St Mary's School
CAMBRIDGE

Search and Confiscation Policy

This policy is the responsibility of the Head.

Last review: September 2026

Next review: September 2027

Introduction

This policy relates to the searching for, retention and disposal of items that have been confiscated in accordance with the school rules, the *Behaviour Management Policy*, the *Discipline, Exclusion and Required Removal Policy* and the *Anti-Bullying Policy*. This policy applies wherever pupils are in the care of the School, including on school trips or in training sessions.

All schools have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so. This policy takes into account the Department of Education advice and statutory guidance Searching, screening and confiscation – advice for schools (DfE July 2022) and 'Use of reasonable force - advice for head teachers, staff and governing bodies' (DfE Updated Dec 2025).

This policy applies to all pupils including EYFS, Sixth Form and Boarders. This policy is written with reference to Standard 5 of the National Minimum Standards for Boarding which requires reasonable protection for Borders' personal possessions and for money or valuables looked after by the School. When implementing this policy particular thought should be given to Boarders for whom, during term time, the School is their home.

In this policy 'Head' refers to the Head or Head of the Junior School, depending on whether the pupil is a junior or senior school pupil.

Searching (by School Staff)

The Head has authorised the following staff to carry out searches and to retain or dispose of items in accordance with this policy:

- Head of Juniors
- Deputy Heads
- Head of Year
- Junior School Class teachers
- Trip Leaders
- Head of Boarding
- Senior Tutor

Prohibited and Banned Items

The following are 'prohibited items' under section 550ZA (3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) regulations 2012:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco, cigarette papers and e-cigarettes/vapes
- fireworks, sparklers and party poppers
- pornographic images
- aerosol paint or solvents
- high caffeine energy drinks
- any article that the member of staff reasonably suspects has been, or is likely to be, used
    i. to commit an offence
    ii. to cause personal injury to, or damage to the property of, the School, staff, pupils, or any person (including the pupil)

The School rules also state that other items, including e-cigarettes, or other items used in a similar manner, that are reasonably believed to be likely to cause harm or disruption are "banned". This means that pupils must not have these items in their possession on school premises or at any time when they are in the lawful charge and control of the School.

Students must also adhere to the school rules on mobile phones, and these are banned from being in the possession of students during the school day. Air tags are considered the same as mobile phones and must be handed in at the beginning of the school day.

All other smart technology (which has ability to send and/or receive notifications or messages via mobile phones networks, or the ability to record audio and/or video – which typically include smart watches, smart glasses, wearable tech etc are banned.

Procedure for searching

If it is believed that a pupil has a banned or prohibited item (see below), it may be appropriate for a member of staff to carry out a search of:

- a pupil's outer clothing; and/or
- a search of school property, (e.g. pupils' lockers, desks or rooms); and/or
- a search of personal property (e.g. bags, pencil case)

'Outer clothing' means clothing not worn next to the skin or immediately over a garment that is being worn as underwear. 'Outer clothing' includes hats, shoes, boots, blazer, gloves and scarves.

Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a pupil or their possessions will normally be carried out in the presence of the pupil and another member of staff. Where a pupil is searched, the member of staff conducting the search, or the second member of staff present will usually be female. However, this will not be the case where it is reasonably believed that serious harm will be caused if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff or another member of female staff.

Searching with consent

The School staff can search for any item if the pupil consents. In seeking consent to search, the pupil's age, any disability, or special needs the pupil may have will be taken into account.

Written consent is not required; it is enough for a member of staff to request that pockets be turned out, a bag emptied, a locker or other personal property opened or room at Mary Ward House or The Elms be searched and for the pupil to agree.

Searching without consent

The School staff can search without the consent of the pupil, where they have reasonable grounds for suspecting that the pupil may have a prohibited or banned item. Reasonable grounds depend on circumstances but could be, for example, hearing pupils talking about such an item or noticing a pupil behaving in a way that causes them to suspect a pupil is concealing a prohibited item.

The Head and authorised staff can also search for any item banned by the School Rules.

Where the Head, or a member of staff, finds anything which they have reasonable grounds to suspect is a prohibited item or banned item, they may seize, retain, and dispose of that item as set out below. They can also confiscate any item, however found, which they consider harmful or detrimental to school discipline.

The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where a member of staff may suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen. Staff may wish to consider utilising CCTV footage in order to make a decision as to whether to conduct a search for an item.

The School can apply an appropriate punishment as set out in the *Behaviour Management Policy* to pupils who refuse to co-operate with a search.

Searching electronic devices

Please see pages 22-24 of the Safeguarding and Child Protection Policy for information on how staff should respond to an incident of nudes and semi-nudes being shared by pupils.

Please notify the Designated Safeguarding Lead (DSL) and IT Director.

Data and files on any electronic device (including iPad, chrome books, tablets, laptops or mobile phones) may be examined if the person conducting the search thinks there is good reason to do so such as if the data file could be or has been used to cause harm, to disrupt teaching or break school rules, including carrying out cyber-bullying. The device will be confiscated, and the data or files should be retained as evidence as a breach of school discipline.

If the member of staff has reasonable grounds to suspect the device has been or is likely to be used to commit an offence or cause personal injury or damage to property, contains evidence in relation to an offence or contains a pornographic image of a child or an extreme pornographic image, such material should not be deleted and the device should be given to the police as soon as reasonably practicable.

It is good safeguarding practice for two members of staff to view any electronic images in case there should be cause for concern about any images stored. Searches of electronic devices should be conducted in the presence of a member of the School's IT staff who will be able to assist in searching appropriate data and files and, if necessary, their permanent erasure. **Staff should not view or forward illegal images of a child.** When viewing an image is unavoidable, staff will follow the UCKIS 'sharing nudes and semi – nudes: advice for education settings working with children and young people' (updated March 2024) when responding to a report of sharing nudes and or semi nudes.

The power to seize and confiscate items

A member of staff can seize anything they have reasonable grounds to suspect is a prohibited item, a banned item, is evidence in relation to an offence, poses a threat to others, is disruptive to learning, poses a health and safety concern or is against the School ethos or school rules.

Appropriate regard will be given to whether an item has religious or cultural significance to the pupil. Most confiscated items, especially those of monetary or emotional value, will be stored safely until they can be returned. Items of obvious value should be labelled and handed to one of the Deputy Heads, Head of Boarding or the Bursar who will keep it in a secure place. If similar items have been confiscated from several pupils' care will be taken to ensure clarity as to which item belongs to which pupil.

In most minor cases, confiscation of the item is a sufficient sanction, and return of the item at the end of the lesson, school session, or school day is adequate time to reinforce the rule. Depending on its seriousness, parents may be informed about the matter.

There may be some instances when the School is required to seize an item and dispose of it or deliver it to the police or other third party.

The following shall apply where a member of staff has confiscated the following:

- Alcohol - this may be retained or disposed of but will not be returned to the pupil.
- Controlled drugs - these will usually be delivered to the police as soon as possible but in exceptional circumstances and at the discretion of a member of SLT, these may be destroyed of if the member of staff thinks there is a good reason to do so. The member of staff should take into account all relevant circumstances and their professional judgement to determine whether they can safely dispose of this. They will not be returned to the pupil.

- Other substances which are not believed to be controlled drugs - these can be confiscated and destroyed where the member of staff believes them to be harmful or detrimental to good order and discipline. Where the member of staff suspects a substance is a controlled drug it should be treated as such.
- Stolen items - these will usually be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed if returning it to the owner is not practicable) if the member of staff thinks there is a good reason to do so, such as where it is a low value item.
- Tobacco, cigarette papers, e-cigarettes, or vaping equipment - this may be retained or disposed of but will not be returned to the pupil.
- Fireworks, sparklers, aerosol paint, high caffeine energy drinks, solvents and party poppers – may be retained or disposed of but must not be returned to the pupil.
- Pornographic image/s –involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will, subject to the advice on UCKIS 'sharing nudes and semi – nudes: advice for education settings working with children and young people' (updated March 2024) where relevant, be handed to the police as soon as practicable. Possession of such images may indicate that the pupil has been abused and therefore the Designated Safeguarding Lead for Child Protection (as identified in the KEY contacts section in the *Safeguarding and Child Protection Policy*) will also be notified and will decide whether to make a referral to children's social care. Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- Weapon/s or article/s that are reasonably suspected to be an offensive weapon or items which are evidence of an offence – must be passed to the police as soon as possible.
- Article/s that has been (or could be) used to commit an offence or to cause personal injury or damage to property – may, at the discretion of an SLT member of staff, taking all of the circumstances into account, be delivered to the police, returned to the owner, be retained or disposed of.
- An item banned under the School Rules – the member of staff should consider all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Electronic device – if it is found that a mobile phone, laptop, tablet computer or any other electronic device has been used to cause harm, disrupt teaching or break the School Rules, including carrying out cyber-bullying, the device will be confiscated and maybe used as evidence in disciplinary proceedings. Once the proceedings have been concluded, the device must be collected by a parent or carer and the pupil may be prohibited from bringing such a device onto school premises or on school trips. In serious cases, the device may be handed to the police for investigation.

Telling parents and dealing with complaints

The School is not required to inform parents before a search takes place or to seek their consent to search their child and it will not generally be practicable to do so.

Parents will be informed of any search that takes place unless we have reason to believe that doing so could potentially be harmful to the pupil concerned. The School will inform parents where alcohol, tobacco, illegal drugs or potentially harmful substances are found (although there is no legal requirement to do so).

Complaints about searching and confiscation should be dealt with through the School's Complaints Policy and Procedure which can be found on the policies page of the School website and is available from the School office on request.

Record keeping

The School will keep records of searches carried out including details of the disposal of items confiscated. All records created in accordance with this policy are managed in accordance with the School's Data and Retention Guidelines. Records created in accordance with this policy may contain personal data. The School uses privacy notices to explain how the School processes the personal data of pupils and parents and these are on the policies page of the School website. Staff should follow the Data Protection Policy when handling personal data in connection with this policy.