

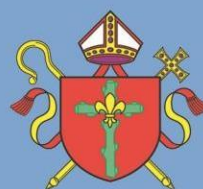


**OUR LADY
OF LOURDES**

CATHOLIC MULTI-ACADEMY TRUST

Searching, screening and
confiscation policy

ALL SAINTS' CATHOLIC
ACADEMY



Our Lady of Lourdes Catholic Multi Academy Trust Mission Statement

We are a partnership of Catholic schools. Our aim is to provide the very best Catholic education for all in our community and so improve life chances through spiritual, academic and social development.

By placing the person and teachings of Jesus Christ at the centre of all that we do we will:

- Follow the example of Our Lady of Lourdes by nurturing everyone in a spirit of compassion, service and healing.
- Working together so that we can all achieve our full potential, deepen our faith and realise our God-given talents.
- Make the world a better place, especially for the most vulnerable in our society by doing 'little things with great love'. (*St Therese of Lisieux*)

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Nominated Lead Member of Staff:	Nina Kilday
Trust Safeguarding Director	Mrs Sue Dryden
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Introduction

In September 2022, the Department for Education (DfE) released updated guidance on searching, screening, and confiscation in schools, following the Safeguarding Practice Review report on the Child Q case, where a pupil was strip-searched without parental consent. This case underscored the need to prioritise safeguarding within every school's approach to handling searches. The updated DfE guidance emphasises that schools must integrate safeguarding responsibilities into their search procedures, ensuring the rights, wellbeing, and dignity of all students are upheld.

This policy outlines our commitment to safeguarding as we balance the need to confiscate items that may be harmful, illegal, or disruptive with the importance of maintaining the wellbeing and rights of the student involved. Key aspects of the updated guidance include specifying which staff members may conduct searches, ensuring searches are properly recorded in our school's safeguarding system, and addressing how searches should be conducted before, during, and after. Furthermore, the guidance outlines appropriate practices for strip searches and requires staff to support students afterward.

In alignment with the principles of Keeping Children Safe in Education (KCSIE 2024), our approach to searches prioritises the 'best interests' of the child, emphasising that any interference with a student's right to privacy is justified, necessary, and proportionate. By documenting and analysing the demographics of students subject to searches, we also remain vigilant to potential biases in the decision-making process.

Searches and confiscations should always be treated as safeguarding issues. Students found in possession of prohibited items such as drugs, alcohol, or weapons will be considered vulnerable and potentially at risk, prompting further safeguarding actions. In all cases where prohibited items are identified or suspected, our designated safeguarding lead (DSL) will be informed, with referrals to local authority children's social care services made where appropriate.

Finally, this policy integrates with our **behaviour policy** (which can be found on the school's website) detailing which staff members may conduct searches, how consent will be obtained, and the steps to be taken if a student refuses to cooperate. This approach is grounded in the overarching goal of safeguarding all members of our school community while respecting individual rights.

In line with the core values of the Gospel, as embraced by Our Lady of Lourdes Catholic Multi-Academy Trust, all relationships and actions within our school community are built upon:

- Faithfulness and integrity
- Dignity and compassion
- Humility and gentleness
- Truth and justice
- Forgiveness and mercy
- Purity and holiness
- Tolerance and peace
- Service and sacrifice

These values guide our approach to searches and confiscations, ensuring that every action taken reflects our commitment to the spiritual, academic, and social development of our students.

1 What legislation does this policy refer to?

[Searching, screening and confiscation in schools - GOV.UK](#)

- Coroners and Justice Act 2009
- Criminal Justice and Immigration Act 2008
- Health and Safety at Work etc. Act 1974
- The Education Act 1996
- The Education and Inspections Act 2006
- The Education (Independent School Standards) Regulations 2014
- The schools (Specification and Disposal of Articles) Regulations 2012

2 Context:

Our Lady of Lourdes CMAT (OLOL CMAT) and all its academies, 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.

This policy is a whole school policy and applies to all pupils including those in the 6th Form. Care and consideration will be given to the age of the child when following the guidance in this policy.

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

This policy has been written using advice taken from Searching, Screening and Confiscation (**SSC**): Advice for Headteachers, school staff and governing bodies, July 2022.¹

Our school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010²

Before screening or conducting a search of a pupil, it is vital that our school considers their obligations under the European Convention on Human Rights. Under Article 8³, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a 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 (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise their searching powers in a lawful way (SSC, pg. 6).

¹ [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](#)

² [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

³ [Human Rights Act 1998 \(legislation.gov.uk\)](#)

3 Searching

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive. Our school's behaviour policy⁴ is located on our website.

Our school will contact their link DPS if the police are called or if there is a need to search a pupil.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in below or any other item that our School's Behaviour Policy⁵ identify as an item which may be searched for.

3.1 The list of prohibited items:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- 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 of; any person (including the pupil).
- an article specified in regulations⁶:
 - tobacco and cigarette papers;
 - e cigarettes and vapes
 - fireworks; and
 - pornographic images.

Under common law, our school staff have the power to search a pupil for any item if the pupil agrees. Our member of staff will ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's social care services.

The DSL will ensure such referrals are made in a timely manner in line with the Safeguarding and Child Protection Policy.

Our school's behaviour policy does outline the banned items for which a search can be made. This includes the list of [prohibited items above](#), and includes other items which our school has decided are detrimental to maintaining high standards of behaviour and a safe environment e.g. e-cigarettes or vapes.

⁴ For more information on what should be included in a school's behaviour policy, see the [Behaviour in schools](#) ^[OBJ]

⁵ [The Education \(Independent School Standards\) Regulations 2014 \(legislation.gov.uk\)](#) See Schedule1, Paragraph 9.

⁶ [The Schools \(Specification and Disposal of Articles\) Regulations 2012 \(legislation.gov.uk\)](#)

Our school's behaviour policy is communicated to all members of our school's community to ensure expectations are transparent to all pupils, parents and staff, and provide reassurance that any searching of a pupil will be implemented consistently, proportionately and fairly, in line with our school's policy.

When exercising their powers, we will always consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and we will make any reasonable adjustments that may be required where a pupil has a disability.

As our school uses CCTV, staff may consider any footage to decide whether to conduct a search for an item. Please see our CCTV policy for further guidance.

4 The role of the headteacher, the designated safeguarding lead and authorised members of staff.

Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in our school's behaviour policy. The headteacher may not require any other member of staff to undertake a search if they refuse.

Authorised Member of staff:	Authorised:
C Cuomo	For all prohibitive items in the list
L Johnson	For all prohibitive items in the list
C Hutchinson	For all prohibitive items in the list
N Kilday	For all prohibitive items in the list
H Flint	For all prohibitive items in the list
R Davie	For all prohibitive items in the list
A Wain	For all prohibitive items in the list
D Humphreys	For all prohibitive items in the list
S Corner	For all prohibitive items in the list
J Thompson	For all prohibitive items in the list
S Harris	For all prohibitive items in the list
A Collins	For all prohibitive items in the list
R Goodwin	For all prohibitive items in the list
C Hall	For all prohibitive items in the list
J Webley	For all prohibitive items in the list
D Bamford	For all prohibitive items in the list
C Warriner	For all prohibitive items in the list

The headteacher **will** oversee our school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (**DSL**) or deputy (**DDSL**).

The headteacher will ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the pupil who is being searched.

If the DSL or DDSL finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The DSL or DDSL will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

5 Recording Searches

Any search by a member of staff for a **prohibited item** listed in the [prohibited items above](#) and all searches conducted by police officers will be recorded within CPOMs, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by our school rules should be recorded. Staff members should follow our school policy in these cases.

Each record will include:

- 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.

Our school will always check to ensure whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data.

6 Before searching

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in our School's Behaviour Policy for which a search can be made, or if the pupil has agreed.

The authorised member of staff will make an assessment of how urgent the need for a search is and will consider the risk to other pupils and staff.

Before any search takes place, the member of staff conducting the search will explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff will always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is.

Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

If a pupil continues to refuse to co-operate, the member of staff will sanction the pupil in line with our school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly (See our school's behaviour policy for more information on sanctions).

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, DSL, DDSL or pastoral member of staff who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.

If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in the [prohibited items above](#)⁷. See guidance on the [Use of reasonable force in schools - GOV.UK \(www.gov.uk\)](#). The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder⁸.

The use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

7 During a search

7.1 Where we can search.

An appropriate location for the search will be found. Where possible, this will be away from other pupils. The search must only take place on our school's premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.⁹ We will ensure that all staff are conversant with the laws and regulations of any country visited outside of England.

7.2 Who can search.

The law states the member of staff conducting the search must be of the same sex as the pupil being searched. **There must be another member of staff present as a witness to the search.**

There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a witness present **only**:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.¹⁰

When a member of staff conducts a search without a witness, they should immediately report this to the headteacher, and ensure a record of the search is kept ([See recording searches](#)).

7.3 The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search will not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves. Our staff members will be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.

'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

⁷ [Education Act 1996 \(legislation.gov.uk\)](#)

⁸ [Education and Inspections Act 2006 \(legislation.gov.uk\)](#)

⁹ The powers to search outlined in this guidance only apply in England. When on a trip outside England, the law of that country should be followed.

¹⁰ [Education Act 1996 \(legislation.gov.uk\)](#)

A member of our staff is able to search lockers or other personal spaces at our school for any item provided the pupil agrees. If the pupil withdraws their agreement to search, a search may be conducted both for the [prohibited items above](#) and any items identified in our School's Behaviour Policy for which a search can be made.

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. Refer to the ["Who can search"](#) section in this policy.

The member of staff's power to search outlined above does not enable them to conduct a strip search.

8 Strip searching

See Appendix 2 for a flow chart

Our School staff are ***not allowed*** to carry out strip searches, including the headteacher and authorised staff. Only police who have been asked to come to our 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

We will call the police into school as a last resort:

We will always put the best interest of the child first. This means that before we decide to call the police into school we will:

- Make sure that we have exhausted all other approaches
- Carefully weigh up the risks to the pupil's mental and physical wellbeing with the need to conduct a search

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by **police officers** under the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice CODE A](#) and in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice CODE C](#). While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.¹¹

Before calling police into school, staff will assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and we will always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of our school is to advocate for the safety and wellbeing of the pupil(s) involved.

¹¹ ***From a pupil wellbeing perspective, we will wish to involve an appropriate adult as a matter of course during all searches conducted by police***

Unless there is an immediate risk of harm and where reasonably possible, staff will inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents will always be informed by a staff member once a strip search has taken place. We will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

8.1 The process the police must follow during a strip search

Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there will be at least two people present other than the pupil, one of which must be the appropriate adult.¹² If the pupil's parent would like to be the appropriate adult, our school will facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only if the pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record will be made of the pupil's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. [PACE Code C](#) states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item.

Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed

8.2 After-care following a strip search

Pupils will be given appropriate support, irrespective of whether the suspected item is found.

If an item is found, this may be a police matter, but should always be accompanied by a safeguarding process handled by our school which gives attention to the pupil's wellbeing and involves relevant staff (DSL and or DDSL). Safeguarding will also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it. School staff will give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency, and consider preventative approaches.

8.3 After a search

Whether or not any items have been found as a result of any search, we will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed.

Where this may be the case, we will follow our school's child protection policy and speak to the DSL and DDSL as set out in Part 1 of Keeping children safe in education. We will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

¹² The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult will not be a police officer or otherwise associated with the police. Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation. Note that an appropriate adult is not required when a pupil is eighteen or above.

If any of [prohibited items listed above](#) are found during the search, the member of staff will follow the guidance set out below on [confiscation](#).

If a pupil is found to be in possession of a [prohibited items listed above](#), then our staff member will alert the DSL and or DDSL and the pupil should be sanctioned in line with our school's behaviour policy to ensure consistency of approach.

Informing Parents

Our school will reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents will always be informed of any search for a [prohibited items listed above](#) that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action our school has taken, including any sanctions applied.

We will consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by our school policy.

Any complaints about searching, screening or confiscation should be dealt with through the normal school and Trust's complaints procedure.

9 Confiscation

9.1 Items found as a result of a search

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 our School's Behaviour Policy for which a search can be made; or
- is evidence in relation to an offence

Prohibited or illegal items

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so¹³. In these cases, the member of staff will safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff will have regard to the following guidance below issued by the Secretary of State.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

Where a person conducting a search finds **alcohol, tobacco, cigarette papers or fireworks**, they may retain or dispose of them as they think appropriate but should not return them to the pupil.

If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a

¹³ Legally, schools do not have to give the name of the pupil from whom drugs have been taken to the police. Schools should consider this on a case-by-case basis. Please see the [Advice template \(publishing.service.gov.uk\)](#) for more information on the relevant powers and duties in relation to powers to search for and confiscate drugs, liaison with the police and with parents.

child) in which case it must be delivered to the police as soon as reasonably practicable¹⁴. Members of staff should never intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images. [See below for further advice on searching electronic devices.](#)

Where a member of staff finds stolen items, these will be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff will have regard to the following guidance issued by the Secretary of State below.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article.

In taking into account the relevant circumstances, the member of staff should consider the following:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by our school;
- whether retaining or returning the item to the owner may place any person at risk of harm; and
- whether the item can be disposed of safely.

Any **weapons or items which are evidence of a suspected offence** must be passed to the police as soon as possible.

Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** will be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff will have regard to the guidance issued by the Secretary of State below.

The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of.

In taking into account all relevant circumstances the member of staff should consider:

- whether it is safe to dispose of the item; and
- whether and when it is safe to return the item

If a member staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

Members of staff should use their judgement to decide to return, retain or dispose of any other items banned under our School's Behaviour Policy. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State below.

The member of staff will take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item.

In taking into account all relevant circumstances, the member of staff should consider:

¹⁴ Section 62 [Coroners and Justice Act 2009 \(legislation.gov.uk\)](#) defines prohibited images of children. Section 63 of the [Criminal Justice and Immigration Act 2008 \(legislation.gov.uk\)](#) defines extreme pornographic images.

- the value of the item;
- whether it is appropriate to return the item to the pupil or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of our school.

9.2 Electronic devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

As with all prohibited items, staff will first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in [Items found as a result of a search](#), if there is good reason to do so.

If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff will never intentionally view the image, and will never copy, print, share, store or save such images.

When an incident might involve an indecent image of a child and/or video, the member of staff will confiscate the device, avoid looking at the device and refer the incident to the DSL and or DDSL as the most appropriate person to advise on our school's response.

Handling such reports or concerns can be especially complicated and we will follow the principles as set out in Keeping children safe in education. The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: [Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](#).

If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they will be delivered to the police as soon as is reasonably practicable.

In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff will have regard to the following guidance issued by the Secretary of State below.

In determining whether there is a **'good reason' to examine** the data or files, the member of staff will reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of our school and disrupt teaching, or be used to commit an offence.

In determining whether there is a **'good reason' to erase** any data or files from the device, the member of staff will consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device will be handed to the police as soon as it is reasonably practicable. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the pupil and/or the parent refuses to delete the data or files themselves.

9.3 What do we mean by sharing nudes and semi-nudes

In the latest advice for education settings (UKCIS, 2024), this is defined as the sending or posting of nude or semi-nude images, videos or live streams online by young people under the age of 18. Nudes and semi-nudes can be shared online via social media, gaming platforms, chat apps, forums, or involve sharing between devices using

offline services. Alternative terms used by children and young people may include 'dick pics' or 'pics'. The motivations for taking and sharing nude and semi-nudes are not always sexually or criminally motivated.

This advice does not apply to adults sharing nudes or semi-nudes of under 18-year olds. **This is a form of child sexual abuse and must be referred to the police as a matter of urgency.**

What to do if an incident comes to your attention

Immediately report it to the DSL and follow the child protection policy. The DSL will contact the Trust safeguarding lead and their link DPS.

1. **Never view, copy, print, share, store or save the imagery yourself, or ask a child to share or download – this is illegal (see note below).**
 - a. In exceptional circumstances, it may be necessary for the DSL (or equivalent) only to view the image to safeguard the child or young person. That decision should be based on the professional judgement of the DSL (or equivalent).
2. If you have already viewed the imagery by accident (e.g. if a young person has showed it to you before you could ask them not to), report this to the DSL (or equivalent) and seek support.
3. **Do not** delete the imagery or ask the young person to delete it.
4. **Do not** ask the child/children or young person(s) who are involved in the incident to disclose information regarding the imagery. This is the responsibility of the DSL (or equivalent).
5. **Do not** share information about the incident with other members of staff, the young person(s) it involves or their, or other, parents and/or carers.
6. **Do not** say or do anything to blame or shame any young people involved.
7. **Do** explain to them that you need to report it and reassure them that they will receive support and help from the DSL (or equivalent).

10 Confiscation as a disciplinary penalty

Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so¹⁵.

The law protects members of our staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

¹⁵ [Education and Inspections Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/59/section/88)

Appendix 1:

Further information

Other relevant departmental advice and statutory guidance

[Behaviour in schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[School and college security - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Use of reasonable force in schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Drugs: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Other advice

[Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Police and Criminal Evidence Act 1984 \(PACE\) codes of practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendix 2: How to carry out a search:

Before a search:

The headteacher or authorised staff member will:

- Make an assessment of how urgent the search is, and consider the risk to other pupils and staff, contact their link DPS.
- 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
- Always seek the pupil's cooperation

If a pupil refuses to cooperate

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

- Is in possession of a prohibited or banned item
- Doesn't understand your instructions or what a search will involve
- Has had a previous distressing experience of being searched

If the pupil still refuses to cooperate:

- You may sanction them in line with your behaviour policy
- If you don't think that a search is needed urgently, seek advice from the headteacher, DSL or pastoral member of staff. During this time, the pupil should be supervised somewhere away from other pupils
- Assess whether it's necessary to use reasonable force to conduct the search. Consider whether this would prevent the pupil from harming themselves or others, damaging property or causing disorder. **Note:** we can only use reasonable force to search for **prohibited items** but not other items banned in your school.

Searching a pupil's clothes

We will search the pupil in an appropriate location that offers privacy from other pupils.

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:

- Hats
- Scarves
- Shoes or boots

We **cannot** ask pupils to take off any further items of clothing.

We will be sensitive to whether a pupil is wearing outer clothing for religious reasons when we conduct a search.

For example, you shouldn't require a female pupil to remove a headscarf she's wearing for religious reasons if your witness is male.

Searching a pupil's possessions

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).

We could allocate lockers to pupils at the start of the year on the condition that they consent to having these searched.

We will support our pupil/s after the search

We will always put safeguarding at the centre when supporting our pupils, regardless of whether a prohibited item is found. The pupil will have an opportunity to express their views regarding the search.

If a prohibited item is found:

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

If a prohibited item is not found:

- Take a safeguarding approach to supporting the pupil to cope with the experience of being searched.
- We will consider the wider issues that may have informed the decision to request a search in the first place.

Appendix 3: Conducting a Strip Search

Before a search:

- Where reasonably possible, inform a parent that a strip search will happen (and always inform them after it's been carried out)
- Make sure an 'appropriate adult' is present during the search (see more below)

During a search

- ***The police officers conducting a strip search must be the same sex as the pupil***
- 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.
- The appropriate adult will be the same sex as the pupil, unless they specifically request someone else.

Our duty of care at all times:

- Our role 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.
- The police **cannot** overrule our safeguarding duty, for example by requesting that the appropriate adult leave the room when they talk to the pupil. ***Make sure that that all staff know this.***
- We have read about the process the police must follow on page 13 of the DfE's searching, screening and confiscation guidance so we understand it and can ***uphold the best interests of pupils at all times.***

We will support our pupil/s after the search

We will always put safeguarding at the centre when supporting our pupils, regardless of whether a prohibited item is found. The pupil will have an opportunity to express their views regarding the search.

If a prohibited item is found:

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

If a prohibited item is not found:

- Take a safeguarding approach to supporting the pupil to cope with the experience of being searched.
- Consider the wider issues that may have informed the decision to request a search in the first place.

Appendix 4: What we can confiscate

Authorised staff members can confiscate any item they find that they have reasonable grounds for suspecting:

- Poses a risk to staff or pupils
- Is a prohibited or banned item
- Is evidence in relation to an offence

We will do different things with confiscated items, depending on what they are:

Controlled drugs, or substances you suspect are controlled drugs or could be harmful	Deliver to the police (or safely dispose of if there is a good reason to do so)
Alcohol	Retain or dispose of as appropriate
Tobacco or cigarette papers	Retain or dispose of as appropriate
Fireworks	Retain or dispose of as appropriate
Stolen items	Deliver to the police, or return to the owner or dispose of (see the advice on page 18 of the DfE guidance)
Weapons or items which are evidence of a suspected offence	Deliver to the police as soon as possible
Items that have been (or are likely to be) used to commit an offence or cause injury or property damage	Deliver to the police, return to the owner, retain or dispose of (see the advice on pages 18 and 19 of the DfE guidance)
Pornographic material	Dispose of (see the section below for guidance)
Pornographic material that you suspect constitutes a specific offence (i.e. it is extreme or an indecent image of a child)	Deliver to the police as soon as possible
For other items banned under our school's rules, we will consider the following when deciding whether to return, retain or dispose of the item: <ul style="list-style-type: none">• The value of the item• Whether returning the item to the owner may place someone at risk of harm, or disrupt learning• Whether it's appropriate to return the item• Whether the item can be practically and safely disposed of We can also confiscate, retain or dispose of a pupil's property as a disciplinary measure where it's reasonable to do so, as set out in section 91 of the Education and Inspections Act 2006 .	

Searching and confiscating electronic devices

Authorised staff members may examine any data or files on an electronic device that they have confiscated, if they have good reason to do so. You should reasonably suspect that the device has (or could be used to):

- Cause harm
- Undermine the safe environment of our school or disrupt teaching
- Commit an offence

If we discover pornographic material:

- If we discover inappropriate images, video, or other material, we may dispose of them (see page 20 of the [DfE's guidance](#) for advice on when you can do this).
- If we have reasonable grounds to suspect that their possession is related to a specific illegal offense, do not destroy the material. Instead, hand the material, or device containing the material, over to the police as soon as possible.
- If we suspect we may find an indecent image or video of a child on a device, we will avoid viewing it and never copy, share, or save it.
- We will refer the incident to our DSL and follow the DfE's [guidance](#) on responding to pornographic image-sharing in education settings.
- For more support on handling these situations, see refer to the articles on [responding to child-on-child abuse](#) and [talking to pupils about sexism and assault](#).