



Conducting a Search Policy and Procedure

Document control

Item	Detail
Policy title	Conducting a Search Policy and Procedure
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Policy summary

This policy sets out the circumstances in which the School may search a pupil or a pupil's possessions, the procedure staff must follow when doing so, and the arrangements for recording, reporting and handling items found. It applies to all pupils and to searches conducted on the School site or on School activities off site. It is drafted with reference to the DfE guidance *Searching, screening and confiscation in schools – Department for Education* (last updated 19 July 2023) and should be read alongside the Behaviour Policy, the Safeguarding and Child Protection Policy and Procedures, and the Drugs, Alcohol, Smoking and Vaping Policy.

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1. Why this matters

Trust and mutual respect are essential features of the ethos at Cokethorpe School and of the interactions among members of our school community. It is nevertheless possible in any school that circumstances may arise where it is necessary to conduct a search for things which are banned under school rules or included in the DfE list of 'prohibited' items. Such a search would generally be motivated by the need to safeguard the health, safety and welfare of pupils and/or other members of the school community.

In practice, such searches happen very rarely. However, if and when they do, it is important that the search is done safely, sensitively and in accordance with the rights of pupils and the statutory powers of schools and school staff.

2. What we are seeking to achieve

The purpose of this policy is to set out the circumstances in which a search may be conducted and the procedure which must be followed by staff when doing so, so that:

- pupils and staff are kept safe;
- searches are conducted lawfully, fairly and proportionately;
- the dignity and privacy of pupils are respected;
- prohibited and banned items are identified and dealt with appropriately; and
- clear records are maintained.

In the event that a search may be needed, a pupil is reminded of the school rules and expectations and offered the opportunity to declare anything at that point. If nothing is declared, the search policy and procedure below will be followed.

3. What may be searched for

Any of the items that a pupil may have in his or her possession which appear in the DfE list of 'prohibited' items. These include knives or weapons, alcohol, illegal drugs, stolen items, tobacco or vaping products, pornographic images, fireworks, and any article that is reasonably suspected of having been, or of being likely to be, used to commit an offence or to cause personal injury to, or damage to the property of, any person, including the pupil him/herself.

Any items that a pupil may have in his or her possession which are banned under the school rules at Cokethorpe. This includes vaping products as well as tobacco products for all pupils.

Our Behaviour Policy (available from the school website) makes clear that any items which are banned under school rules may be searched for.

'Possessions' means any goods over which the pupil has or appears to have control, including in pockets, bags, desks, lockers and electronic devices.

4. Searching with consent

Wherever possible, a search should be conducted with the pupil's consent. Where a pupil has given his or her consent, then any item may be searched for. Consent does not need to be given formally in writing: it is enough for staff to ask and for the pupil to give his or her consent verbally.

A pupil's individual needs, in particular for age and SEND, will be taken into account when seeking consent and making arrangements for a search and reasonable adjustments will be put in place, where necessary.

5. Searching without consent

Searching a pupil without his or her consent should be avoided wherever possible. The School does, however, have the power to search without consent for items listed in section 3 above.

To conduct a search without consent, staff must have reasonable grounds for suspecting that a pupil may be in possession of a 'prohibited' or a banned item, or that the pupil is at risk of harm to themselves or others. Please see section 3 for the definition of possession.

Under these circumstances, staff have the power to conduct the search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

6. Who may conduct a search

A search may be conducted by the Head or any other authorised member of staff. In the Head's absence, the following senior staff may conduct a search or authorise one to be conducted by other colleagues: Deputy Head (Pastoral and Wellbeing), Deputy Head (Academic), Head of Sixth Form, and the Designated Safeguarding Lead (DSL).

7. Procedure for conducting a search

Wherever possible, a search must be conducted in the presence of the pupil.

In all cases, two members of staff must be present.

At least one member of staff conducting a bag search should be of the same sex as the pupil. In the event this is not practicable, approval for the bag search must be given by the Head or a Deputy Head. Whilst on a School Trip, the same principles apply for a room search.

Where a personal search is involved, both members of staff must be the same sex as the pupil.

There is a limited exception to this rule: a member of staff can carry out a search of a pupil of the opposite sex and without a witness present, but only where s/he reasonably believes that there is a risk that immediate serious harm will be caused to a person if the search is not conducted straight away and where it is not reasonably practicable to call another colleague. In the exceptional occasion where such a search occurs, the member of staff must immediately report to the Head, a Deputy Head or the DSL.

Whether conducted with or without consent, a search must always be conducted sensitively and with due regard to the pupil's dignity and right to privacy.

As part of a personal search, a pupil must not be required to remove any clothing other than outer clothing. 'Outer clothing' means nothing that is worn next to the skin or immediately over a

garment that is being worn as underwear. Outer clothing does, however, include hats, shoes, boots, gloves and scarves.

Staff may confiscate any prohibited or banned item(s) found as a result of a search. They may also confiscate any item, however found, which they consider harmful or detrimental to school discipline.

Any controlled drugs, and any items suspected of being controlled drugs, will normally be handed over to the police. The same will usually apply to any items believed to be stolen.

8. Where can a search be conducted

A search may be conducted on school premises or outside school premises where staff are in charge of pupils (for example, on a school trip). An appropriate location for a search should be found; where possible, this should be away from other pupils.

Statutory powers to search apply only in England but as every trip is an extension of school, the teacher of a trip outside England may conduct a search if they have first contacted the Head, a Deputy Head or the DSL (or the named Senior Leadership Team emergency contact, in the case of an educational visit out of hours) to discuss the nature of the request.

9. 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.

A staff member may examine data or files on an electronic device they have confiscated as a result of a search if they believe that there is good reason to do so. However, the member of staff should have another colleague present where possible and, if the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as a nude or semi-nude image), 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 DSL (or deputy) as the most appropriate person to advise on the school's response.

In determining if there is a 'good reason' to examine or erase the data or files, the staff member conducting the search should reasonably suspect that the data or file(s) in question have 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.

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.

If the electronic device is to be returned to the pupil, in exceptional circumstances the school may dispose of the image or data if there is a good reason to do so. For example, if the data or files are not suspected to be evidence in relation to an offence, the school 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.

10. Written records

A written record must be made of any search, giving an explanation of the reasons for conducting the search, the circumstances in which it was conducted, the date and time of the search, who was present, what was searched, the outcome of the search and, where relevant, details of decisions made regarding any items of concern that may have been found and any sanctions applied.

Records of all searches must be stored via the school's safeguarding reporting system (CPOMS) and kept for future reference.

11. Informing parents

The policy at Cokethorpe School is to share any concerns or relevant information with parents wherever possible, unless there is reason to believe that doing so could potentially be harmful to the pupil concerned.

There is no statutory requirement on schools to inform parents before a search takes place or to seek their consent to conduct the search. However, parents will normally be contacted after any search regardless of the outcome. Parents and guardians will always be informed of any search for a DfE prohibited item, the outcome of the search and action taken (including any sanctions applied) as soon as is practicable.

12. Dealing with complaints

A complaint received from a parent about a search conducted on their child will be dealt with through the school's normal Complaints Procedure, which is available from the school website.

13. Human rights

Under Article 8 of the European Convention on Human Rights, pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.

However, the right under Article 8 is not absolute. It can be interfered with; but any interference with this right by a school must be both justified and proportionate.

The powers to search in the Education Act 2011 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has acted in accordance with Article 8.

14. Related School policies and procedures

This policy should be read in conjunction with the following Cokethorpe School policies, available from the school website or from the school office on request:

- Behaviour Policy
- Safeguarding and Child Protection Policy and Procedures
- Drugs, Alcohol, Smoking and Vaping Policy
- Mobile Phone Policy

15. Legislation, regulation and guidance

- Education Act 2011, sections 2 and 3 (power to search)
- Searching, screening and confiscation in schools – Department for Education (last updated 19 July 2023)
- Keeping Children Safe in Education 2026

- Behaviour in schools (Department for Education)
- Human Rights Act 1998, Article 8 (right to respect for private life)
- Equality Act 2010