

# Hornsea School & Language College



## Drug & Substance Misuse Policy

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## **Drug & Substance Misuse Policy**

### **A statement to Parents / Carers**

Hornsea School and Language College (HSLC) adopts a clear and robust stance on the misuse of substances by pupils either individually or collectively, recognising the harm and risk associated with the possession and misuse of illegal substances and the abuse of legal substances, it also includes the distribution of any such substances. The approach is based upon 'zero tolerance' of any such activity, which is likely to be viewed as a 'serious one-off incident' that could jeopardise the continuation of a place at HSLC.

Furthermore, information relating to the misuse of substances, in or out of school, will be regarded as a safeguarding issue and school safeguarding procedures will be followed. It will also be considered in the context of the school Positive Discipline Policy that spans conduct in and out of school. Since the first priority is your child's welfare, there may be rare occasions when our concerns about your child means that we have to consult other agencies even before we contact you.

### **Local and National Guidance**

The school will operate in accordance with legal requirements, statutory and local guidance and identified best practice - for example 'Drugs Guidance for Schools', DFES (2004), "DfE and ACPO drug advice for schools: Advice for local authorities, headteachers, school staff and governing bodies'(2012) and Drug strategy 2017 (HO, July 2017). Particular attention will be paid to statutory guidance - Search, screening and confiscation: Advice for schools (July 2022)

In relation to the development and exercise of this Policy, due regard will be taken regarding statutory and local Safeguarding and Child Protection guidance and protocols, for example, Keeping Children Safe in Education (2024), Working Together to Safeguard Children (2018) and What to do if you're worried a child is being abused (2015)

### **The Purpose of the Policy**

The purpose of this policy is to:

- Clarify the school's responsibilities and legal requirements
- Reinforce and safeguard the health, safety and well being of pupils and all school users to include staff employed at the school
- Clarify the school's approach to the misuse of substances for all members of the school and wider community
- Give guidance on developing, implementing and monitoring the school's drug education programme
- Enable staff to manage drugs and drug related incidents on school premises with consistency, and in the best interests of all involved
- Ensure that the response to drug-related incidents is in line with the school's approach to the drug education programme and with the school's values and ethos and commitment to Safeguarding / Child Protection

### **Extent of the Policy**

The limits of the school boundaries and responsibilities in certain circumstances extend beyond the school premises, to include all off-site pupil behaviour and activities such as work experience and school trips. Conduct falling outside of school expectations will be considered and dealt with by school on a case by case basis, after careful consideration of the circumstances and impact of the behaviours and whether there is a role and implications for school.

The policy applies at all times when staff 'duty of care' responsibilities apply. The school is aware that some of its pupils may be particularly vulnerable, so staff must be particularly vigilant in terms of monitoring their welfare. School also remains mindful of and vigilant in terms of 'contextual safeguarding' responsibilities and will share information and concerns as appropriate in line with school and local safeguarding protocols should information emerge in terms of 'out of school' issues / risks.

## **Definitions**

This Policy applies to the consumption of any substance that changes thoughts, feelings and behaviour to. This includes:

- All illegal drugs (Misuse of drugs Act 1971)
- All legal drugs, including tobacco, alcohol and volatile substances
- All medicines (Medicines Act 1968)
- Problematic or harmful consumption or abuse of other substances (caffeine, energy drinks etc.) that could jeopardise health and development.
- Psychoactive Substances Act 2016

## **The School's Stance**

**The possession, use or supply of alcohol, illegal and other unauthorised drugs within school boundaries is unacceptable. The school cannot and will not knowingly allow the misuse of substances on the school site (possession, consumption or supply) and will take appropriate action as outlined below to deal with any such instances.**

## **Managing drug related incidents at Hornsea School and Language College**

1. When managing drugs and drug-related incidents, the first priority and immediate concern will be for the health, safety and well being of all involved. At all times, wherever it is appropriate, we will attempt to contact Parents/Carers but this may not be the priority contact in dealing with an incident. The Child Protection implications of any substance misuse related incidents will be carefully considered and addressed in line with the school Child Protection Policy and Procedures. This includes pupil and any parental substance misuse that may impact upon the health and wellbeing of those involved
2. The school will employ a range of responses so that the needs of the individual are balanced against those of the wider community. The precise response will be determined after a full and careful investigation into the exact nature of the incident. Pupils will be aware of the range of possible responses and the effect those responses may have on them through related behaviour policies
3. Support for pupils, as appropriate (immediate and ongoing), will be a priority, including referrals to specialist external agencies. In such cases, careful attention will be given to issues of confidentiality in line with the school's policies and procedures
4. Liaison with the Media: The Head Teacher will take responsibility for liaison with the media. As the issue of substance misuse is an emotive one, and is likely to generate interest from the local and national media, the school will take appropriate advice and guidance from the local authority to ensure that any reporting of incidents remains in the best interests of the young person or persons, their families and Hornsea School and Language College.
5. Any incident involving the possession, sharing / distribution / sale and misuse of illegal or unauthorised substances on the school site will be viewed with great seriousness and the outcome determined on a case by case basis taking full account of the facts. Substance misuse issues would potentially be viewed as a "serious one off" incident warranting the most serious sanction, in line with the "zero" tolerance approach adopted by HSLC.

## **Discovery of suspected illegal / controlled drugs or suspicious substances or incidents of on school premises**

Staff discovering pupils under the influence of drugs or substances which are suspected of being harmful, illegal or requiring further investigation, should observe the following guidance:

- Where a pupil is suspected to be under the influence of drugs or alcohol on school premises, the safety of the young person and those around them will be prioritised. Consideration will be given to the possible need for immediate first aid and the school's first aid procedures followed, if necessary, this should be dealt with as a medical emergency
- Consideration will be given, depending upon circumstances, to contacting parents / carers and the Police. The situation will also be considered in the context of potential Safeguarding / Child Protection concerns and risk to the child
- **Any search of a pupil will be conducted in accordance with statutory guidance - Search, screening and confiscation: Advice for schools (July 2022 ) – Appendix 1**
- If staff are unable to identify the legal status of a substance / drug, it should be treated as a controlled drug
- If a substance is confiscated / seized do not retain the substance on your person or in a place of safekeeping for a later time as this may place you at risk of committing an offence
- Records will be made of the time, place and circumstances of the discovery and also the details of what was found, but do not investigate the substance
- When taking temporary possession of suspected controlled drugs or harmful substances, the confiscated sample will be sealed in a plastic bag and appropriately labelled and stored in a secure location (safe or lockable container) with access limited to senior staff. Police will then be notified and requested to support school and the disposal of the confiscated substance. School will document the Police Log number
- A decision will be taken on informing parents / carers, unless this is not in the best interest of the pupil at that point.
- Where drug related paraphernalia, such as needles and syringes are discovered, do not attempt to handle this. It should be collected by the appropriate personnel in accordance with health and safety guidelines. The Head Teacher must ensure that materials are placed in a secure container to await proper collection
- No entry of an incident should be made on the pupil's record until the suspected substance is confirmed by the police as being a controlled or illegal substance. If the substance is not a controlled substance, the entry on the pupil's record will be determined by the Head Teacher
- Where a substance is confirmed as being controlled, it is the responsibility of the Head Teacher or nominated member of staff (usually the Designated Safeguarding Lead) to notify the parents/carers concerned, and if necessary, to consider further action including notifying the Chair of Governors.
- In the circumstances where it is possible that the school premises are being used for illegal drug use, all reasonable steps must be taken to prevent this, in order to avoid contravening the law. All concerns identified in relation to substance misuse should be regarded as a potential Safeguarding / Child Protection issue and reported in line with the HSLC Child Protection Policy and procedures

## **Working with the Police**

The school will work in partnership with the police to the benefit of the school and the wider community. The school is able to seek assistance from the local policing team who will give guidance on the law, the identification and disposal of substances and whether or not the police should be more actively and formally involved in a given situation. Information will be shared with Police as appropriate to ensure the school observes moral and legal responsibilities and its overall 'duty of care'. The school will consider very carefully the implications of any action it may take

It will seek to balance the interests of the pupil involved, the other school members and the local community

Factors to be considered will include the age of the pupil, whether the incident involved one pupil or a group and whether peer pressure is evident

The fact that certain behaviour could constitute a violation of the criminal law will not in itself necessarily lead to a more punitive response

In all cases the school will ensure that the pupil has access to professional support and advice from the relevant services and agencies.

Responsibility for managing misuse incidents drug issues lies with the Designated Safeguarding Lead, Kay Sullivan and Deputy Designated Safeguarding Lead Emma Webster or any member of the Senior Leadership Team.

### **Prescribed Medicines**

Some pupils may require medicines that have been prescribed for use during the school day. In these cases, the school's policy for the transportation, storage and dispensing of such medicines MUST be followed (please see HSLC Supporting Medical Conditions and Medication Policy)

### **Drug Education**

The aim of the school's drug education programme (delivered within the Life Studies curriculum) is to provide opportunities for pupils to develop their knowledge, attitudes and understanding about drugs. Pupils will also be encouraged to appreciate the benefits of a healthy lifestyle relating to their own and others actions.

Aims of the school drug education programme:

- To increase knowledge and understanding of drugs and their effects by providing accurate information
- To improve self-knowledge, particularly in terms of risk taking and harm minimisation
- To promote positive attitudes towards healthy lifestyles; to challenge and try to modify these when they may lead to behaviour harmful to health
- To promote a sense of responsibility towards the use of drugs
- To develop social skills such as making informed choices and resisting unhelpful pressures from peers
- To enable young people to identify sources of appropriate support
- To widen understanding about related health and social issues such as sexual health and crime (contextual safeguarding)

The programme will reflect the views and needs of pupils so that it is age/needs appropriate. It will be based on the requirements of the national curriculum and in part, will be delivered within a whole school approach through well planned PHSE.

The teaching of drug education will:

- Provide opportunities for active learning
- Give accurate and unbiased information
- Allow for the expression and consideration of a range of attitudes and values
- Offer opportunities for discussion and reflection

## **Partner Agencies**

We recognise that outside educators can make a valuable contribution to the programme. They must be familiar with and support relevant aspects of school policy and contribute to the programme as negotiated and agreed with the school staff.

## **Confidentiality**

In managing drugs, and in lessons involving education about drugs, school staff cannot and **MUST** not promise total confidentiality. Safeguarding issues and responsibilities remain paramount due to the high potential risk associated with the misuse of substances. The boundaries of confidentiality will be made clear to pupils in line with the school's policies and procedures. School staff will ensure every effort is made to seek the agreement of the pupil prior to a situation where information has to be shared. Where information does have to be shared, this will be on a need-to-know basis only and in the best interests of the pupil and school community

## **Useful Organisations**

School Student Support and Pastoral staff will support and provide help and guidance to signpost to sources of advice and support

Safeguarding and Partnership Hub – 01482 395500 - can signpost to substance misuse and counselling services.

Alcohol Change UK – Alcohol change uk are an Alcohol charity working to reduce the harm caused by Alcohol. Alcohol Change work entirely on reducing the harm of alcohol. Email: [contact@alcoholchange.org.uk](mailto:contact@alcoholchange.org.uk) website: [www.alcoholchange.org.uk](http://www.alcoholchange.org.uk) Tel: 0203 9078480

ASH (Action on Smoking and Health) A campaigning public health charity aiming to reduce the health problems caused by tobacco. Tel: 020 7739 5902 Email: [enquiries@ash.org.uk](mailto:enquiries@ash.org.uk)  
Website: [www.ash.org.uk](http://www.ash.org.uk)

Drinkaware - An independent charity that promotes responsible drinking through innovative ways to challenge the national drinking culture, helping reduce alcohol misuse and minimise alcohol related harm. Tel: 020 7307 7450 Website: [www.drinkaware.co.uk/](http://www.drinkaware.co.uk/)

Drinkline – A free and confidential helpline for anyone who is concerned about their own or someone else's drinking Tel: 0300 1231110 (lines are open weekdays 9am-8pm, weekends 11am-4pm).

FRANK is the national drugs awareness campaign aiming to raise awareness amongst young people of the risks of illegal drugs, and to provide information and advice. It also provides support to parents/carers, helping to give them the skills and confidence to communicate with their children about drugs. 24 Hour Helpline: 0800 776600 Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)  
Website: [www.talktofrank.com](http://www.talktofrank.com)

Mentor UK is a non-government organisation with a focus on protecting the health and wellbeing of children and young people to reduce the damage that drugs can do to their lives. Tel: 020 7739 8494. Email [admin@mentoruk.org](mailto:admin@mentoruk.org) Website: [www.mentoruk.org.uk](http://www.mentoruk.org.uk)

National Children's Bureau promotes the interests and well-being of all children and young people across every aspect of their lives. Tel: 020 7843 6000 Website: [www.ncb.org.uk](http://www.ncb.org.uk)

Family Lives - A charity offering support and information to anyone parenting a child or teenager. It runs a free-phone helpline and courses for parents, and develops innovative projects. Tel: 0800 800 2222 Website: <http://familylives.org.uk/>

Re-Solv (Society for the Prevention of Solvent and Volatile Substance Abuse) A national charity providing information for teachers, other professionals, parents and young people. Tel: 01785 817885 Information line: 01785 810762 Email: [information@re-solv.org](mailto:information@re-solv.org) Website: [www.re-solv.org](http://www.re-solv.org)

Smokefree - NHS Smoking Helpline: 0800 169 0 169 Website: <http://smokefree.nhs.uk>

# **Searching, Screening and Confiscation**

**Advice for schools**

**July 2022**



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## Summary

### About this guidance

This publication is intended to explain the screening, searching and confiscating powers a school has, ensuring that headteachers and members of staff have the confidence to use these powers and schools are a calm, safe and supportive environment to learn and work. This publication also provides advice to headteachers and staff on their related legal duties when it comes to these powers. It also includes statutory guidance which schools must have regard to.

**Where the text uses the word ‘must’, the person in question is legally required to do something.**

**Where the text uses the word ‘parent’, it should be read as inclusive of carers and any other person with parental responsibility.**

### Expiry or review date

This advice will be kept under review and updated as necessary.

### What legislation does this guidance refer to?

- 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

### Who is this guidance for?

This guidance is for:

- school leaders, school staff, governing bodies, proprietors and trust boards in all maintained schools, academies, free schools and independent schools in England; and
- local authorities.

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For the purposes of this advice, references to “maintained school” mean a community, foundation or voluntary school, community or foundation special school. It also means pupil referral units and non-maintained special schools.

References to “academy” mean academy schools (including mainstream and special free schools) and alternative provision academies (including alternative provision free schools).

## Introduction

Ensuring school staff and pupils feel safe and secure is vital to establishing calm and supportive environments conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure pupil and staff welfare is protected and helps schools establish an environment where everyone is safe. This advice is intended to explain schools' screening, searching and confiscation powers so that headteachers and other staff have the confidence to use them if necessary.

Schools and their staff are an important part of the wider safeguarding system for children. This system is described in the statutory guidance [Working together to safeguard children](#). [Keeping children safe in education](#) makes clear that all school staff have a responsibility to provide a safe environment in which pupils can learn.

Before screening or conducting a search of a pupil, it is vital that schools consider their obligations under the European Convention on Human Rights. Under Article 8, 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.

## Searching

1. 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.

2. 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 paragraph 3<sup>1</sup> or any other item that the school rules<sup>2</sup> identify as an item which may be searched for.

3. The list of prohibited items is:

- 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 regulations:<sup>3</sup>

- tobacco and cigarette papers;<sup>4</sup>

- fireworks; and

- pornographic images.

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

<sup>1</sup> A 'prohibited item' is defined in subsection (3) of [Section 550ZA of the Education Act 1996](#).

<sup>2</sup> For maintained schools, see [Section 89, Education and Inspections Act 2006](#). For independent schools and academies, see [Schedule 1, Paragraph 9 of the Education \(Independent School Standards\) \(England\) Regulations 2014](#). For more information on what should be included in a school's behaviour policy, see the [Behaviour in Schools guidance](#).

<sup>3</sup> [The Schools \(Specification and Disposal of Articles\) Regulations 2012](#).

<sup>4</sup> This does not include e-cigarettes or vapes. Schools who wish to search for these items should ensure they are listed as items for which a search can be made in the school rules.

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5. 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. See [Keeping children safe in education](#) and [Working together to safeguard children](#).

6. The school's behaviour policy should outline the banned items for which a search can be made. This must include the list of prohibited items in paragraph 3, and may include other items which a headteacher has decided are detrimental to maintaining high standards of behaviour and a safe environment. See [Behaviour in Schools](#).

7. The school's behaviour policy should be communicated to all members of the school community<sup>5</sup> 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 the school's policy.

8. When exercising their powers, schools must 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 making reasonable adjustments that may be required where a pupil has a disability.

9. School staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.

<sup>5</sup> This is a duty for headteachers of maintained schools. See [Section 89 of the Education and Inspections Act 2006](#).

## **The role of the headteacher, the designated safeguarding lead and authorised members of staff**

10. 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 the school's behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs.

11. The headteacher can require a member of the security staff to undertake a search. If a security guard, who is not a member of the school staff, searches a pupil, this guidance should be followed and the person witnessing the search should be a

permanent member of the school staff. The headteacher may not require any other member of staff to undertake a search if they refuse.<sup>6</sup>

12. The headteacher should oversee the 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 (or deputy).

13. The headteacher should 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.

14. The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in paragraph 3. The staff members should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

15. If the designated safeguarding lead (or deputy) find evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of [Keeping children safe in education](#)). The designated safeguarding lead (or deputy) should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns. See paragraphs 44-46 on recording searches.

## Before searching

16. 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 the school rules for which a search can be made, or if the pupil has agreed. See paragraphs 2-4 on powers to search.

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

<sup>6</sup> [Section 550ZB of the Education Act 1996](#).



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18. Before any search takes place, the member of staff conducting the search should 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.

19. The authorised member of staff should 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.

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

21. 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, designated safeguarding lead (or deputy) 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.

22. 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 paragraph 3, but not to search for items which are identified only in the school rules. [Use of reasonable force in schools](#). 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 disorder.<sup>7</sup> See guidance on the [8](#)

23. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

<sup>7</sup> [Section 550ZB\(5\) of the Education Act 1996](#).

<sup>8</sup> [Section 93\(1\) of the Education and Inspections Act 2006](#).

## During a search

### Where

24. An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.<sup>9</sup>

<sup>9</sup> 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.

<sup>10</sup> [Section 550ZB of the Education Act 1996](#).

### Who

25. 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.

26. 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.<sup>10</sup>

27. When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept. See paragraphs 44-46 on recording searches.

### The extent of the search

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

29. The person conducting the search must 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.<sup>11</sup>

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

31. A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. Schools can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed in paragraph 3 and any items identified in the school rules for which a search can be made.

32. 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. See paragraphs 25-27 on who can conduct a search.

33. The member of staff may use a metal detector to assist with the search.

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

## Strip searching

35. A strip search is a search involving the removal of more than outer clothing (see paragraph 29). Strip searches on school premises can only be carried out by police officers under the [Police and Criminal Evidence Act 1984 \(PACE\) Code A](#) and in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).<sup>12</sup> 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.

36. Before calling police into school, staff should 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 should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always

"Staff members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.<sup>12</sup> Searches may entail different levels of invasiveness and exposure. A search under [PACE Code A](#) that involves removing more than outer clothing but does not expose intimate parts of the body would not require the presence of an appropriate adult. However, from a

pupilwellbeingperspective,schoolsmaywish to involve an appropriate adultasamatterofcourse during allsearchesconducted bypolice.

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 the school is to advocate for the safety and wellbeing of the pupil(s) involved. 37. Unless there is an immediate risk of harm and where reasonably possible, staff should 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 should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

### **The process the police must follow during a strip search**

38. 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 must be at least two people present other than the pupil, one of which must be the appropriate adult.<sup>13</sup> If the pupil's parent would like to be the appropriate adult, the school should 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.

39. 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 should 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.

40. 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

<sup>13</sup> The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody. This adult must 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.

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.

### **After-care following a strip search**

41. Pupils should 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 the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).<sup>14</sup> Safeguarding should 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 should 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.

<sup>14</sup> Further information on safeguarding can be found in [Keeping children safe in education](#) and [Working together to safeguard children](#).

### **After a search**

42. Whether or not any items have been found as a result of any search, schools should 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, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in [Part 1 of Keeping children safe in education](#). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff should follow the guidance set out below in paragraphs 57-81 on confiscation.

43. If a pupil is found to be in possession of a prohibited item listed in paragraph 3, then the staff member should alert the designated safeguarding lead (or deputy) and the pupil should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

## Recording searches

44. Any search by a member of staff for a **prohibited item** listed in paragraph 3 and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, 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 the school rules should be recorded. Staff members should follow the school policy in these cases.

45. Schools are encouraged to include in the record of each search:

- the date, time and location of the search;

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

46. Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this. See also paragraphs 108-110 of [Behaviour in Schools](#).

## Informing parents

47. Schools should reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents should **always** be informed of any search for a **prohibited item** listed in paragraph 3 that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

48. Schools should consider that in some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.

49. Any complaints about searching, screening or confiscation should be dealt with through the normal school complaints procedure.



## Screening

50. Screening can help provide reassurance to pupils, staff and parents that the school is taking measures to create a calm, safe and supportive environment.

51. Schools' statutory power to make rules on pupil behaviour and their duties as employers in relation to the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.<sup>15 16</sup>

52. Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.

53. Before considering the installation and use of any technology for screening, the headteacher is encouraged to consult with the local police who may be able to provide advice about whether installation of these devices is appropriate.<sup>17</sup>

54. If a headteacher decides to introduce a screening arrangement, they should inform pupils and parents in advance to explain what the screening will involve and why it will be introduced.

55. Where a pupil has a disability, schools should make any reasonable adjustments to the screening process that may be required.<sup>18</sup>

56. If a pupil refuses to be screened, the member of staff should consider why the pupil is not co-operating, and make an assessment of whether it is necessary to carry out a search. See paragraphs 18-23 for more information on when a pupil refuses a search, including sanctioning.

<sup>15</sup> [Section 89 of the Education and Inspections Act 2006](#) for all maintained schools, PRUs and NMSS and the [Education \(Independent School Standards\) \(England\) Regulations 2010](#) for independent schools, academy schools and alternative provision academies.

<sup>16</sup> [Section 3 of the Health and Safety at Work etc. Act 1974](#).

<sup>17</sup> [School and college security](#).

<sup>18</sup> See [Equality Act 2010 and schools](#) for further guidance on the duty to make reasonable adjustments for pupils with a disability.

## Confiscation

### Items found as a result of a search

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

- poses a risk to staff or pupils;
- is prohibited, or identified in the school rules for which a search can be made (see paragraphs 2-3); or
- is evidence in relation to an offence.

### Prohibited or illegal items

58. **Controlled drugs** must be delivered to the police as soon as possible unless there is a good reason not to do so.<sup>19</sup> In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance in paragraph 59 below issued by the Secretary of State.

59. 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.

60. **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.

61. 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.

62. 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 child) in which case it must

<sup>19</sup> 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 [DfE and ACPO drug advice for schools](#) 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.

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be delivered to the police as soon as reasonably practicable.<sup>20</sup> 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 paragraphs 72-79 for further advice on searching electronic devices.

63. Where a member of staff finds **stolen items**, these must 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 must have regard to the following guidance issued by the Secretary of State in paragraph 64 below.

64. 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 the 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.

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

66. Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should 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 must have regard to the guidance issued by the Secretary of State in paragraphs 67-68.

67. 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.

<sup>20</sup> [Section 62 of the Coroners and Justice Act 2009](#) defines prohibited images of children. [Section 63 of the Criminal Justice and Immigrations Act 2008](#) defines extreme pornographic images.



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68. 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.

69. Members of staff should use their judgement to decide to return, retain or dispose of any other **items banned under the school rules**. 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 in paragraph 70.

70. 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 item. In taking into account all relevant circumstances, the member of staff should consider: • 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 the school.

71. Members of staff should follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

## **Electronic devices**

72. 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.

73. As with all prohibited items, staff should 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.

74. Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in paragraph 57, if there is good reason to do so.

75. 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 should never intentionally view the image, and must 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 should confiscate the device, avoid looking at the device and refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should 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](#).

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76. If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable. 77. 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 must have regard to the following guidance issued by the Secretary of State in paragraphs 78 and 79 below.

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

79. In determining whether there is a **'good reason' to erase** any data or files from the device, the member of staff should 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 must 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.

## **Confiscation as a disciplinary penalty**

80. 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 so.<sup>21</sup>

81. The law protects members of 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.

<sup>21</sup> Section 91 of the Education and Inspections Act 2006.



## **Further information**

### **Other relevant departmental advice and statutory guidance**

- [Behaviour in Schools guidance](#)
- [Schools and College security guidance](#)
- [Equality Act 2010 and schools guidance](#)
- [Keeping children safe in education guidance](#)
- [Use of reasonable force in schools guidance](#)
- [Working together to safeguard children guidance](#)
- [DfE and ACPO drug advice for schools](#)

### **Other advice**

- [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#)

- [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#)

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