

# Searching (non-contact), Screening and Confiscation Policy and Guidelines

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## Searching (non-contact), Screening and Confiscation Policy and Guidelines

### PURPOSE OF POLICY

The purpose of this policy is to:

- Promote a safe and healthy environment in which teaching and learning can take place.
- Explain the powers of searching\* students so that the Principal and approved staff have the confidence to use them when this is considered absolutely necessary
- Explain the powers the College has to seize and then confiscate items found during a search.

*\* The power to search at Craven College will consist of requesting students to remove outer clothing only, empty pockets, search bags or lockers; It **will not** consist of asking students to remove any clothing apart from outer clothing (so called strip search) or an intimate search.*

### Links to other policies:

- Student Positive Behaviour Policy
- Drug, Substance and Alcohol Abuse policy
- Safeguarding Children and Vulnerable Adults Policy

### INTRODUCTION

Craven College is committed to providing a safe, supported, healthy and secure environment for students and staff.

The aim of this Searching, screening and Confiscation Policy is to:

- Provide clarification on the use of screening, searching (non-contact) and confiscation at Craven College.
- To enable staff to feel more informed and to present a consistent approach to screening, searching and confiscation.
- To make clear the responsibilities of the Principal, staff and the governing body in respect of this power.

This policy is drawn from updated advice contained in the document "Searching, screening and confiscation" – Advice issued July 2022 by the Department for Education. This advice clearly sets out the statutory power of headteachers and authorised staff to search for any of the items prohibited by law (these do not include vapes and e-cigarettes) and those that are prohibited in the 'school rules' (ie identified as banned or their use restricted in the Behaviour Policy) where they have reasonable grounds to suspect the pupil has them on their person or in their possessions. This includes items suspected to be used (or likely to be used) to commit an offence, or cause injury or damage. References to **'without consent' searches have been removed**, and the updated guidance now states that, if a student does not co-operate, the staff member will then need to assess whether it is appropriate to use reasonable force to conduct the search. It is made explicitly clear that reasonable force can only be used to search for items prohibited by law, not items banned by the College in its Behaviour Policy. Our policy gives further guidance where a student refuses to co-operate with screening or searching.

### 1. LEGISLATIVE / QUALITY FRAMEWORK

This policy relates to:

- Education Act 2011
- Health and Safety at Work Act 1974
- Police and Criminal Evidence Act 1984

### What the law states

- College staff can search a student for any item if the **student agrees**. However, the advice clarifies that staff members should ensure the student "understands the reason for the search and how it will be conducted so that their agreement is informed". This replaces the previous assertion that a staff member can simply ask a student to

turn out their pockets and, if they agree, take that to mean they have agreed to be searched (which could not be considered to be true consent).

- The Principal and staff authorised by them have a statutory power to search students or their possessions, only with consent, where they have reasonable grounds for suspecting that a student may have a **prohibited item (see full list below)**. The items that can be searched for under this power for **all students** are **knives or weapons, illegal drugs, including those which may be concealed in vapes and stolen items**. Items that the college rules deem as banned may also be searched for (such as drugs paraphernalia)
- In addition the Principal, and staff authorised by them, have a statutory power to search students or their possessions, for any article that the member of staff reasonably suspects has been, or is likely to be used (i) to commit an offence or (ii) to cause personal injury to, or damage the property of, any person (including the student).
- College staff can seize any prohibited item found as a result of a search.

## 2. DEFINITIONS

For the purposes of this policy, the following definitions will be used:

### Prohibited items

- Illegal Drugs – including those that may be concealed in vapes
- Knives or weapons
- Stolen items
- Alcohol
- Fireworks
- Pornographic materials / 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 of any person (including the student)

### Banned items:

- Drugs paraphernalia (Grinders, bongs, stash jars/containers, needles or similar items that could be linked to the use of drugs (possession/supply))
- Offensive weapons (Knives or anything made, adapted or intended for use as a weapon)
- **Drugs:** Illegal Class A, B and C drugs, “legal highs”, solvents (including aerosols, glue, cleaning, lighter fluid and spiked vapes)

## 3. AUTHORISED STAFF

All staff authorised to undertake searches of students will be provided with training. Staff authorised to search will be:

- Senior Leadership Team
- Heads of Department
- Course Tutors
- Head of Student Experience
- Student Services Manager
- Student Safeguarding and Wellbeing Officer
- Responsible staff on off site visits
- Security staff (if they are not a member of the college, they must be accompanied by a permanent member of staff)

Normally staff must be the same sex as the student being searched; there must be a witness (also a staff member) present, and also of the same sex as the student being searched.

Staff may carry out a search of a student of the opposite sex and without a witness present **only** where they reasonably believe that 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.

## 4. SCREENING PROCEDURES

- The College can require student to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of students.
- Any member of college staff can screen students.
- If a student refuses to be screened, the college may refuse to have the student on the premises. Health and safety legislation requires a college to be managed in a way that does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If the student fails to comply, and the college does not let the student in, the college has not excluded the student and the student's absence should be treated as unauthorised. The students should comply with the rules and attend.

## 5.0 SEARCH PROCEDURES

- The College Principal and authorised staff can search students or their possessions **with their consent** for any prohibited or banned item as listed previously.
- Colleges are not required to have formal **written** consent from the student for this sort of search, however, prior to the search, staff at Craven College will share the Search, Screen and Confiscation Student Information Leaflet (Appendix 1) with the student to clarify the reason for the search and how the search will be conducted so that their agreement is informed. If a staff member asks a student to turn out their pockets or ask if the staff member can look in the student's bag or locker and the student agrees, this is now not considered to be true consent. The reason for the search and how it will happen must be shared with the student.
- *The power to search at Craven College will consist of requesting students to remove outer clothing only, emptying pockets, searching bags or lockers; It **will not** consist of asking students to remove any clothing apart from outer clothing (so called strip search) or an intimate search*
  - Outer clothing means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being used as underwear, as well as hats, scarves, boots or shoes.
  - Staff member should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search
- Consideration must be made regarding the age and needs of the student being searched. The individual needs or learning difficulties of student with SEN need to be taken into account as well making reasonable adjustments where the students has a disability.
- The Designated Safeguarding Lead (or deputy) **must** be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited or banned item. The staff member must also involve the Designated Safeguarding Lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk
- CCTV can be checked, by authorised staff, in order to make a decision whether to conduct a search for an item.

### 5.1 Before Searching

- A search should only be considered if the member of staff has reasonable grounds for suspecting that a student has a prohibited or banned items in their possession.
- The authorised member of staff should make an assessment of how urgent the need for the search is and should consider the risk to other students and staff
- Authorised staff should always seek the co-operation and agreement of the student before conducting any search. They must share the Search, Screen and Confiscate Student Information Leaflet, to explain the reason for the search and, how and where the search is going to take place with the student being given the opportunity to ask questions.
- If a student is not willing to co-operate, please see later section.
- Where a student refuses to consent to a search and if it is illegal for the student to have a suspected prohibited item in their possession, the police should be contacted. Parents/carers should also be contacted.
- If the police attend and prohibited items are found, the student suspension procedure must be followed. The police will be expected to remove the prohibited items otherwise the confiscation procedure (section 6) will be followed.
- If the police do not attend, the student suspension procedure must be followed

- Authorised staff may also view CCTV footage in order to make a decision as to whether to conduct a search for an item.

## 5.2 During a search

- An appropriate location for the search must be found, away from other students where possible. The search must only take place on the college premises or where the staff member has lawful control or charge of the student i.e. on a college trip
- The staff member must be of the same sex as the student being searched. There must also be another staff member (also preferably of the same sex) present as a witness to the search.
- A limited exception to this rule is where staff may carry out a search of a student of the opposite sex and/or without a witness present **only**:
  - If they reasonably believe that there is a risk that serious harm will be caused to a person if the search is not conducted immediately
  - In the time available, it is not reasonably practicable to summon another member of staff.
- Any search carried out without a witness must be immediately reported to another member of staff, preferably the Designated Safeguarding Lead (or deputy), a member of the senior management team or the Head of Department. A record of this search, signed by the staff and student must be kept. (Reference the Record of Search form Appendix 2)
- Only the student's outer clothing, pockets, possessions, desks or lockers may be searched with consent.
- The staff member carrying out the search must not require or ask the student to remove any clothing apart of outer clothing (see section 5.0 for a definition of what outer clothing refers to).
- Possessions refers to any goods that the student has or appears to have control over such lockers, bags, desks. A student's possessions can only be searched in the presence of the student and another staff member 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 practical to call another staff member.  
Strip searches, which involve the removal of more than outer clothing (see section 5.0) are not permitted by any staff member and can only be carried out by the police in accordance with the Police and Criminal Evidence Act 1984. This decision for a strip search is a police matter with the college retaining a duty of care to the students involved and should always advocate for student wellbeing.

## 5.3 Actions

- If prohibited items are found, the confiscation procedure (section 6) and student suspension procedure must be followed.
- A record of the incident should be made on Promonitor for the attention of the Head of Department, Vice Principal and the Designated Safeguarding Team ([staysafe@craven-college.ac.uk](mailto:staysafe@craven-college.ac.uk)). If prohibited items are not found, a record should still be made.
- A suspended student will be invited to a Disciplinary Hearing in line with the Student Disciplinary policy.
- The outcome of the Hearing will determine the disciplinary procedure, but may lead to expulsion.

## 5.4 Refusing to consent to a search

- If a student is not willing to co-operate the staff should consider why this is. Possible reasons may be that the student:
  - Is in possession of a prohibited or banned item
  - Does not understand the instruction
  - Is unaware of what the search may involve
  - Have had a previous distressing experience of being searched
- If the student continues to fail to co-operate, the member of staff may sanction the student in line with the Student Positive Behaviour Policy.
- If the member of staff still considers that a search is necessary but is not required urgently, they should speak to the Principal, Designated Safeguarding Lead or their deputy as soon as possible. During this time the student should be supervised and kept away from other students.
- If the student still refuses to co-operate, the member of staff should seek advice from the Principal, Designated Safeguarding Lead or their deputy as soon as possible to assess whether reasonable force can be used to conduct the search. This must **only** apply to suspected prohibited items in lockers, desks or other personal spaces at college where students are permitted to store their belongings.

- If there is reasonable evidence to suggest that the prohibited item may cause harm to the student or others, then the police should be called. **Searches without consent must NOT be carried out.**
- If the police attend and prohibited items are found, the student suspension procedure must be followed. The police will be expected to remove the prohibited items otherwise the confiscation procedure (section 6) will be followed.
- If the police do not attend, the student suspension procedure must be followed
- A record of the incident must be made on Promonitor.

## **6 THE POWER TO SEIZE AND CONFISCATION OF PROHIBITED ITEMS**

- An authorised person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item (that is a weapon / knife, illegal drugs or stolen items) or is evidence in relation to an offence.
- Alcohol, fireworks or pornography seized during a search of an under 18 student will be disposed of.
- Illegal drugs, weapons or items which are evidence of an offence will be stored in the Student Services Managers office in a lockable cabinet and handed over to the police as soon as possible.
- Other substances which are not believed to be controlled drugs 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' or solvents. Where staff suspect a substance may be controlled, they should treat it as controlled drugs as outlined above.
- Stolen items will be stored in the Student Services Managers office in a lockable cabinet and handed over to the police as soon as possible. Discretion will be used as to whether the police should be involved for items of low value or whether the stolen items should be returned to the owner.

## **5. CONTACT WITH PARENTS**

- The College is not required to inform parents of students aged over 18 before a search takes place or to seek their consent to search their child. However, the College may seek to do so.
- Parents should be informed if a student is suspected of concealing an item in advance of the search, unless there is an immediate risk of harm and where reasonably possible.
- Parents will be informed in line with the Student Positive Behaviour Policy if prohibited items are found and the student is suspended.

## **6. RECORD KEEPING, COMPLAINTS AND APPEALS**

- The College will keep a record of each search, signed by staff and the student, with regards to searches and monitor these records for any trends that may emerge. Data on searches should be reported to the Safeguarding Committee.
- Incidents will also be recorded on Promonitor.
- Complaints about screening or searching should be dealt with through the normal College Complaints Procedure.
- Appeals against any disciplinary action for prohibited items found through the Stop and Confiscate procedure, fall in line with the Appeals procedure in the Student Positive Behaviour Policy.
- The use of the powers of search will be monitored for any trends that emerge and reported as part of the annual Safeguarding to the College Board of Governors.

## Appendix I



### Stop, Search and Confiscation Procedures Student Information Leaflet

#### Introduction

Craven College is committed to providing a safe, supportive healthy and secure environment for students and staff.

To keep our community safe Craven College, in line with Department of Education advice, has created a **Search (non contact), Screening and Confiscation Policy**.

This advice clearly sets out the statutory power of College Principals and authorised staff to search for any of the items prohibited by law (these do not include vapes and e-cigarettes) and those that are prohibited in (ie identified as banned or their use restricted) where they have reasonable grounds to suspect the student has them on their person or in their possessions.

This includes items suspected to be used (or likely to be used) to commit an offence, or cause injury or damage.

#### What the Law States



- Under the Violent Crime Reduction Act 2006, the College has statutory powers to search, with reasonable grounds for suspicion and without consent, students at the College.
- Designated College staff can search a student for any item if the **student agrees**.
- Before being searched, staff members will ensure the student "**understands the reason for the search and how it will be conducted so that their agreement is informed**".
- The Principal and staff authorised by them, have a statutory power to search students or their possessions, **without consent**, where they have reasonable grounds for suspecting that a student may have a **prohibited item**. Under this power, students may be searched for items such as **knives or weapons, illegal drugs and stolen items**. Students may also be searched for Items that the college rules deem as banned (such as drugs paraphernalia)
- In addition designated staff have a statutory power to search students or their possessions, for any article that the member of staff reasonably suspects has been or is likely to be used (i) **to commit an offence or (ii) to cause personal injury to, or damage the property of, any person (including the student)**.
- College staff can seize any prohibited item found because of a search.

Prohibited Items	Banned items:
<ul style="list-style-type: none"> <li>• Illegal Drugs</li> <li>• Knives or weapons</li> <li>• Stolen items</li> <li>• Alcohol</li> <li>• Fireworks</li> <li>• Pornographic materials / images</li> <li>• Any article that the member of staff reasonably suspects has been or is likely to be used to : Commit an offence or</li> <li>• to cause personal injury, or damage to property of any person (including the student)</li> </ul>	<p><b>Banned items:</b></p> <ul style="list-style-type: none"> <li>• Drugs paraphernalia (Grinders, bongs, stash jars/containers, needles, or similar items that could be linked to the use of drugs (possession/supply)</li> <li>• Vapes spiked with illegal drugs</li> <li>• Offensive weapons (Knives or anything made, adapted or intended for use as a weapon)</li> </ul> <p><b>Drugs;</b></p> <ul style="list-style-type: none"> <li>• Illegal Class A, B and C drugs, "legal highs", solvents (including aerosols, glue, cleaning and lighter fluid.</li> </ul>

## SCREENING PROCEDURES

The College can require student to undergo screening by a hand-held metal detector even if they do not suspect them of having a weapon.

If a student refuses to be screened, the college may refuse to have the student on the premises and discussion with next of kind can take place and safety plan of how the student will go home devised.

## SEARCH PROCEDURES

- The College Principal and authorised staff can search students or their possessions **with their consent** for any prohibited or banned item as listed previously.
- The reason for the search and how it will happen must be shared with the student.
- *The power to search at Craven College will consist of requesting students to remove outer clothing only, emptying pockets, searching bags or lockers; It will not consist of asking students to remove any clothing apart from outer clothing (so called strip search)* Outer clothing means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being used as underwear, as well as hats, scarves, boots or shoes.
- Consideration must be made regarding the age and needs of the student being searched.
- The Designated Safeguarding Lead (or deputy) **must** be informed of any searching incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited or banned item.
- CCTV or body Worn Video footage can be checked, in order to decide whether to conduct a search for an item.



## Actions

- If prohibited items are found, the confiscation procedure and student suspension procedure must be followed.
  - A record of the incident must be made and referred to the Principal, Head of Department or a member of the Safeguarding Team
  - If prohibited items are not found, a record will still be made.
  - A suspended student will be invited to the Inclusion Panel Hearing in line with the Student Positive Behaviour policy.
  - The outcome of the Hearing will determine the necessary action taken but may lead to expulsion.
  - Where a student refuses consent and if it is illegal for a student to have a suspected prohibited item in their possession, the police will also be contacted.
  - Parents will be informed in line with the Student Positive Behaviour Policy.
- Searching Craven College Lockers and College Personal Spaces**
- Any student using a locker must be aware that lockers are the property of Craven College. As a result, students may be required to give staff access to their locker to search for any of the prohibited items listed above, and any items identified in College guidance for which a search can be made.
- Please Note** If a student does not consent to their locker being searched, College staff may still conduct a search on the grounds that there is a safeguarding concern.



## Appendix 2

Record of Search		
Name of Student	Student Number	Course
Gender	Ethnicity	EHCP Yes /No ( SENDCO must be notified if a student has an EHCP )
Grounds for suspicion/s		
Date		
Time		
Place		
Search conducted by:		
Other Person/s Present:		
Was the reason for the search clearly explained to the student? (Staff must share the information in the Stop, Search and Confiscate Student Leaflet)		Yes / No
Is the student aware of the Stop and Search Policy? (A copy of the leaflet should be given to the student)		Yes / No
Did the student give informed consent to the search?		Yes /No
How the search began and progressed (Please give brief details)		
Student Response/s:		
Student Signature _____		
Item/s found:		
Outcome of the search		
Head of Dept Notified	Yes/No	Name /Who?
Staff Signatures		
Staff Member Conducting Search _____		
Witness _____		