SCREENING, SEARCHING AND CONFISCATION PROCEDURE AND POLICY

Date of Policy	July 2025
Next Review Date	August 2026
Lead for Review	Deputy Head – Wellbeing and boarding DSL CATS, DSL

PART OF CATS GLOBAL SCHOOLS

Contents

SCREENING, SEARCHING AND CONFISCATION AND PROCEDURE POLICY 1
Aim 3
Legal Responsibility 3
Introduction 3
Screening 4
Room Checks/Brief Inspection 4
Establishing grounds for a search 4
Searching with consent 5
Searching without consent 5
Searching Procedure 6
Searching a Room 6
During the Search 6
Electronic Devices 7
Use of force 8
After the Search 8
Items found as a result of a 'without consent' search 9
Disposal 10
Taking temporary possession of and disposal of suspected illegal drugs 10
INFORMING parents and dealing with complaints 11
Confidentiality and Data Protection 11
Monitoring of Searches 11
Associated Resources: 12
Legislative links 12
Other relevant legislation: 12
Appendix 1 - Search Procedure 13
Appendix 2 – Example of a student Property Log and Search Form 15

AIM

To provide a clear transparent policy that allows members of staff, volunteers and students to understand roles & responsibilities around screening, search and confiscation. So that all screening, searching and confiscation is completed in line with legislation and guidance for these activities in schools.

The policy applies to all staff.

LEGAL RESPONSIBILITY

The Health and Safety at Work Act 1974 places a duty on employers to ensure, as far as is reasonably practicable, the health, safety and welfare at work of staff, students and other users of its premises. Our aim in applying this legislation is to provide a safe, healthy and high-quality learning environment. This includes the appropriate policing of boarding houses, other school properties and not limited to personal belonging searches, etc.

This policy also relates to the Education and Inspections Act 2006 and the Misuse of Drugs Act 1971 s.8- Amendment 8 (3.3), in so far as:

- Ultimate responsibility for this policy and procedure lies with the Head Teacher.
- It is a criminal offence to knowingly allow premises owned by the Schools, or that the Schools manage or have responsibility for, to be used by any other person for administration or use of any controlled drugs and the production of such drugs. The law requires that if staff become aware of the use or supply of illicit drugs on the premises, then reasonable action must be taken to prevent this continuing.

INTRODUCTION

This policy is intended to give clear guidance on the screening, searching and confiscation of student's property and residential premises and takes into account the 'Department for Education non- statutory guidance (2022) - Screening, Searching and Confiscation – Advice for Head Teachers, staff and governing bodies'.

- The Head Teacher, and any staff authorised by them, have a statutory power to search students or their possessions, without consent, where they suspect the student has certain prohibited items or items that are banned within the school rules.
- The prohibited items that can be searched for under this power are knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images, any article that the member of staff reasonably suspects has been or is likely to be used to commit an offence, or to cause personal injury, or damage to property; and any item banned by the school rules which has been identified in the rules as an item which may be searched for.

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

The Schools respect the privacy of its students. However, the Schools reserve the right to enter a student's room, with the student being given the choice of being present, when conducting a room search, and without permission when conducting health and safety room checks/cleaning/maintenance inspections or without permission under the direction of the Head Teacher/Rector should it be deemed essential.

SCREENING

The Schools retain the right to screen students by walk through or hand-held metal detectors, without the consent of the student. This type of screening can be carried out by an authorised member of staff but staff must not use physical contact. CATS Cambridge does not currently use search equipment but retains the right to do so to ensure the health and safety of staff and other students is not compromised and legislation is complied with.

ROOM CHECKS/BRIEF INSPECTION

Room checks are an opportunity for Boarding staff to visually scan rooms for any defects/damages etc. If the Boarding staff suspect or have good reason to believe that a student is hiding under a bed or closet in order to avoid attending School or is hiding someone else in their room then they are authorised to open wardrobes, look under beds and check bathrooms etc. Under these circumstances and particularly at times when room checks occur the opening of wardrobes will not constitute as a room search.

When Boarding staff enter a student room for a room inspection the staff member is authorised to conduct a visual search of the room but may not open drawers, etc. without the student's permission. The staff member may request a student to open these items whilst conducting a room inspection. A room inspection will not require the student's permission.

ESTABLISHING GROUNDS FOR A SEARCH

The person wishing to carry out the search must establish what constitutes reasonable ground for suspicion. For example, staff may have heard other students talking about an item or a change in the student's behaviour, a positive drugs test or suspicion of illegal substances in their accommodation.

Once grounds are established, approval must be sought from a senior member of staff authorised by the Head Teacher/Rector to approve such requests.

The powers allow school staff to search regardless of whether a student is found after the search to have that item. This includes circumstances where staff suspects a student of

having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

SEARCHING WITH CONSENT

School's common law powers to search:

School staff can search students with their consent for any item which is banned by the School rules.

School staff do not require having formal written consent from the Student for this sort of search – it is enough for the staff member to ask the student to turn out his or her pockets or search their bedroom or locker and for the student to agree.

- If a member of staff suspects a student has a banned item in his/her possession/ accommodation, they can instruct the student to turn out his or her pockets or bag and if the student refuses, the staff member can apply the disciplinary policy.
- The Education Act 2011 allows authorised persons to examine data on electronic devices if they think there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files the authorised staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or could break the school rules.
- A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, CATS Cambridge can apply the school disciplinary procedures.

SEARCHING WITHOUT CONSENT

Section 550ZA of the Education Act 1996 states: knives, weapons, alcohol, illegal drugs, stolen items and other 'prohibited items' can be searched for without student consent.

- The search can be carried out when there are 'reasonable grounds' for suspecting that a student is in possession of a prohibited item. Seek permission from the Head Teacher, or from a senior member of staff authorised by the Head Teacher/Rector to approve such requests. A search under these circumstances may only be undertaken by staff who are authorised to do so.
- Searches without consent can only be carried out on school premises or, if elsewhere, where a member of staff has lawful control or charge of the student, for example a schools trip in England or in a training setting. On a trip this should only be done in exceptional circumstances and usually after obtaining consent from Senior Staff in school whenever possible.
- The legal powers only apply to England.

SEARCHING PROCEDURE

If searching without consent you must have obtained permission from the Head Teacher, or from a senior member of staff authorised by the Head Teacher to approve such requests. A search under these circumstances may only be undertaken by staff who are authorised to do so.

Please see Appendix 1 for the Search Procedure.

Any items found must be dealt with as detailed in Appendix 1.

]

SEARCHING A ROOM

Please also refer to Pastoral Principles and Practice Policy for protocol on entering a student room.

Every search shall be based on timely information and conducted as soon as possible after the information or report is received.

There will always be present at least two staff members; where this is impossible, a second witness, preferably adult, should be present.

Before any room search, if it is practicable, room occupants will be notified of the reason for the search and will be afforded an opportunity to be present and voluntarily produce the items or materials sought.

The room shall be searched in an orderly manner and all information shall be recorded. The room shall be left in the same condition as it was when entered and the student will be notified about the search if not present.

During the search process, failure to comply with any reasonable request by authorised personnel could result in the student facing formal disciplinary procedure, be asked to be removed from location and search conducted in their absence if looking for prohibited/illegal items. Reasonable requests shall include emptying of pockets, clothing, purses, etc.

DURING THE SEARCH

Extent of the search – clothes, possessions, desks and lockers

What the law says:

> The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.
>
> 'Possessions' means any goods over which the student has or appears to have control – this includes desks, locker, bags, and living accommodation.

A student's possessions can only be searched in the presence of the student and another member of staff, except where the student has waived the right to be present, or 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.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

ELECTRONIC DEVICES

Staff must consult with a Designated Safeguarding Lead (DSL), for guidance specific to E-Safety, prior to viewing any material on a student's electronic device.

The DSL will consult the relevant local authorities (e.g the Police) sand follow any recommended steps before authorising further investigation.

Members of staff authorised by the Head Teacher/Rector to carry out searches for and of electronic devices and to access and delete data / files from those devices should receive training that is specific and relevant to this role. Specific training is required for those staff who may need to judge whether material that is accessed is inappropriate or illegal.

The examination of the data / files on the device should go only as far as is reasonably necessary to establish the facts of the incident. Any further intrusive

examination of personal data may leave the school open to legal challenge.

Following an examination of an electronic device, if the authorised member of staff has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

If inappropriate material is found on the device, it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a possible criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

A record should be kept of the reasons for the deletion of data / files.

Examples of illegal activity would include:

- Child sexual abuse images (including images of one student held by another student)
- Adult material which potentially breaches the Obscene Publications Act
- Criminally racist material
- Other criminal conduct, activity or materials
- Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files if they think there is a good reason to do so.

USE OF FORCE

Reasonable force may be used by the person conducting the search by law but CATS Cambridge do not sanction the use of force in searching a student except in exceptional circumstances when the Head Teacher is present or has specifically authorised it. Please refer to the Use Of Reasonable Force Policy for further details.

AFTER THE SEARCH

The power to seize and confiscate items – general

What the law allows:

- The Schools' general power to discipline, as set out in Section 94 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.
- The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.
- Staff have a defence to any complaint or other action brought against them. 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.
- The Schools reserve the right to confiscate any age-restricted items that are not within the age consent bracket of the student and only return the item upon the student's departure from the School.

ITEMS FOUND AS A RESULT OF A 'WITHOUT CONSENT' SEARCH

What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon/knife; alcohol; illegal drugs etc) or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it.
- Where they find controlled drugs, these must be delivered to the police as soon as possible unless there is a good reason not to do so – in which case the drugs must be disposed of.
- Where staff find other substances which are not believed to be controlled drugs, these can be confiscated where a member of staff believes them to be harmful or detrimental to good order and discipline. This would include, for example, so-called "legal highs". Where staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined above.
- Where they find stolen items, these must be delivered to the police unless there is a good reason not to do so – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable.
- In determining what is a "good reason" for not delivering controlled drugs or stolen items to the police the member of staff must have regard to guidance issued by the Secretary of State.

- Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.
- It is for staff to decide whether there is a good reason not to deliver stolen items or controlled drugs to the police.
- In determining what a 'good reason' is, the member of staff should consider all relevant circumstances and use their professional judgement to determine whether they can safely dispose of a seized article.
- Where 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.
- With regard to stolen items, it would not be reasonable or desirable to involve the police in dealing with low value items (such as pencil cases). However, school staff may judge it appropriate to contact the police if the items are valuable (iPods/laptops) or prohibited.
- Schools can dispose of alcohol as they think appropriate, but this does not include returning it to the student.

DISPOSAL

Taking temporary possession of and disposal of suspected illegal drugs

The law permits School staff to take temporary possession of a substance suspected of being an illegal drug, for the purposes of preventing an offence from being committed or continued in relation to that drug. The School must ensure that all reasonable steps are taken to destroy the drug or deliver it to a person lawfully entitled to take custody of it. In taking temporary possession and disposing of suspected legal drugs Schools are advised to:

- Seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present.
- Deliver the bag to the person authorised by the Head Teacher to handle controlled substances at the School.
- The authorised individual will store the items in a secure location, such as the School safe or other lockable container with access limited to senior members of staff only.
- The authorised individual will then notify the police and arrange a time to hand the items to them for disposal. The law does not require a School to divulge to the police the name of the student from whom the drugs were taken.
- Record full details of the incident.
- Inform parents/carers, unless this would jeopardise the safety of the student.

Disposal of drug paraphernalia:

- Needles or syringes found on School premises should be placed in a sturdy, secure container (e.g. a tin with lid) using gloves and treated as bio-hazardous material.

INFORMING PARENTS AND DEALING WITH COMPLAINTS

The Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

- There is no legal requirement to make or keep a record of a search but, as good practice and a form of monitoring, the School does expect the search form to be completed and retained in the Boarding Office and a note made on Wellbeing manager on iSAMS.
- The Schools may inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching will be dealt with through the normal School complaints procedure. Please refer the Complaints policy.

CONFIDENTIALITY AND DATA PROTECTION

Please refer to the Confidentiality Policy.

MONITORING OF SEARCHES

Yearly reviews will be carried out to ensure best practice and policy is adhered to.

ASSOCIATED RESOURCES:

Searching, screening and confiscation Advice for headteachers, school staff and governing bodies:

https://www.gov.uk/government/publications/searching-screening-and-confiscation

Behaviour and Discipline in Schools – guidance for governing bodies:

https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools-guidance-for-governing-bodies

Behaviour and Discipline in Schools – advice for head teachers and school staff:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file /488034/Behaviour_and_Discipline_in_Schools_A_guide_for_headteachers_and_School_Staff.pdf

LEGISLATIVE LINKS

Education and Inspections Act 2006
http://www.legislation.gov.uk/ukpga/2006/40/contents

Health and Safety at Work etc Act 1974 http://www.hse.gov.uk/legislation/hswa.htm

Other relevant legislation:

Education Act 1996

Education Act 2011 Part 2 (Discipline)

The School Behaviour (Determination and Publicising of Measures in Academies)

Regulations 2012 Obscene Publications Act 1959

Computer Misuse Act 1990

The School Behaviour (Determination and Publicising of Measures in Academies) Regulations

2012 Obscene Publications Act 1959

Children Act 1989 Human Rights Act 1998

Computer Misuse Act 1990

APPENDIX 1 - SEARCH PROCEDURE

A student's room and belongings can only be searched where there are clear grounds for suspecting something is untoward, or where failure to carry out the search would put at risk the welfare of the pupil and others.

Authorisation must be given in advance by the Head Teacher, or from a senior member of staff authorized by the Head Teacher to approve such requests.

Unauthorised items that are left in clear view of any staff member entering the room will be confiscated immediately and documented prior to a further search.

In all circumstances a minimum of 2 staff must conduct the search and in most cases it will be preferable for the student to be present during the search.

All such searches must be documented showing the students name, time and date, noting what was found and who carried out the search. Staff will use a 3 part NCR pad "Student Property Log" to list all items seized. They should inform the student if the items will be stored, immediately disposed of, or turned into the local police to be destroyed. All those present should sign and date the record.

All items should be placed in a "keep safe" bag and the pink copy of the "Student Property Log" placed in the bag and sealed. The items found will determine the next step:

- **General confiscated items prohibited in the boarding house**; for example, kettles or heaters, should be retained and stored in the boarding house and returned to the student at a suitable time (e.g. when arranged with parents to be sent home or when student is returning home). The Head of Boarding must be informed.
- **Age specific/restricted items;** for example dvds, video games, smoking/vaping and alcohol, should be given to the Head of Boarding, or equivalent deputy in their absence, who will retain items in the boarding house and may return them to the student at a suitable time. Open containers of alcohol or cigarettes should be disposed of. Items must not be returned to students whilst they are still under the legal age. Staff returning 18+ items to underage students would constitute supply of an age restricted item to a minor.
- **Illegal items**; for example, drugs and weapons, should be given to the Head of Welfare, or in his absence the Head Teacher, who will coordinate communication with the police or other required actions.

The yellow copy of the "Student Property Log" will be given to the student as a receipt. The white copy of the "Student Property Log" should be filed by staff, noting where any items will be stored.

The "Date Returned" section of the form should be completed on the white copy that has been filed. The student and at least one staff member must sign and the white copy must be retained by staff and refiled.

The “Date Disposed of” section must be signed by two members of staff on the white copy that has been filed, noting how the item was disposed of and then refiled.

The “Continuity” section of the form should be filled in by staff on the white form that has been filed, if the items are being handed over and taken away from the premises. It should be signed by whoever is accepting responsibility, the reason they are taking it, and signed by at least one witness (the only time the “Continuity” section will be filled in on the pink form is when the bag is opened by police. The pink form will then be signed by the police and placed on file).

In the event that the student is found to be in possession of any illegal substances or offensive weapons then the DSL must be informed immediately. The DSLwill consult with Senior Management and if necessary, the police will be involved. Any illegal items will then be turned into the police to be destroyed. A receipt will be obtained from the police and filed.

The parents / agent of student may be informed during the assessment / admission process of this policy. Students should always be informed prior to any contact being made.

Deleted: ¶

APPENDIX 2 – EXAMPLE OF A STUDENT PROPERTY LOG AND SEARCH FORM

Always use the official 3-part NCR pad "Student Property Log" to record items.

Student Search/Property Log 0219

Student Name:	**Location:**	**Date:**
CEG No:	**Room Number:**	**Time:**
Reason for Search:		**Student Present: YES / NO**
Authorised By:		**Item/s left in plain view:** ☐

Items:

I ..... acknowledge that I have been made aware that staff will:

☐ Store my property until one month from the end of the school term. I am aware that staff will dispose of or find suitable use for any unclaimed stored property if it has not been retrieved within this period.

☐ Immediately dispose of or turn in my property into the local authority to be destroyed.

Student Signature:	**Date**

Collected by

Staff Name:	**Staff Name:**
Sign:	**Sign:**
Stored:	**Date:**
Moved to:	**Date:**

Date Returned:	**Student signature:**	**Staff signature:**
Date Disposed of:	**Staff signature:**	**Staff Signature:**
Method of Disposal:		

Continuity

☐ **Bag opened by:** ☐ **Bag handed over to:**	☐ **Bag opened by:** ☐ **Bag handed over to:**
Reason:	**Reason:**
Sign: **Date:**	**Sign:** **Date:**
Witness:	**Witness:**