of staff authorised by the Headteacher can search without consent of child or their parent/ carer if they have reasonable grounds for suspecting a child is in possession of an item on the prohibited list.
- A member of staff must be the same sex as the pupil being searched; and there must be a witness.
- If you believe the child is at risk of serious harm if you do not search immediately then the search can be conducted on a child of the opposite sex and with or without a witness.
- 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 students, for example on school trips.

During the search

The law states:

- The person conducting the search may not request the students to remove clothing other than outer clothing.
- 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 cause to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.
- It does NOT enable or allow an intimate search going further than that, which only a person with more extensive powers (e.g. police officer) can do.
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an

offence or cause harm. Such force cannot be used to search for items banned under the school rules.

Electronic Devices

- If it is suspected that the device has been or is likely to be used to commit an offence or cause personal injury or damage to property then data or files on the device can be examined.
- This can be done under the powers of 'without consent' search if it is reasonably suspected to be used to commit an offence or cause personal injury or damage to property.
- If inappropriate material is found on a pupil's device, the Designated Safeguarding Lead will 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.
- Any 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 must not be deleted and must be given to the police as soon as reasonably possible.
- The school may delete files or data if they believe there is good reason (it could cause harm, disrupt teaching or break the school rules) to do so and they are not needed to be given to the police.

After the search

- Senior leaders can use their discretion to confiscate, retain or to destroy any item found so long as it is reasonable in the circumstances.
- Any offensive weapon, controlled drugs, stolen items (unless low value eg. pencil cases), pornographic images that are a specified offence (ie. extreme or child pornography) must be passed to the police.
- The school will inform the individual pupil's parents or guardians where a search has taken place, though there is no legal requirement to do so.

Schools obligation under the EU Convention on Human Rights

Under article 8 of the European Convention on Human Rights, students have a right to respect for their private life. In the context of these particular powers, this means that students have the right to expect reasonable level of personal privacy. The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school must be justified and proportionate. The powers of search in the Education Act 1996 are compatible with Article 8.

Screening

Schools can require students to undergo screening by a walk-through or hand-held metal detector. We do not have such devices in the school at present but will review this and keep parents/carers updated as necessary.