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SEARCH AND CONFISCATION POLICY

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Introduction

Ensuring pupils and staff feel safe and secure is vital to establishing a calm and supportive environment conducive to living and learning. Searching is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

Searching

The Head, and staff authorised by the Head, have a statutory power to search pupils or their possessions without consent in situations in which they have reasonable grounds for suspecting that a pupil may have a prohibited item. Any searching of a pupil will be implemented consistently, proportionately and fairly, in line with the this policy.

A full list of such items can be found in the DfE Guidance '[Screening, Searching and Confiscation](#)' (Jul 2022) but in the School prohibited items include:

- knives or weapons (including imitation guns)
- alcohol
- illegal substances (and also legal substances such as psychoactive substances, including those previously known as 'legal highs' or nitrous oxide)
- items used for vaping or smoking
- fireworks (and explosives)
- pornographic material (including images which are stored electronically)
- any article that a member of staff reasonably suspects has been or is likely to be used to commit an offence or to cause personal injury or damage to property of any person including the pupil.
- stolen items

Under common law, staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the pupil is involved, or at risk of being involved, in anti social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a vital role in identifying pupils who may benefit from early help or a referral to the local authority children's



social care services

In accordance with the DfE Guidance '[Screening, Searching and Confiscation](#)' (Jul 2022), staff, when exercising their powers, must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

The School has the right to consider using CCTV footage to decide whether to conduct a search.

The role of the Designated Safeguarding Lead (DSL)

The Designated Safeguarding Lead (or deputy) should be informed of any searching incidents where the member of staff has reasonable grounds to suspect a pupil is in possession of a prohibited item as listed above or outlined in Bryanston School Rules and Regulations. The staff member should also involve the Designated Safeguarding Lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they will make a referral to children's social care services immediately.

Before a search

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 Bryanston School Rules and Regulations, 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
- 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 school's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the Senior Deputy, 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, well looked after and kept away from other pupils.

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 school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

Who?

In most cases, House Parents will be the people conducting the search or a member of the SLT. However, it may also be necessary for other staff, including those involved with offsite trips, to conduct searches.

In such circumstances any search will be carried out by a member of staff of the same sex as the pupil being searched. There must be a witness i.e., another staff member present and where possible, that member of staff should also be of the same sex. In exceptional circumstances, where there is reason to believe a pupil/pupils may be at risk of serious harm and no same sex members of staff and/or witness available, this may not apply.

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, bags, trunks, suitcases, tuck boxes, dorm drawers and wardrobes.

A member of staff is able to search lockers and desks or other personal spaces at the school for any item provided the pupil agrees. If the pupil withdraws their agreement to search, a search may be conducted both for the prohibited items listed above and any items identified in the Bryanston School Rules and Regulations 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's power to search outlined above does not enable them to conduct a strip search.

After a search

Whether or not any items have been found as a result of the search, the member of staff, together with the designated safeguarding lead, will consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the pupil is suffering, or is likely to suffer harm, and whether any specific support is needed. Where this may be the case, actions will be in line with the Bryanston School Safeguarding Policy and Child Protection Procedures.

If any prohibited items are found during the search, the member of staff should follow the guidance set out on this policy. The Senior Deputy Head must be alerted and the pupil will be sanctioned in line with Bryanston School Relationship and Behaviour Policy.

Recording a search

Records of searches, whether or not an item is found, must be made. Those conducting searches should notify the House Parent or the Senior Deputy Head (Head, Bryanston Prep in the case of a search of a Bryanston Prep pupil and/or their possessions) as soon as possible, if they are not already aware of the incident. A record of a search **must** also be recorded on MyConcern.

The report of the search but record the following as a minimum:

- the date, time and location of the search
- which pupil was searched
- who conducted the search and any other adults or pupils present
- what was being searched for
- the reason for searching
- what was searched
- what items, if any, were found
- what follow-up action was taken as a consequence of the search

Informing parents

Parents should always be informed of any search for a prohibited item that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

Confiscation

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils
- is prohibited, or identified in the Bryanston School Rules and Regulations for which a search can be made
- is evidence in relation to an offence

Seizure of Prohibited, illegal or banned Items

School staff may seize any prohibited, illegal or banned item found as a result of a search. School staff may also seize any item, however found, which they consider harmful or



detrimental to school discipline. The School has appropriate protocols to deal with issues relating to the retention or disposal of prohibited or illegal items as set out below:

Controlled drugs will be delivered to the police as soon as possible unless there is a good reason not to do so. 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 issued by the Secretary of State.

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.

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.

Where a person conducting a search finds alcohol, tobacco, cigarette papers, vaping equipment or fireworks, they may retain or dispose of them as they think appropriate but should not return them to the pupil.

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. Members of staff should never intentionally view any nude or semi-nude image of a child. Staff must never copy, print, share, store or save such images.

Where a member of staff finds **stolen items**, they should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:

- 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

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

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 as set out below.

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
- whether and when it is safe to return the item

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 should take into account all relevant circumstances and use their professional judgement to consider:

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

Electronic devices

The Education Act 2011 amended the power in the Education Act 1996 to provide that when an electronic device (including mobile phones and laptops), has been seized by a member of staff who has been formally authorised by the Head, that staff member can examine data or files, and delete these, where there is good reason to do so, unless they are going to give the device to the Police. This power applies to all schools and there is no need to have parental consent to search through a young person's mobile phone.

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, nude and semi-nude images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.

The School reserves the right to confiscate an electronic device if it is suspected that the device contains text/images which could have been used in cyberbullying, or contains pornographic material, or it is used in contravention of the School's Guidance on the use of Mobile Phones. In such circumstances, the electronic device may be searched at school or may be sent away for further investigation/clarification.

In the case of electronic devices that:

- are prohibited (or their use restricted) within the Bryanston policy framework
- are reasonably suspected to have been, or likely to be, used to commit an offence, cause personal injury to any person or cause damage to property
- are used to disrupt teaching
- breach the Relationship and Behaviour Policy

then (with the exception of child pornographic material), staff can examine any data on the device, and delete data found, where there is good reason to do so. Consent is not required



from the pupil or their parents.

If the member of staff conducting the search suspects they may find a nude or semi-nude image of a child, 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 a nude or semi-nude image of a child, 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 the school will follow their Safeguarding Policy and Child Protection Procedures and Child-on-Child Abuse Policy.

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.

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:

- the member of staff reasonably suspects 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
 - be used to commit an offence.

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.

Confiscation as a disciplinary penalty

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.

There may be occasions when staff will need to confiscate property on a temporary basis (whether identified by search or by chance). This may include prohibited items, banned items or other items. For example, this might include music equipment which is being played loudly, outer garments of clothing which are against the School rules, etc. Staff need to be aware of issues relating to the chain of custody of such items, which should not be left in an insecure place (or removed from the premises). Such items should be conveyed to the House Parents as soon as possible.

As far as mobile phones are concerned, members of staff may remove a mobile phone during a class. House Parents should be informed and, if appropriate, a punishment



issued in line with the School's Relationship and Behaviour Policy.

The School has the right to authorise the use of sniffer dogs to search for illegal substances as part of its Illegal Drugs and Substance Abuse Policy. This may include pupils (in accordance with the Education Act 2011), personal belongings, the boarding houses and the estate.

House Parents (and their nominated assistants, including Matrons, Residents and House Team members) may, acting in loco parentis, need to confiscate/temporarily remove items from pupils in the boarding house, either relating to issues of school discipline or to the smooth running of the boarding house. A record of this will be kept in House.

This document should be read in conjunction with the following school policies:

- Bryanston Child Protection & Safeguarding Procedures
- Bryanston School Rules and Regulations
- Bryanston School Relationship and Behaviour Policy
- Bryanston School Restrictive Intervention Policy
- Bryanston School Illegal Drugs and Substance Abuse Policy
- Bryanston School Alcohol Policy
- Bryanston School Smoking and Vaping Policy
- Bryanston School Anti-Bullying Policy
- Bryanston School Digital Online safety Policy

Reference also may be made to:

- DfE "Behaviour and discipline in schools: Advice for headteachers and school staff" February 2024
- DfE "Searching, Screening and Confiscation: Advice for Schools" July 2022
- DfE "Keeping Children Safe in Education" September 2026
- The UK Council for Child Internet Safety Advice "Sharing nudes and semi-nudes: advice for education settings working with children and young people" March 2024

