



Searching & Confiscation

Policy updated by:	J Montoto
Reviewed by staff:	May 2024
Review due:	May 2025
Agreed by Headteacher:	N Anderson



This page is left intentionally blank.



This Searching and Confiscation Policy has been written with reference to:

1. [Behaviour in Schools, DfE September 2022.](#)
2. [Searching, Screening and Confiscation, DfE July 2022.](#)

Introduction

The Management Committee at Leicester City Primary Pupil Referral Unit recognises that the presence of weapons, or other prohibited items, in the Primary PRU would not only create unacceptable risks of bullying, injury or death, but also create a climate that undermines the educational purposes of the Primary PRU.

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.

In order to safeguard and promote staff and pupil welfare, and to maintain the high standards of behaviour through which the pupils can learn and thrive, the Headteacher, and staff they authorise, have the statutory power to search a pupil, or their possessions, where they have reasonable grounds to suspect the pupil may have a weapon, or prohibited item.

For the purpose of this policy a “weapon” includes:

- A firearm of any description, including starting pistols, air guns and any type of replica or toy gun.
- Knives, including all variations of bladed objects i.e. pocket knives, craft knives, scissors etc.
- Explosives, including fireworks, aerosol sprays, lighters, matches.
- Laser pens or other objects, even if manufactured for a non-violent purpose that has a potentially violent use i.e. the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

In addition, other prohibited items are:

- Alcohol
- Illegal drugs
- Stolen items
- Any article that a 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 the property of any person (including the pupil themselves).
- An article specified in regulations:
 - Tobacco and cigarette papers



- Fireworks
- Pornographic images.

It is the Primary PRU's policy to forbid the possession, custody and use of weapons by unauthorised persons in, on, or around the Primary PRU premises and during activities. No pupil or other person shall bring a weapon into the Primary PRU community, nor carry or keep any weapon within the perimeter of the Primary PRU site or while attending or participating in any school activity. This includes during transportation to or from the centres and/or activities.

These rules apply at all times except where a weapon is issued to a pupil by the Primary PRU, or required by the Primary PRU, for the purpose of teaching a curriculum activity. Misuse of such items will be dealt with as though possession was not authorised.

Any pupil found to be in breach of the policy shall be subject to action under the Primary PRU's Behaviour Policy. This could mean fixed or permanent exclusion from the Primary PRU. In some circumstances the Police might also be contacted.

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 (including wand searches) may play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's social care services.

The Role of the Headteacher, Designated Safeguarding Lead and authorised members of staff.

The Headteacher has oversight of the Primary PRU'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).

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 above. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the designated safeguarding lead (or deputy) finds 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.

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 listed above.

Before a Search When a Weapon/ Prohibited Item is Suspected

An incident will be dealt with as an internal disciplinary matter if the circumstances are innocent. If there is any doubt the Primary PRU will call the police. When contacting the Police, the Primary PRU must indicate to the police how serious they think the situation is and, where thought necessary will request an urgent operational response – so the police are informed as to how urgent their response must be.

There may also be some exceptional circumstances where members of staff, who have been made aware that a weapon may be on Primary PRU premises, decide that they need to take action before the Police arrive.

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 above for which a search can be made, or if the pupil has agreed.

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.

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.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil refuses to co-operate, the member of staff should consider why. Reasons could include that they:

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

The Headteacher should always be called to assess and manage any situation where an offensive weapon, or prohibited item, is suspected. In the absence of the Headteacher a senior member of staff should be called.



During a Search

Where?

Where possible, members of staff should not confront a person suspected of possessing a weapon in the presence of other pupils. Preferably two or more members of appropriately authorised and trained staff should divert the person to a safe, secure place.

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.

Who?

The staff member conducting the search must be of the same sex as the pupil; and may only carry out the search in the presence of another member of staff acting as a witness.

A staff member may 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.

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.

The Extent of the Search

The authorised staff member may search a pupil's outer clothing, pockets, possessions, desks or allocated drawers. The use of search wands has been introduced from March 2024. Risk assessments are completed, and parents/guardians informed beforehand.

The staff member **must not** require a pupil to remove any clothing other than outer clothing, i.e. any item of clothing not being worn wholly next to the skin or immediately over a garment being worn as underwear. They **do not** have the power to conduct a strip search. (*See Strip Search section on p9.*)



A pupil's possessions (including any goods over which he/she appears to have control) may not be searched except in his/her presence 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.

A member of staff is able to search drawers and desks or other personal spaces at the school for any item provided the pupil agrees. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed above.

Where the person suspected of carrying a weapon is not a registered pupil at the Primary PRU, or where an incident involving a pupil takes place outside the Primary PRU premises and where the pupil is not under the control/charge of the Primary PRU, any search should only be undertaken by a Police Officer.

Use of Reasonable Force

A member of staff may use such force as reasonable in the circumstances for the purposes of preventing a pupil from doing (or continuing to do) any of the following, namely:

- committing an offence
- causing personal injury to, or damage to the property of any person (including the person him/herself), or
- prejudicing the maintenance of good order and discipline at the Primary PRU or among any pupils receiving education at the Primary PRU, whether during a teaching session or otherwise.

This power may be exercised only where the member of staff and pupil are on Primary PRU premises or are elsewhere and the member of staff has lawful control or charge of the pupil concerned.

The decision to use reasonable force should be made on a case-by-case basis.

After a Search

Whether or not any items have been found as a result of any search, the Primary PRU will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and/or whether any specific support is needed. A risk assessment will need completing if this needs to be carried out daily to ensure all staff are aware.

Where this may be the case, staff should follow the Primary PRU'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 on confiscation.

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

Recording a Search

Any search by a member of staff should be recorded within the pupil's record on CPOMS, including whether or not an item was found.

The entry into CPOMS should include:

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

Informing Parents

If a daily search is needed or whenever a search has been conducted the Primary PRU will notify the parent(s) and / or carers. They should be informed of what, if anything, has been confiscated and any resulting actions that have been taken. The notification should be recorded on CPOMS as an ongoing need or a one-off incident.

Any complaints about searching, or confiscation will be handled through the Primary PRU's complaints procedure.

Confiscation

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 as an item for which a search can be made or
- is evidence in relation to an offence.



Weapons

The member of staff should discuss with the Headteacher (or Senior lead) and use their professional judgement to determine whether the item should be delivered to the police, retained, returned to the owner or disposed of.

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

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

If a staff member suspects a confiscated item has been used to commit an offence, or may be evidence in relation to an offence, it must be delivered to the Police.

Upon confiscation any weapon which is confiscated during a search should be stored securely and safely.

Where weapons are returned or surrendered to the Police, a record should be made and retained by the Primary PRU, reported to the Leicester City Council Health & Safety Team, and a copy provided to the Police.

Controlled Drugs

Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so.

In these cases, the member of staff must safely dispose of the drugs. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug.

When staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. If the member of staff is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

Other Substances

Other substances which are not believed to be controlled but are believed to be harmful should be delivered to the Police or disposed of.

Items such as alcohol, tobacco or fireworks should be retained or disposed of, but should not be returned to the pupil.

Pornographic Images



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 be delivered to the police as soon as reasonably practicable.

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.

Electronic devices

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

As with all prohibited items, staff 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.

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

If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff 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.

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.

In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so.

- 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.
- 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.

Post Incident

Consideration needs to be taken of what is needed to manage the situation immediately post incident to ensure the safety of pupils, staff and members of the public.

All incidents should be reported and investigated in line with the LA guidelines. In the case of a serious incident, the Health & Safety Team should be contacted for immediate support/investigation and the incident needs reporting to the Health and Safety Executive.

Review of the risk assessment/s and consideration of the disciplinary process for the person found carrying an offensive weapon or knife.

Support for the staff/pupils involved in the incident if required.

As required, co-operation with the Police/Crown Prosecution Service investigation/s.

Strip Searches

A strip search is a search involving the removal of more than outer clothing. Strip searches on Primary PRU 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.

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.

Before calling police into the Primary PRU, 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 ensure that other appropriate, less invasive approaches have been exhausted.

Once the police are on Primary PRU premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school staff is to advocate for the safety and wellbeing of the pupil(s) involved.

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.

The Primary PRU will 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

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. If the pupil's parent would like to be the appropriate adult, the Primary PRU will facilitate this where possible.

Police officers carrying out the search must be of the same sex as the pupil being searched.

An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult **only if the pupil explicitly states in the presence of an appropriate adult** that they do not want an appropriate adult to be present during the search and the appropriate adult agrees. A record 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.

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove



an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.

After-care following a strip search

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 Primary PRU which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).

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. Primary PRU staff will give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency, and consider preventative approaches.

Links to Other Policies

This policy does not stand alone and should be read in conjunction with the following Primary PRU policies:

- Child Protection & Safeguarding
- Anti-Bullying
- Trauma Informed Relationships & Behaviour
- E-safety and acceptable use
- Home-school agreement
- SEND
- Physical Intervention
- PSHE Education and Citizenship
- Equality, Diversity & Cohesion
- Attendance
- Curriculum Statement
- Educational Visits / Off-Site Activities
- Health and Safety
- Staff handbook



Monitoring and Review

The Headteacher and the Management Committee have a statutory responsibility for Primary PRU behaviour, discipline and safety. The Searching & Confiscation policy will be promoted and implemented throughout the Primary PRU by all staff.

The Management Committee will review the Policy annually and assess its implementation and effectiveness.