



THE BRUNTS ACADEMY

Search and Confiscation Policy

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1. General Data Protection Regulations



This policy has been reviewed in accordance with the General Data Protection Regulation (GDPR) which will replace the Data Protection Act 1998 from 25th May 2018. The introduction of GDPR has resulted in changes to many existing data protection rules and regulations that educational establishments adhere to. The Evolve Trust has undertaken a full data protection audit and have ensured that appropriate changes that have been made to data protection rules and regulations have been adhered to in full. The Evolve Trust has carried out all additional compliance requirements and fully accepts their duty of care to ensure individuals' data is kept safe and secure, resulting in increased compliance in our systems, processes and policies.



2. Purpose

This policy outlines guidance for authorised staff on searching students and the retention and disposal of items that have been confiscated in accordance with Department for Education guidance, the Academy's Behaviour Policy and the Anti-Bullying Policy. This policy applies whenever students are in the care of the school, including on school trips or in-training settings. All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). Authorised members of staff have the power to confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.

This policy is written and should be read in line with the Academy's policies for:

- Behaviour for Learning
- Uniform
- Drugs
- Self-harm

3. Aims

The central aim of this policy is to support staff in undertaking their duty to promote and maintain an orderly environment and to enable the Academy to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and disposed of safely and lawfully.

This policy also aims to clarify the circumstances in which searches will take place and what will happen to items confiscated by staff.

4. Prohibited Items

The following are "prohibited items" under Section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations 2012:

- 1 - Electronic games, MP3, MP4 players, iWatches, laser pens
- 2 - Excessive jewellery - *This will include earrings, rings and studs*
- 3 - The following items if found will not be returned to students;
 - Cigarettes, tobacco, cigarette papers, cigarette lighters, matches etc.
 - Alcohol, illegal drugs and substances
 - BB guns, penknives, modelling knives, fireworks, catapults etc.
 - Stolen items
 - Pornographic images (paper copies or electronic held on phones/other devices)
 - Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property.



All of the above items are items will be included as items that may be searched for, with or without consent.

5. Confiscation of a seen prohibited item

If a student is seen to have any prohibited item(s), any member of staff is permitted to confiscate those item(s).

a) How confiscation works

Once an item or items have been confiscated, the member of staff involved should take the item(s) to one of the Academy's receptionists.

A receptionist will complete Appendix A – Confiscated Property Log, check the confiscated items(s), label the item(s) and safely secure in the Academy's safe.

A text alert will be sent to the parent/carer to inform them about the confiscation and if appropriate, the date and time of collection. Some confiscated items such as jewellery will be returned directly to the student. Other items such as mobile phones and e-cigarettes can only be collected by the parent/carer and will not under any circumstances be given back directly to the student.

Where appropriate, once a confiscated item has been collected, the collecting parent/carer will sign Appendix A – Confiscated Property Log to confirm collection and receipt of the confiscated items.

6. Grounds for a search

The Academy is permitted to undertake a search where there are reasonable grounds for suspecting that a student may have a prohibited item in his or her possession. This may be the result of observing behaviour, monitoring by CCTV, or comments made by other staff, students, parents/carers or a member of the local community.

All searches must be carried out by 2 members of staff – 1 member of the Senior/Middle Leadership Team (ideally not the Headteacher) and 1 member of the Pastoral Team and each should be of the opposite gender i.e. 1 male and 1 female. This policy would apply on all Academy trips where the Academy's rules and expectations still apply. Should a search be required on a trip and a Senior Leader is not in attendance, the search must be carried out by the Trip Leader and a staff member of the opposite gender – if applicable, this would be the Deputy Trip Leader.

In all circumstances, the consent of the student to any search should be requested, although consent is not needed to search for certain items (see below). The Academy is not required to seek parental consent before carrying out a search. If a student fails to cooperate by unlocking a mobile phone or taking part in a search, external agencies including the police may be involved as required.

For all cases where a search is carried out, Appendix 2 - Search Log will be completed and uploaded to a central file and the student's file. Where prohibited items are found during a search, parents/carers will be



informed.

Authorised staff can search for any item that is deemed prohibited or likely to cause harm or disruption. There are two types of search: those with consent and those without consent. These searches are outlined on the next page:

a) Searching with consent

Before any search by authorised staff takes place, the student should be asked for their consent for a search of their personal belongings to take place. The student should be reminded of the Academy's policies and the consequences should the student not comply.

If the student refuses, they should be referred to the Headteacher or a member of SLT, in the Headteacher's absence.

b) Searching without consent

The following items can be searched for without consent:

- Cigarettes, tobacco, cigarette papers, cigarette lighters, matches etc.
- Alcohol, illegal drugs and substances
- BB guns, penknives, modelling knives, fireworks, catapults etc.
- Pornographic images (paper copies or electronic held on phones/other devices)
- Any item that it is suspected to have been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property

Any prohibited items will be confiscated and where necessary, external agencies i.e. the police will be contacted. The confiscated items will be stored or destroyed in accordance to advice from the external agencies.

The procedure for confiscated items following a search will follow the same procedures as listed in Section 4.1 of this policy.

7. Searching electronic devices

An electronic device such as a mobile phone or a tablet computer may be confiscated and its contents searched if there are grounds to suspect that the device has been, or could be, used to cause harm, to disrupt teaching or break Academy rules.

Any search of this nature will be conducted by 2 members of the Safeguarding Team – ideally 1 male and 1 female member. Where necessary, the Trust's Systems Leader is authorised to support searches.

In cases suspected to involve staff, searches will be carried out only by the Headteacher and the Trust's Systems Leader.



If inappropriate material is found on an electronic device, the material, and if necessary the device, will be retained as evidence. Depending on the nature and seriousness of the inappropriate material, the police will be contacted.



8. Appendix 1 – Confiscated Property Log

Property belongs to _____

Year/Tutor _____

Description of confiscated property		
	Please tick	Please make a note of the model/ exact item and any other details <i>i.e. iphone with blue case</i>
Mobile phone	<input type="checkbox"/>	
Other electronic device	<input type="checkbox"/>	
Headphones	<input type="checkbox"/>	
Jewellery	<input type="checkbox"/>	
Other	<input type="checkbox"/>	

Additional information

Details of confiscation				
Confiscated by				
Date confiscated				
Location of confiscation				
Reason for confiscation	Inappropriate item	<input type="checkbox"/>	Inappropriate use	<input type="checkbox"/>
Period of confiscation				
Item confiscated following a search	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Visual check of property – to be carried out by a member of the Reception Team	
Person carrying out check	
Please note any previous damage or other important details	

Collection of confiscated item	
Person collecting item	
Signature of person collecting item	
Signature of staff handing over item	
Date	



9. Appendix 2 – Search Log

Student _____

Year/Tutor _____

Grounds for search					
Suspected to have on their persons:					
1 - Cigarettes, tobacco, cigarette papers, cigarette lighters, matches etc					
2 - Alcohol, illegal drugs and substances					
3 - BB guns, penknives, modelling knives, fireworks, catapults etc					
4 - Pornographic images (paper copies or electronic held on phones/other devices)					
5 - Any item that it is suspected to have been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property					
If 5, please state specific item(s)					
Suspicion reported by		Staff		Student	
				Member of the community	
<i>If the suspicion has been raised by letter or email, please attach a copy to this form</i>					
Consent given by student prior to search			Yes		No

Details of the search					
Prohibited item(s) found					
1 - Cigarettes, tobacco, cigarette papers, cigarette lighters, matches etc					
2 - Alcohol, illegal drugs and substances					
3 - BB guns, penknives, modelling knives, fireworks, catapults etc					
4 - Pornographic images (paper copies or electronic held on phones/other devices)					
5 - Any item that it is suspected to have been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property					
If 5, please state specific item(s)					
Senior Leader present					
Pastoral Person present					
If electronic device search, please state the names of the 2 Safeguarding persons who conducted the search					
Person 1					



Person 1					
Consent given by student prior to search	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	

Additional information

Completion of search	
Name of Person 1	
Signature of Person 1	
Name of Person 2	
Signature of Person 2	
Date	

If prohibited items are found and confiscated, please complete the Confiscated Property Log and attach to this form.