

SEARCHING AND CONFISCATION POLICY

Status and Availability

This document which applies to the whole College inclusive of boarding is publicly available on the College 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 College Office.

Scope

All who work, volunteer or supply services to our College have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal College hours, including activities away from College. All new employees and volunteers are required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing the Policies Register.

Legal Status

Complies with The Education (Independent School Standards) (England) Regulations currently in force.

This policy should be read alongside the College Safeguarding and Child Protection Policy and Keeping Children Safe in Education (current version, including September 2025 in force from 1 September 2025).

Monitoring and Review

These arrangements are subject to continuous monitoring, refinement, and audit by the Principal, who will undertake a full annual review, inclusive of its implementation and the efficiency with which the related duties have been implemented. This review will be formally documented in writing. Any deficiencies or weaknesses identified in arrangements or procedures will be remedied immediately and without delay. All staff will be informed of the updated/reviewed arrangements and it will be made available to them in writing or electronically.

Reviewed: January 2026

Next Review: January 2027

Signed

David Game
CEO and Founder

John Dalton
Principal

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Searching and confiscation

All Colleges 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 student's property as a disciplinary penalty where it is reasonable to do so.

The College's policy on searching and confiscation has regard to guidance published by the DfE, Searching, Screening and Confiscation (current version). **For clarity, the GOV.UK publication page was last updated 19 July 2023.**

Only the Principal, or a staff member authorised by the Principal, can carry out a search. Furthermore, any authorised member of staff conducting a search must be the same sex as the student being searched.

Prohibited 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) Regulation 2012:

- knives or weapons, alcohol, illegal drugs and stolen items
- tobacco and cigarette papers, fireworks and pornographic images
- any article that a member of staff reasonably suspects has been, or is likely to be used:
 - o to commit an offence or
 - o to cause personal injury to or damage to, the property of, any person (including the student) and
- any item banned by the College Rules that are identified as being items which may be searched for.

The College has banned these items that are believed to likely cause harm or disruption. Students must not have these items in their possession on College premises or at any time when they are in the lawful charge and control of the College (for example on an educational visit).

Before searching

A search can be considered if the member of staff has reasonable grounds for suspecting that the pupil is in possession of a prohibited item or any item identified in the College rules for which a search can be made, or if the pupil has agreed. The authorised member of staff should make an assessment of how urgent the need for a search is and should consider the risk to other pupils and staff.

Before any search takes place, the member of staff conducting the search should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff should always seek the co-operation of the pupil before conducting a search. If the pupil is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
 - do not understand the instruction;
 - are unaware of what a search may involve; or
 - have had a previous distressing experience of being searched.
- If a pupil continues to refuse to co-operate, the member of staff may sanction the pupil in line with the College's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly. See Behaviour in Schools for more information on lawful sanctions. **(For clarity, the GOV.UK Behaviour in schools publication page was last updated 19 February 2024.)**

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Principal, Designated Safeguarding Lead (or deputy) or pastoral member of staff who may have more information about the pupil. During this time the pupil should be supervised and kept away from other pupils.

If the pupil still refuses to co-operate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified in paragraph 3, but not to search for items which are identified only in the College rules. The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the pupil themselves.

During a search

Where

An appropriate location for the search should be found. Where possible, this should be away from other pupils. The search must only take place on the College premises or where the member of staff has lawful control or charge of the pupil, for example on a College trip.

Who

The law states the member of staff conducting the search must be of the same sex as the pupil being searched. There must be another member of staff present as a witness to the search.

There is a limited exception to this rule. This is that a member of staff can search a pupil of the opposite sex and/or without a

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witness present only:

- if the 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 same sex as the pupil or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.
- When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

The extent of the search

A member of staff may search a pupil's outer clothing, pockets, possessions, desks or lockers.

The person conducting the search must not require the pupil to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves.

'Possessions' means any goods over which the pupil has or appears to have control - this includes desks, lockers and bags.

A member of staff is able to search lockers and desks or other personal spaces at the College for any item provided the pupil agrees. Colleges can make it a condition of having the locker or space that the pupil agrees to have these searched. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items and any items identified in the College rules for which a search can be made.

A pupil's possessions can only be searched in the presence of the pupil 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.

The member of staff may use a metal detector to assist with the search.

The member of staff's power to search outlined above does not enable them to conduct a strip search.

Strip searching

A strip search is a search involving the removal of more than outer clothing (see paragraph 29). Strip searches on College premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. While the decision to undertake the strip search itself and its conduct are police matters, College staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.

Before calling police into College, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on College premises, the decision on whether to conduct a strip search lies solely with them, and the role of the College is to advocate for the safety and wellbeing of the pupil(s) involved.

Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult. Parents should always be informed by a staff member once a strip search has taken place. Colleges should keep records of strip searches that have been conducted on College premises and monitor them for any trends that emerge.

The process the police must follow during a strip search

Except in cases of urgency where there is risk of serious harm to the pupil or others, whenever a strip search involves exposure of intimate body parts there must be at least two people present other than the pupil, one of which must be the appropriate adult. If the pupil's parent would like to be the appropriate adult, the College should facilitate this where possible. Police officers carrying out the search must be of the same sex as the pupil being searched. An appropriate adult not of the same sex as the pupil being searched may be present if specifically requested by the pupil. Otherwise, no-one of a different sex to the pupil being searched is permitted to be present, and the search must not be carried out in a location where the pupil could be seen by anyone else.

Except in urgent cases as above, a search of a pupil may take place without an appropriate adult only if the pupil 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. A record should be made of the pupil's decision and signed by the appropriate adult. The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on College premises. PACE Code C states that a strip search may take place only if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an

item. Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed. All students should be given appropriate support, irrespective of whether a suspected item is found, as their emotional wellbeing must be supported at all times.

Searching with consent

Before any search is undertaken, the student will usually be asked to consent. The age and maturity of the student will be taken into account together with any special needs the student may have; written consent will not usually be required. The consent of a student must be obtained for searches for items that are not prohibited items as listed in section 1 above. The consent of the student must be sought even if not at the College at the time. If a member of staff suspects that a student has an item that is banned by the College they can instruct the students to turn out their pockets or bag. If the student refuses to provide consent disciplinary action may be taken in accordance with this policy.

Power to Search without Consent

The College may search students without consent in accordance with statutory guidance where there are reasonable grounds to suspect that a student is in possession of a prohibited item and where the search is necessary to protect the safety, welfare or good order of the College.

Authorisation and oversight

Searches will normally be carried out with the knowledge or approval of the Principal or a delegated senior leader. Where the Principal is not available, the Designated Safeguarding Lead (DSL) should be consulted wherever practicable.

In urgent situations, where there is an immediate risk of harm to the student or to others, or a risk of serious disorder, an authorised member of staff may conduct a search without prior consultation with the Principal. In such cases, the Principal or the DSL must be informed as soon as reasonably practicable after the search has taken place.

Scope of searches

Members of staff may search a student without consent where they have reasonable grounds to suspect possession of the following prohibited items:

- Knives or weapons
- Alcohol
- Illegal drugs
- Stolen items
- Fireworks
- Pornographic images
- Any article reasonably suspected of being used to commit an offence, cause injury or damage property

Searches without consent are limited to outer clothing, pockets, possessions and bags.

Conduct of searches

All searches will be conducted lawfully, reasonably and proportionately, with due regard to the student's dignity, age, SEND needs and welfare.

Searches will normally be carried out by a member of staff of the same sex as the student and, wherever possible, in the presence of a second member of staff. This requirement may be waived only where there is an immediate safeguarding risk.

Recording and safeguarding

All searches, whether or not prohibited items are found, will be recorded, including:

- The reason for the search
- Who conducted the search

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- What was searched
- The outcome

Any safeguarding concerns identified during or as a result of a search will be reported immediately to the Designated Safeguarding Lead, and appropriate safeguarding action will take precedence over disciplinary measures.

Searching for prohibited items

Where the Principal or an authorised member of staff has reasonable grounds to suspect that a student may have a prohibited item, consent is not required and the search will be carried out, using reasonable force if necessary. Searches will be carried out only on College premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on an educational visit or in training settings.

If it is believed that a student has a prohibited item, it may be appropriate for a member of staff to carry out:

- a search of outer clothing and / or
- a search of College property (e.g. students' lockers or desks, bed studies or dormitories) and / or
- a search of personal property (e.g. bag or pencil case).

Searches will be conducted in such a manner as to minimise embarrassment or distress. Any search of a student or their possessions will be carried out in the presence of the student and another member of staff. Where a student is searched, the searcher and the second member of staff present will be the same gender as the student.

Where it is reasonably believed that serious harm may be caused if the search is not carried out immediately and it is not practicable to summon another member of staff, a member of staff may carry out a search of the student of the opposite sex and / Or in the absence of a witness.

Where the Principal, or staff authorised by the Principal, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy.

Confiscation

Under the College's general power to discipline, a member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty where it is reasonable to do so.

Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to College discipline.

Searching electronic devices

An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or break College Rules, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff and the DSL and/or DDSL.

Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or break College Rules.

If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of College discipline or criminal offence or hand it over to the police if the material is of such seriousness that police involvement is required.

Communication with parents

There is no legal requirement for the College to inform parents before a search for banned or prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so. In appropriate cases we will inform parents on how the College will dispose of certain items.

We will keep a record of all searches carried out, whether the search is with or without the consent of the student, which can be inspected by the parents of the student(s) involved subject to any restrictions under UK GDPR and the Data Protection Act 2018. The record will include details of any disposal of items confiscated.

Complaints about searching or conversation will be dealt with through the College's Complaints Procedure. A copy of the procedure is available on request.

The College will take reasonable care of any items confiscated from students. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the College does not accept responsibility for loss or damage to property.

