

EASTHAMPSTEAD PARK COMMUNITY SCHOOL

Confiscation of Inappropriate Items Policy and Procedure



This policy has been written using advice taken from Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Equality Act 2010

ALL ITEMS of value e.g. laptops, tablets, smart watches, mobile phones, cameras whether permitted, dangerous or banned items, are brought into school at the student's own risk. They are not covered by the school's insurance and the school will not accept responsibility for any loss or damage.

Students should not bring onto the school site or be in possession of items which detract from good behaviour or have a negative effect on their own learning or that of others.

Students should not be in possession of items which endanger the health, safety and wellbeing of themselves or other members of the school community.

DANGEROUS AND BANNED ITEMS NOT TO BE BROUGHT INTO SCHOOL

Prohibited and Dangerous Items:

1. Illegal drugs and 'legal highs' and any paraphernalia associated with drug taking
2. Guns, including toy/imitation ones
3. Knives including penknives, shafts with a sharpened point and other offensive weapons including knuckle dusters
4. Stolen property
5. Alcohol
6. Fireworks or any other explosive or flammable items

The school reserves the right to inform police and social care if items that are prohibited are brought onto the school premises and if appropriate to give these items to the police.

Banned Items:

The items listed are not allowed in school. They are 'banned' and you should not bring to or agree to hold these items in school, even if someone else asks you to. *Drugs Type A, B and C or any so called legal highs or cannabis flavoured products

- *Grinders or any type of drug paraphernalia
- *Matches, Lighters, Cigarettes, Tobacco pouches, Vapes and accompanying smoking equipment
- Glass marbles or Snooker balls
- *Firearms or any other type of weaponry including replicas, toys and BB guns
- *Slingshots, catapults or similar
- *Knives or items crafted to have a sharp point or blade, knuckledusters
- *Laser pens
- *Racist, Homophobic or Pornographic material - in digital or other formats
- *Helium balloons or nitrous canisters
- **Any item that could be used or perceived as a weapon of offence, or that could pose a threat to others**
- Drones or other remote controlled devices

- Lottery cards or betting slips or similar
- Balaclavas or masks
- * Alcohol
- *Fireworks or other explosive or flammable items
- Stolen items
- *Aerosols (as these may trigger asthma attacks or be used to start a fire) **roll on deodorants only**
- Bottles of aftershave or perfume in glass bottles or any glass bottle
- Excess jewellery including raised setting claw type or sovereign rings
- Belts with large oversized buckles
- Prescribed or over the counter medication or products (these should be signed into Welfare and stored appropriately following the school's Managing Medicines Policy)
- Fake tan or colourants
- Hair straighteners or other heating devices
- Fidget Spinners (with the exception of fidget toys agreed and issued by the Assistant Headteacher Inclusion who is the designated SENCO)
- **#Healthy choices**
- *Energy drinks excess caffeine or full fat high sugar drinks such as Coca Cola, Red Bull, Monster or any other brand including supermarket own-brands.
- *Chocolate bars over 250gm in size
- *Family sharing tubes of Pringles or similar
- *Large bags of crisps 50gms +
- *Packets of biscuits

Parents do not have the right to have these items returned and they may be handed to the police for disposal. If found items marked with a star will be confiscated and disposed of. Other items will be returned to parents via the Head of Year following a conversation with the parent and child regarding school expectations.

As part of the education programme the school may bring in organisations who have access to drug or search dogs and knife arches to demonstrate the process in use.

Action Plan

Any member of school staff can search a student for any item banned under the school rules, if the student agrees.

The head teacher and staff who the Head teacher has delegated authority to have a statutory power to search students or their possessions **without consent** where they suspect the student has a prohibited dangerous item or banned items. In our school this includes the SLT, HOY, Raising Standards staff and Child Protection Staff.

The items that can be searched for under this power are knives or weapons, alcohol, illegal drugs, banned items and stolen items. School staff can confiscate any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to the school community, staff or visitors.

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, socks, shoes, boots, gloves and scarves. 'Possessions' means any goods over which the student has or appears to have control – this includes lockers and bags.

Parents do not have the right to have these items returned and they may be handed to the police for disposal. If found items marked with a star will be confiscated and disposed of. Other items will be returned to parents via the HOY following a conversation with the parent and child regarding school expectations.

'Wanding' Parents should be aware student taking external examinations may be 'wanded' to check they are not breaking examination rules and have a phone or smart watch on their person. Senior staff may also wand a student who they suspect of having a phone about their person without permission. For example they have failed to check in their phone as part of Roll Call.

As part of the education programme the school may bring in organisations who have access to drug or search dogs and knife arches to demonstrate the process in use.

Searching Students with their Consent

Items that are banned by the school rules are communicated to parents/carers and students alike. School staff have the right to search students with their consent for any such item. It is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag, removal of shoes, outer clothing or locker and for the student to agree. They do not need written consent from the child.

Refusal by the student constitutes the same situation as when they refuse to obey any other kind of instruction, and an appropriate disciplinary sanction will be applied.

Students can be searched without giving their permission for knives, weapons, illegal drugs and stolen items. An authorised member of staff of the same gender as the student will carry out the search and there must be another staff member present, preferably again the same gender as the student, as a witness.

There is a limited exception to this rule. Staff can carry out a search of a student of the opposite sex without a witness present, but only where the staff member reasonably believes that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Establishing grounds for a search without a Students consent

Teachers or pastoral staff can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The power to search without consent allows a personal search involving the removal of outer clothing, but not an intimate search. The teacher or pastoral staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

The powers allow school staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen. School staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item. Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on school trips in England or in training settings. Intimate searches may only be carried out by someone with more extensive powers such as a police officer.

Routine screening

Schools can force students to be screened by a walk through or hand-held metal detector whether or not they suspect the student of having a weapon and without that student's consent. Any member of staff can screen students. This type of screening without physical contact differs from the power to search students.

If a student refuses to be screened, the school may refuse to allow the student on to the premises. This will be treated as an unauthorised absence and not an exclusion.

'Wanding'

Parents should be aware student taking external examinations may be 'wanded' to check they are not breaking examination rules and have a phone or smart watch on their person. Senior staff may also wand a student who they suspect of having a phone about their person without permission.

What powers does a school have to examine electronic devices?

If an electronic device is found, the member of staff may examine any data or files on the device if they think there is a good reason to do so.

Following an examination, if staff have decided to return, keep or dispose of the device, they may erase any data or files if they consider there is a good reason to do so. When determining a 'good reason' to examine or erase the data or files, staff must reasonably suspect that the data or file has been, or could be, used to cause harm, to disrupt teaching or break school rules.

Whenever inappropriate material is found, it is for the member of staff to decide if the material should be deleted, kept as evidence of an offence/ breach of school rules or passed to the police.

Guidance for carrying out a search

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, socks, shoes, boots, gloves and scarves.
- 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.
- A student's possessions can only be searched in the presence of the student 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.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however, found, which they consider harmful or detrimental to school discipline.

Weapons, illegal drugs and stolen items will be handed to the police. In the case of alcohol, non-controlled substances and very low value stolen items, the members of staff involved will take into account all relevant circumstances and use their professional judgment to whether determine they can safely dispose of the seized item.

When deciding what to do with the confiscated items, staff will follow the guidelines set out in Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies DfE 2018 Dealing with Electronic Devices (statutory guidance)

Informing Parents/Carers

Easthampstead Park Community School is not required to inform parents/carers before a search takes place or to seek their consent to search their child. Nor is there any legal requirement for the school to inform parents/carers when their child is found in possession of alcohol, illegal drugs or potentially harmful substances, but the recommendation is that Parents may be informed as part of the school behaviour policy and procedures.

Parents will be informed if the matter is sufficiently serious or could be potentially harmful to the student or the school.

If a parent makes a complaint, the normal procedures for dealing with a complaint should be followed see school complaints policy.

Safeguarding Confiscated items

As soon as practicable after confiscation, any item belonging to a student should be secured in an envelope or bag and marked with the student's name, tutor group, description of the items and date of confiscation and placed in a secure location. All reasonable steps will be taken to ensure that storage arrangements are secure.

For some items, Easthampstead Park Community School will seek specialist advice, for example, suspected illegal substances and items which may be used as weapons. We are committed to working in partnership with the Police, Youth Offending Service and other external agencies to cover such issues. We will not hesitate to access specialist support for advice if an incident occurs.

Length of Confiscation

Confiscated items are returned to a parent/carer, after an appointment time has been agreed between them and staff the child does not have a right to demand the return of the item.

There are some instances when the school will choose not to return an item to a student:

- Any item of an unlawful or hazardous nature
- Should the family choose not to collect the item, it will be disposed of at the end of the term.

Record Keeping

There is no legal requirement for the school to keep records of searches or confiscation. However, as part of our normal procedures, any such event will be recorded on the child's pupil record.

Monitoring and Evaluation

This policy will be monitored regularly to ensure it reflects legislation at all times and will be evaluated in the light of any parental concerns. This policy will be reviewed annually.

Reviewed and Revised:

September 2019

Responsibility for Implementation and Review:

Student Support Committee

Date of Next Review:

Spring 2021