



THE AMERICAN SCHOOL IN ENGLAND

Searching, Screening & Confiscation Policy

This Policy, which applies to the whole school including Boarding and the Early Years is publicly available on the school website and upon request a copy, (which can be made available in large print or other accessible format if required), may be obtained from the school Office.

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Agreed by:

Head of School	Chair of the Board
Bryan Nixon	David King
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TASIS England is committed to safeguarding and promoting the welfare of students and expects all faculty, staff and volunteers to share this commitment. It is our aim that all students fulfil their potential.

1. Introduction

- 1.1. The aim of this policy is to clarify the screening, searching, and confiscation powers that our school possesses. Its purpose is to embed confidence in our Head of School, faculty and staff to implement these powers effectively, thus fostering a peaceful, secure, and supportive learning and working environment. The policy encompasses the legal obligations associated with these powers and incorporates the statutory guidance that our school is obligated to adhere to.
- 1.2. Where the text uses the word 'must', the person in question is legally required to do something.
- 1.3. Where the text uses the word 'parent', it should be read as inclusive of guardian's or carers and any other person with parental responsibility.

2. Legal Status and Context

- 2.1. Searching, screening and confiscation is conducted in line with the Department for Education's (DfE) [latest guidance on searching, screening and confiscation](#).
- 2.2. Other relevant legislation this guidance is informed by:
 - [Coroners and Justice Act 2009](#)
 - [Criminal Justice and Immigration Act 2008](#)
 - [Health and Safety at Work etc. Act 1974](#)
 - [The Education Act 1996](#)
 - [The Education and Inspections Act 2006](#)
 - [The Education \(Independent School Standards\) Regulations 2014](#)
 - [The Schools \(Specification and Disposal of Articles\) Regulations 2012](#)
 - [Behaviour in Schools \(DfE: 2022\)](#)
 - [Keeping children safe in education \(DfE 2022\)](#)

3. Confiscation

- 3.1. Any prohibited items (listed in [section 7](#) below) found in a student's possession as a result of a search will be confiscated. These items will not be returned to the student.
- 3.2. We will also confiscate any item that is considered to be harmful or detrimental to school discipline. These items may be returned to students after discussion with senior leaders and parents, if appropriate.

4. Items Found As a Result of a Search

- 4.1. An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:
 - poses a risk to the health and welfare of staff or students
 - is prohibited, or identified in the school rules as an item for which a search can be made, or
 - is evidence in relation to an offence

5. Prohibited or illegal items

- 5.1. Controlled drugs must be delivered to the police as soon as possible unless there is a good reason not to do so (schools do not legally have to give the name of the pupil from whom drugs have been taken to the police. We will consider this on a case-by-case basis. Please see the [DfE and ACPO drug advice for schools](#) for more information on the relevant powers and duties in relation to powers to search for and confiscate drugs, liaison with the police and with parents). In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance in [paragraph 5.2](#) below issued by the Secretary of State.
- 5.2. 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.
- 5.3. Other substances which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.
- 5.4. Where a person conducting a search finds alcohol, tobacco, vapes, cigarette papers or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil.
- 5.5. 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 ([Section 62 of the Coroners and Justice Act 2009](#) defines prohibited images of children. [Section 63 of the Criminal Justice and Immigrations Act 2008](#) defines extreme pornographic images). 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. See [section 6](#) below for further advice on searching electronic devices.
- 5.6. Where a member of staff finds stolen items, these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State in [paragraph 5.5](#) above.
- 5.7. 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 seized article. In considering the relevant circumstances, the member of staff should take the following into account:

- the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;
- whether the item is banned by the school;
- whether retaining or returning the item to the owner may place any person at risk of harm;
- whether the item can be disposed of safely.

5.8. Any weapons or items which are evidence of a suspected offence must be passed to the police as soon as possible.

5.9. Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in [paragraphs 5.10](#) below.

5.10. The member of staff should take into account all relevant circumstances 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.

5.11. If a member of staff suspects a confiscated item has been used to commit an offence or is evidence in relation to an offence, the item should be delivered to the police.

5.12. Members of staff should use their judgement to decide to return, retain or dispose of any other items banned under the school rules. In deciding what to do with such an item, the member of staff must have regard to the guidance issued by the Secretary of State in [paragraph 5.14](#).

5.13. 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 seized item. In taking into account all relevant circumstances, the member of staff should consider:

- the value of the item;
- whether it is appropriate to return the item to the pupil or parent; and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school.

5.14. Members of staff should follow any additional guidance and procedures on the retention and disposal of items put in place by the school.

6. Electronic devices

6.1. 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.

- 6.2. 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.
- 6.3. Staff may examine any data or files on an electronic device they have confiscated because of a search, as defined in [paragraph 4.1](#), if there is good reason to do so.
- 6.4. 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. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in [Keeping children safe in education \(DfE 2023\)](#). The UK Council for Internet Safety (UKCIS) also provides the following guidance to support school staff and designated safeguarding leads: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).
- 6.5. 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.
- 6.6. In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State in [paragraphs 6.8 and 7.1](#) below.
- 6.7. 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.
- 6.8. 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.

7. Confiscation as a disciplinary penalty

- 7.1. Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so ([Section 91 of the Education and Inspections Act 2006](#)).
- 7.2. 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.

8. Prohibited items

- 8.1. Possession of any prohibited items. These are:
- Knives or anything that could reasonably be considered a weapon
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - Vapes
 - Fireworks
 - Pornographic images
 - Any article a faculty or staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student)

9. Searching a student

- 9.1. Searches will only be carried out by a member of staff who has been authorised to do so by the Head of School, or by the Head of School themselves.
- 9.2. Subject to the exception below, the authorised member of staff carrying out the search will be of the same sex as the student, and there will be another member of staff present as a witness to the search.
- 9.3. An authorised member of staff of a different sex to the student can carry out a search without another member of staff as a witness if:
- The authorised 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 the same sex as the student; **or**
 - It is not reasonably practicable for the search to be carried out in the presence of another member of staff
- 9.4. When an authorised member of staff conducts a search without a witness, they should immediately report this to the Designated Safeguarding Lead (DSL) (or deputy) and the Director of Boarding if the student is a boarder and ensure a written record of the search is kept
- 9.5. If the authorised member of staff considers a search to be necessary, but is not required urgently, they will seek the advice of the Head of School, DSL (or deputy) or on-duty Senior Leadership Team

(SLT) member, who may have more information about the student. During this time the student will be supervised and kept away from other students.

- 9.6. A search can be carried out if the authorised member of staff has reasonable grounds for suspecting that the student is in possession of a prohibited item or any item identified in the school rules for which a search can be made, or if the student has agreed.
- 9.7. An appropriate location for the search will be found. Where possible, this will be away from other students. The search will only take place on the school premises or where the member of staff has lawful control or charge of the student, for example on a school trip.
- 9.8. Before carrying out a search the authorised member of staff will:
 - Assess whether there is an urgent need for a search
 - Assess whether not doing the search would put other students or staff at risk
 - Consider whether the search would pose a safeguarding risk to the student
 - Explain to the student why they are being searched
 - Explain to the student what a search entails – e.g. I will ask you to turn out your pockets, remove your scarf
 - Explain how and where the search will be carried out
 - Give the student the opportunity to ask questions
 - Seek the student’s co-operation
- 9.9. If the student refuses to agree to a search, the member of staff can give an appropriate behaviour sanction.
- 9.10. If they still refuse to co-operate, the member of staff will contact the Head of School or DSL to try and determine why the student is refusing to comply.
- 9.11. The authorised member of staff will then decide whether the use of reasonable force to search the student would be necessary. This decision will be made on a case-by-case basis, taking into consideration whether conducting the search will prevent the student harming themselves or others, damaging property or from causing disorder.
- 9.12. The authorised member of staff can use reasonable force to search for any of the items listed within the prohibited items list in [section 8](#), but not to search for items that are only identified within school rules.
- 9.13. The authorised member of staff may use a metal detector to assist with the search.
- 9.14. An authorised member of staff may search a student’s outer clothing, pockets, possessions, desks or lockers.
- 9.15. Outer clothing includes:
 - Any item of clothing that is not worn immediately over a garment that is being worn wholly next to the skin or being worn as underwear (e.g., a jumper or jacket being worn over a t-shirt)
 - Hats, scarves, gloves, shoes, boots

10. Searching students' possessions

10.1. Possessions means any items that the student has or appears to have control of, including:

- Desks
- Lockers
- Bags

10.2. A student's possessions can be searched for any item if the student agrees to the search. If the student does not agree to the search, staff can still carry out a search for prohibited items (listed in SECTION) and items identified in the school rules.

10.3. An authorised member of staff can search a student's possessions when the student and another member of staff are present.

10.4. If there is a serious risk of harm if the search is not conducted immediately, or it is not reasonably practicable to summon another member of staff, the search can be carried out by a single authorised member of staff.

11. Informing the Designated Safeguarding Lead (DSL)

11.1. The staff member who carried out the search should inform the DSL without delay:

- Of any incidents where the member of staff had reasonable grounds to suspect a student was in possession of a prohibited item as listed in [section 8](#)
- If they believe that a search has revealed a safeguarding risk

11.2. All searches for prohibited items listed in [section 8](#) including incidents where no items were found, will be recorded in the Child Protection Online Monitoring System (CPOMS).

12. Informing parents

12.1. Parents will always be informed of any search for a prohibited item listed in section 3. A member of staff will tell the parents as soon as is reasonably practicable:

- What happened
- What was found, if anything
- What has been confiscated, if anything
- What action the school has taken, including any sanctions that have been applied to their child

13. Support after a search

13.1. Irrespective of whether any items are found as the result of any search, the school will consider whether the student may be suffering or likely to suffer harm and whether any specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).

13.2. If this is the case, staff will follow the school's safeguarding policy and speak to the DSL. The DSL will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

14. Strip searches

- 14.1. The authorised member of staff's power to search outlined above ***does not*** enable them to conduct a strip search (removing more than the outer clothing) and strip searches on school premises shall only be carried out by police officers in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\) Code C](#).
- 14.2. Before calling the police into school, staff will assess and balance the risk of a potential strip search on the student's mental and physical wellbeing and the risk of not recovering the suspected item.
- 14.3. Staff will consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and will always ensure that other appropriate, less invasive approaches have been exhausted first.
- 14.4. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them. The school will advocate for the safety and wellbeing of the student(s) involved. Staff retain a duty of care to the student involved and should always advocate for student wellbeing.

15. Communication and record-keeping

- 15.1. Where reasonably possible and unless there is an immediate risk of harm, staff will contact at least 1 of the student's parents to inform them that the police are going to strip search the student before a strip search takes place and ask them if they would like to come into school to act as the student's appropriate adult. If the school can't get in touch with the parents, or they aren't able to come into school to act as the appropriate adult, a member of staff can act as the appropriate adult (see below for the role of the appropriate adult).
- 15.2. The student's parents will always be informed by a staff member once a strip search has taken place. The school will keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

16. Who will be present

- 16.1. For any strip search that involves exposure of intimate body parts, there must be at least 2 people present other than the student, except in urgent cases where there is risk of serious harm to the student or others.
- 16.2. One of these must be the appropriate adult, except if:
 - The student 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
- 16.3. If this is the case, a record will be made of the student's decision, and it will be signed by the appropriate adult.

- 16.4. No more than 2 people other than the student and appropriate adult will be present, except in the most exceptional circumstances.
- 16.5. The appropriate adult will:
- Act to safeguard the rights, entitlement and welfare of the student
 - Not be a police officer or otherwise associated with the police
 - Not be the Head of School
 - Be of the same sex as the student, unless the student specifically requests an adult who is not of the same sex
- 16.6. Except for an appropriate adult of a different sex if the student specifically requests it, no one of a different sex will be permitted to be present and the search will not be carried out anywhere where the student could be seen by anyone else.

17. Care after a strip search

- 17.1. After any strip search, the student will be given appropriate support, irrespective of whether any suspected item is found. The student will also be given the opportunity to express their views about the strip search and the events surrounding it.
- 17.2. As with other searches, the school will consider whether the student may be suffering or likely to suffer harm and whether any further specific support is needed (due to the reasons for the search, the search itself, or the outcome of the search).
- 17.3. Staff will follow the school's safeguarding policy and speak to the DSL. The DSL will consider if, in addition to pastoral support, an early help intervention or a referral to children's social care is appropriate.
- 17.4. Any student who has been strip searched more than once and/or groups of students who may be more likely to be subject to strip searching will be given particular consideration, and staff will consider any preventative approaches that can be taken.

18. Screening

- 18.1. Screening is the use of a walk-through or hand-held metal detector to scan all students for weapons before they enter the school premises. The school does not use screening for any of its faculty, staff or students, though recognises that students and staff may be screened as part of an educational visit, for example. In this instance, if a student refuses to be screened, the member of staff should consider why the student is not co-operating and assess whether it is necessary to carry out a search.