

Searching and Confiscation Policy

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Statement of intent

Briarwood School recognises that all pupils—including those with special educational needs and disabilities (SEND)—have a right to a reasonable level of personal privacy. We are committed to respecting this right by ensuring searches, and confiscations are conducted in a calm, safe, and supportive manner, tailored to each pupil's needs.

We also acknowledge our legal responsibility under health and safety legislation to manage these processes without exposing pupils or staff to unnecessary risks. This policy establishes the framework for when and how pupils can be searched, how confiscation powers will be used, and how we will adapt procedures to ensure fairness for students with SEND.

Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- Education Act 1996
- Education and Inspections Act 2006
- The Schools (Specification and Disposal of Articles) Regulations 2012
- European Convention on Human Rights
- Criminal Justice Act 1988
- DfE (2023) 'Searching, Screening and Confiscation'
- DfE (2013) 'Use of reasonable force'
- DfE (2024) 'Behaviour in Schools'
- DfE (2024) 'Keeping children safe in education 2023'
- DfE (2024) 'Schools and college security'
- DfE (2018) 'Equality Act 2010: advice for schools'
- DfE (2023) 'Working together to safeguard children'
- DfE (2012) 'Drugs: advice for schools'

This policy operates in conjunction with the following school policies:

- Behaviour and Pastoral Policy
- Use of Reasonable Force Policy
- Complaints Policy & Procedure
- Disciplinary Policy and Procedure
- CCTV Policy
- Safeguarding and Child Protection Policy
- Allegations made against staff and Low-Level Concern policy
- Debrief Policy

Roles and responsibilities

The governing board will be responsible for:

- Ensuring this policy is implemented within the school and its effectiveness is monitored.

The Executive Headteacher will be responsible for:

- Authorising members of staff to search pupils for prohibited items and items banned by the school, according to its policies.
- Ensuring the procedures in this policy are implemented consistently across the school.
- Assessing on a case-by-case basis whether a search should be undertaken by a member of staff.
- Overseeing the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is established and maintained.
- Ensuring the DSL is called on for support during, or after, searching, as appropriate.
- Ensuring a sufficient number of staff are appropriately trained on how to lawfully and safely search a pupil, including managing pupils who are not co-operating with the search.
- Ensuring all staff understand their rights and the rights of any pupils being searched.
- Ensuring the DSL (or their deputy) is informed of any instances where a staff member had reasonable grounds to suspect that a pupil was in possession of a prohibited item.
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Determining whether searches for items banned by the school's policies should be recorded.
- Ensuring that prohibited items and items banned by the school are outlined in the relevant policies and are communicated with staff, parents and pupils.
- Reviewing this policy on an annual basis.

The DSL will be responsible for:

- Managing any safeguarding concerns that are raised by staff members who have conducted a search and by pupils subject to a search.
- Making referrals, in line with the school's safeguarding procedures, where there is evidence from a search that a pupil is at risk of harm.
- Ensuring procedures are in place, and are being followed, for when a safeguarding incident arises.
- Ensuring procedures are in place for staff to alert them of instances when they had reasonable grounds to suspect a pupil was in possession of prohibited items and when a prohibited item has been found.
- Considering the circumstances of any pupils who are at risk of harm as a result of the search to assess whether there is a wider safeguarding concern.
- Advising staff on what to do if they believe a search is necessary but is not required urgently, e.g. keeping the pupil supervised and away from others.
- Advising staff on any aftercare required by a pupil as a result of a search.

Staff members will be responsible for:

- Acting in line with this policy when screening or searching a pupil or confiscating items.
- Ensuring that the culture of safe, proportionate and appropriate searching is maintained.
- Adhering to the relevant guidance and policies, and familiarising themselves with which items are prohibited and/or banned by the school.
- Raising safeguarding concerns with the DSL (or DDSL) as soon as reasonably practicable.
- Maintaining their duty of care for any pupils subject to a search, including a strip search, and

protecting their welfare at all times.

Searching

At Briarwood school the Executive Headteacher and staff authorised by them 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. Authorised members of staff will be permitted to use reasonable force when conducting a search without consent for the prohibited and banned items listed below.

List of prohibited items (where reasonable force can be used) — DfE official list is:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article the member of staff reasonably suspects has been, or is likely to be, used:
 - to commit an offence
 - to cause personal injury (to themselves or others)
 - to damage property

Banned items include:

- Legal highs
- Aerosol cans
- Paint thinners
- Non-prescribed hypodermic needles

Searching with consent

In accordance with statutory guidance, any member of staff may search a pupil for any item if the pupil gives informed consent.

However, Briarwood School recognises that due to the complex SEND and cognitive needs of our pupils, many may be unable to fully understand or give informed consent in the traditional sense. In these cases:

- A senior member of staff should be involved and will assess the pupil's capacity to give informed consent on a case-by-case basis, taking into account their communication methods, cognitive understanding, and individual needs.
- Where a pupil lacks the capacity to give informed consent, staff will act in the pupil's best interests, applying safeguarding principles and reasonable adjustments.
- Where possible, a familiar staff member who knows the pupil well should be present to support and advocate for the pupil's needs and understanding.
- Where available, school staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- Staff will clearly explain, using appropriate communication methods (e.g., symbols, objects of reference, visual prompts, or simplified language) the reason for the search and how it will be

conducted.

- All searches will be recorded, including an explanation of the pupil's capacity to consent, the rationale for proceeding, and any adjustments made.
- The search should be carried out by two members of staff to act as a witness

Searching without consent

The Executive Headteacher and authorised members of staff (namely members of the senior leadership team), retain the statutory power to search pupils or their possessions without consent where there are reasonable grounds for suspecting a pupil has a prohibited item.

Due to the complex needs of our pupil cohort:

- Staff will take particular care to consider the pupil's cognitive understanding, sensory processing needs, and emotional regulation when conducting a search.
- Wherever possible, a familiar staff member should be present to support the pupil and help minimise distress.
- The authorised member of staff will explain, using appropriate communication methods suited to the pupil's needs, the reason for the search and how it will take place.
- Staff will make reasonable adjustments in line with the pupil's SEND and individual risk assessments.
- The need for the search, the communication approach used, any adjustments made, and the outcome will be carefully recorded on (CPOMS).

In circumstances where a pupil cannot comprehend the search process but there are immediate safeguarding risks, staff will proceed in the pupil's best interests while taking all reasonable steps to preserve the pupil's dignity and minimise distress.

Where possible, the staff member conducting the search will be the same sex as the pupil being searched. There will be a witness (also a staff member) and, if at all possible, they will be the same sex as the pupil being searched.

Staff members can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

A search will only be conducted by a person who is not the same sex as the pupil being searched, or without a witness, where:

- The staff member reasonably believes that there is a risk of serious harm if the search is not conducted immediately **and**;
- It is not reasonably practicable to summon another member of staff.

Under the exceptional circumstances outlined above, the member of staff conducting the search will consider that a pupil's expectation of privacy increases as they get older, the information provided in a pupils intimate care plan and the associated policies may be helpful in this case.

During the Search

Staff at Briarwood School have the power to search a pupil or their possessions where there are reasonable grounds to suspect that the pupil may have a prohibited item in their possession. 'Outer clothing' refers to items not worn next to the skin or immediately over underwear, such as hats, shoes, gloves and coats. 'Possessions' are defined as any goods over which the pupil has, or appears to have, control — this includes desks, lockers, bags and personal items. A pupil's possessions, desk or locker will only be searched in the presence of the pupil and another member of staff, unless there is a risk of serious harm being caused if the search is not conducted immediately and it is not reasonably practicable to summon another member of staff.

Searches will take place in an appropriate location on the school premises, away from other pupils wherever possible, to preserve the pupil's dignity and wellbeing. In exceptional circumstances, searches may be undertaken off-site where the member of staff has lawful control of the pupil, such as during a school trip. The school may make use of CCTV footage to help decide whether to conduct a search for an item where this is possible (only outdoor areas have CCTV), in line with the school's CCTV Policy. If a search is conducted without a witness present due to immediate risk of harm, the staff member will report the search to DSL or DDSL as soon as possible and ensure a full record is kept.

Members of staff will only be permitted to use reasonable force when conducting a search for prohibited items and will never use force to search for items banned solely under school rules. The decision to use physical intervention will be made on a case-by-case basis, taking into account the pupil's SEND profile, EHCP, Optimum Learning Map and any associated risk assessments. All searches involving the use of reasonable force must be carried out in accordance with the school's Use of Reasonable Force Policy. Staff will be mindful of the potential emotional, sensory and trauma-related impact on the pupil, and wherever possible, familiar staff trained in Team Teach should attend. Any incident involving physical intervention must be appropriately recorded, reported to DSLs or DDSLs, and communicated to parents or carers in line with school policy.

Staff will remain aware that the power to search without consent enables a personal search involving the removal of outer clothing and the searching of pockets, desks, lockers or possessions. **Under no circumstances will staff conduct an intimate search; only police officers have the legal authority to carry out an intimate search.**

Strip Searches

A "strip search" is defined as any search that involves the removal of more than outer clothing. **Staff members at our school will never conduct a strip search on a pupil under any circumstances. Strip searches will only ever be carried out by police officers, in line with statutory guidance and safeguarding expectations for vulnerable children and young people.**

Where a strip search is requested by the police, staff will maintain their duty of care to the pupil at all times, advocating for their physical, emotional, and psychological wellbeing throughout the process. In line with our trauma-informed and SEND-specific approaches, staff will consider the pupil's communication needs, sensory profile, and any relevant risk assessments or support plans when deciding whether to request a police-led strip search.

Strip searches will be conducted in a private area of the school, away from other pupils and staff, and never in a communal or public area. Before requesting a strip search, staff must carefully balance the risk of negatively affecting the pupil's mental and emotional wellbeing, sensory regulation, and trauma history, against the risk of serious harm occurring if a suspected item is not recovered. Less invasive and proportionate approaches must always be considered and exhausted first.

Strip searches will only be considered where:

- It is absolutely necessary to undertake this type of search,
- Less invasive approaches cannot be undertaken or have already been attempted without success, and
- A police officer has reasonable grounds to suspect the pupil has concealed an item related to a criminal offence and determines a strip search is necessary.

Where a strip search involves the removal of clothing beyond outer garments and may involve the exposure of intimate body parts:

- The school will ensure, wherever possible, that at least two adults other than the pupil are present. One of these should be an appropriate adult.
- Where a pupil's parent or carer wishes to act as the appropriate adult, the school will support and facilitate this unless immediate risk prevents it.
- Staff will give careful consideration to the pupil's preferred communication method, cognitive understanding, sensory profile, and any anxiety triggers before, during, and after any such incident.
- If the pupil explicitly states, in the presence of the appropriate adult, that they do not wish the appropriate adult to be present during the search, this request will be respected, unless the circumstances are urgent or present a serious risk of harm. A clear, factual record of the pupil's decision will be made.

For pupils who are unable to communicate consent or preferences due to their communication, language, or cognitive abilities, the school will adopt a best-interests approach in consultation with the appropriate adult (which may be a parent/carers or someone with parental responsibility).

Where possible, staff will use the pupil's known communication methods, symbols, gestures, or preferred communication aids to support understanding and reduce distress. However, where it is not possible to gain the pupil's informed consent or understanding, the welfare, safeguarding, and rights of the pupil will remain paramount, and decisions will be made cautiously and in consultation with safeguarding leaders and the appropriate adult.

Records of all strip searches involving pupils from our school will be kept securely and monitored by the Designated Safeguarding Lead (DSL) to ensure appropriate oversight, reflective practice, and welfare monitoring. Where a strip search takes place, a post-incident review will be conducted to identify any safeguarding concerns, emotional impact, or follow-up support required for the pupil and to consider any amendments to the pupil's support or risk management plan.

After the Search

Following any search, staff members will use their professional judgement to decide whether to confiscate,

retain, return, or safely dispose of any item found. This decision will take into account the nature of the item, the pupil's individual needs, any safeguarding concerns, and the context of the search.

Where an item is reasonably suspected to be an offensive weapon, illegal substance, or item linked to a criminal offence, it will be immediately passed to the police.

Due to our pupils' complex nature of needs, staff will be mindful of any sensory, emotional, or attachment-based reasons behind a pupil's possession of an item and will carefully consider the potential emotional and behavioural impact of confiscation. Where appropriate, a risk assessment or behaviour support plan will be reviewed and updated following the incident.

A clear written record of any search and confiscation will be made and monitored by the DSL, and parents/carers will be informed where appropriate, particularly where an item is confiscated that could impact the pupil's wellbeing, regulation, or safety.

Confiscation, Retention and Disposal of Prohibited Items

Where a prohibited or banned item is found during a search, staff members will exercise their professional judgement to decide on appropriate action, taking into account the nature of the item, the circumstances of the search, and any safeguarding concerns. The school's approach will remain consistent with the statutory guidance set out in Searching, Screening and Confiscation (DfE, 2022) and the school's safeguarding procedures.

The list of prohibited and banned items can be found in the [Searching](#) section of this policy. When such an item is identified, staff may confiscate, retain, dispose of or, where necessary, pass the item to the police. Decisions will be made in line with the nature of the item, its risk to others, and any relevant safeguarding concerns. For example, controlled substances, weapons, and stolen items of high value or risk will typically be handed to the police, while lower-risk items may be safely disposed of or returned as appropriate.

In all instances, staff members will consider the individual needs, understanding and communication abilities of the pupil involved. Particular care will be taken in all situations involving our pupils due to the nature of their needs, and reasonable adjustments, safeguarding implications and the pupil's individual risk assessments will inform decision-making. Where there is uncertainty about the legal status of an item or substance, it will be treated as a prohibited item until verified otherwise.

Staff carrying out searches and confiscating items in line with this policy will be legally protected from liability for any loss of, or damage to, items confiscated, provided they have acted lawfully and reasonably.

Recording a Search

All searches for prohibited items, and any searches conducted by police officers on site, will be recorded via the school's safeguarding recording system, CPOMS. These records will include the date, time and location of the search, the name of the pupil involved, the staff member who conducted the search, any other

individuals present, the item being searched for, the reason for the search, the outcome, and any follow-up actions taken.

In line with the school's commitment to safeguarding, searches for banned items will also be recorded on CPOMS, enabling a comprehensive and consistent safeguarding overview, especially relevant for our SEND cohort.

A Confiscation Log Proforma is provided in [Appendix 1 - Confiscation Log Proforma](#) as a manual recording tool should CPOMS be unavailable, or for use during off-site activities or incidents requiring immediate documentation before transferring to CPOMS.

Informing Parents

Parents and carers will be informed when a search has been carried out to recover a prohibited item involving their child. Additionally, Briarwood School has determined that parents will also be informed of any searches for banned items, in recognition of the importance of partnership working and safeguarding transparency.

Where a search is conducted, parents will be notified using the [Appendix 2 - Parent/Carer Notification Letter Template](#), unless doing so would place the pupil at further risk of harm or compromise a safeguarding investigation.

In the event of a police-led strip search conducted on school premises, the pupil's parents will be informed prior to the search wherever possible, unless there is an immediate risk of harm. In such cases, parents will be notified as soon as it is safe and appropriate to do so afterwards.

Complaints relating to searching or confiscation will be managed in accordance with the school's **Complaints Procedure Policy**.

Electronic Devices

At Briarwood School, staff must exercise particular care when handling electronic devices during searches. If an electronic device that is either prohibited under school rules, or reasonably suspected to have been or is likely to be used to commit an offence, cause personal injury, or damage property is found, staff are permitted to examine its data or files where there is a clear safeguarding or disciplinary reason to do so. Parental consent is not required for the search of a device that has been seized without consent.

Where a device is searched and staff reasonably believe it contains images, data, or files that place the pupil or others at risk, the Designated Safeguarding Lead (DSL) must be informed immediately. The DSL will decide on any necessary safeguarding response, including whether to involve other agencies. If staff believe there is a good reason to delete data or files—for example, if they suspect the content could cause harm, disrupt teaching, or breach school rules—they are authorised to do so, unless the content relates to an offence or involves indecent images of a child, in which case the device must be secured and referred to the police without altering any data.

The school takes a firm and sensitive approach to incidents involving indecent images of children, balancing

safeguarding duties with the need to avoid unnecessarily criminalising vulnerable pupils. Where staff suspect indecent images are present on a device, they must not view, copy, or share the images but should confiscate the device, store it securely, and notify the DSL without delay. If an image is accidentally viewed, this must be reported to the DSL immediately, and support should be offered to the staff member.

The DSL will assess the context of the image's creation and distribution, categorising the incident as either *aggravated*—involving abusive or exploitative elements—or *experimental*, where no adult involvement or harmful intent is present. The DSL will only authorise viewing an image where absolutely necessary for safeguarding reasons, and this process will be carefully documented, involving a second member of staff, preferably of the same sex as the pupil if possible.

Any incident categorised as aggravated will be managed under the school's Child Protection and Safeguarding Policy, with police involvement as appropriate. Where incidents are considered experimental, pupils will receive education, support, and clear guidance to prevent recurrence, with safeguarding services involved where necessary.

As an important preventative measure, all pupils in the Sixth Form are required to hand in personal mobile phones on arrival. These are securely stored in a lock box throughout the school day and returned at home time. This reduces the risk of inappropriate use of devices and supports a safe, structured environment for our learners.

Staff Conduct

All staff at Briarwood School are expected to act in accordance with this Searching and Confiscation Policy, as well as the school's wider safeguarding and behaviour frameworks. Any breaches will be addressed under the school's Disciplinary Policy and Procedure.

Only authorised members of staff may conduct searches without consent, and under no circumstances will a member of staff conduct a strip search of a pupil. Where a strip search is required, it will only be carried out by the police following legal protocols.

Given that all pupils at Briarwood have special educational needs and/or disabilities, staff must show particular sensitivity and judgement when conducting any search. Pupil age, developmental level, sensory needs, communication preferences, and emotional wellbeing must always be taken into account, with reasonable adjustments applied as appropriate. Staff must prioritise de-escalation strategies and seek the support of pastoral or safeguarding teams when needed to ensure the process is as minimally distressing as possible for the pupil involved.

Appendix 1 - Confiscation Log Proforma

Pupil Name: _____

Date of Search: _____

Time: _____

Location: _____

Staff Present:

- _____
- _____

Reason for Search:

- Safeguarding concern
- Suspected prohibited item
- Suspected banned item under school rules
- Other (please specify): _____

Items Found (if any):

Action Taken:

- Item returned to pupil
- Item retained in school (secured in _____)
- Item safely disposed of (method: _____)
- Item passed to police (Contact name and ref: _____)

Vulnerability Considerations:

Impact on Pupil Wellbeing / Behaviour Noted:

Parent/Carer Informed:

- Yes No

Date/Time: _____

Method:

- Phone
- In person
- Email
- Letter

Further Actions Required:

- Update risk assessment / behaviour plan
- Inform DSL
- Pastoral support check-in
- Other: _____

Staff Member Leading Search (Name & Signature):

Date: _____

Appendix 2 - Parent/Carer Notification Letter Template

Please use school's letterhead from the branding folder to copy this text on.

For the attention of: [Parent/Carer Name]

Re: [Pupil's Name]

Dear [Parent/Carer's Name],

I am writing to inform you that on [date], a search was conducted in line with our school's **Use of Reasonable Force, Search and Confiscation Policy**. This decision was made in response to [brief reason — e.g. "a safeguarding concern" / "a suspected prohibited item"].

During the search, the following item(s) were located:

[insert description of items]

In line with our procedures:

- The item was returned to [Pupil's Name]
- The item has been retained securely in school
- The item has been passed to the police
- The item has been safely disposed of

As a school specialising in supporting children and young people with SEND, we are mindful of the emotional, sensory and communication needs of our pupils. Following this incident, [Pupil's Name] was offered appropriate reassurance and support. We will review their current support plan and risk assessment to ensure any adjustments required are in place.

If you would like to discuss this matter further, please contact me via [phone/email] at your earliest convenience.

Thank you for your ongoing support in maintaining a safe and positive school environment for all our pupils.

Yours sincerely,

[Your Name]

[Your Role]

[Contact Information]

Appendix 3 – Screening

What is Screening?

Screening is the process by which a school uses a physical device, such as a handheld metal detector (wand) or walk-through scanner, to check whether pupils are carrying prohibited items on their person or in their possessions. Screening can be carried out for all pupils or on a random basis as part of the school's duty to maintain safety and discipline.

Under the Department for Education's Searching, Screening and Confiscation guidance (2022), schools have the legal power to screen pupils for items such as weapons, controlled drugs, or stolen property.

Screening at Briarwood School

At Briarwood School, screening is not currently in use and therefore references to it have been removed from this policy. This is because:

- The school does not possess or use any physical screening equipment such as handheld metal detectors or walk-through scanners.
- Due to the specific needs of our pupils — all of whom have special educational needs and/or disabilities (SEND) — the use of screening devices would be inappropriate, potentially distressing, and would not reflect our commitment to a low-arousal, trauma-informed environment.
- Risk is effectively managed through positive relationships with pupils, robust individual risk assessments, proactive pastoral care, and clear behaviour expectations appropriate to each learner's cognitive and emotional profile.
- In circumstances where staff have reasonable grounds to suspect a pupil may be in possession of a prohibited item, a search may be conducted in accordance with this policy and always in a manner sensitive to the pupil's individual needs.

Should the need for screening equipment ever arise in the future, this position will be reviewed in consultation with governors, families, safeguarding partners and SEND specialists to ensure any practice is lawful, ethical and in the best interests of our pupils.