

Birkdale High School



Birkdale
High School

Aspire - Thrive - Succeed

Confiscation Policy January 2021-23



Birkdale High School Confiscation of Inappropriate Items Policy

<i>Date of Policy:</i>	<i>January 2021</i>
<i>Members of staff responsible:</i>	<i>Assistant Headteacher (David Pryor)</i>
<i>Review date:</i>	<i>January 2023 – every 2 years</i>

Introduction

The purpose of this policy is to safeguard students and staff from potentially harmful items or substances that may otherwise be brought onto the school site. Pupils should not bring onto the school site or be in possession of items which detract from good behaviour; have a negative effect on their own learning or that of others and/or represent a harm, either physically or emotionally, to themselves or others.

Searching and confiscation

In line with the [DfE guidance](#) published in **January 2018**, Searching, Screening and Confiscation, Headteachers and staff authorised by them have a statutory power to search pupils or their possessions without consent where they suspect the pupil has prohibited items. Prohibited items listed by the DfE (Searching, Screening and Confiscation February 2014) are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers (inclusive of cigarettes)
- fireworks
- pornographic images
- any article that the member of staff 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 pupil).

School staff can confiscate any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline.

In addition to the prohibited items above the items named below are banned from the school site:

- Any item brought to school with intention to sell (food/drinks etc)
- Laser Pens
- High energy drinks (whether it is the sugar version or zero calorie one)
- Drinks in cans
- Jewellery (excluding watches)
- Items of clothing that do not comply with the Uniform Policy
- E-Cigarettes
- Any material the school deems offensive to part of its community

This is not an exhaustive list and the school reserves the right to confiscate any other item currently not on the list, it deems likely to cause offense or create issues with discipline or the quality of learning in the school.

When making a judgement about whether an item not listed above should be confiscated the following will be considered:

Any item posing a threat to others

Any item posing a threat to good order for learning

Any item which is not compliant with the school uniform rules

Any item posing a health or safety threat, including food and drink, which are detrimental to a students' health and/or not conducive to appropriate for facilitating appropriate learning

Any item which is counter to the ethos of the school

Any item which is illegal for a pupil to have

Any item(s) in the possession of the student(s) that are for economic gain

Searching Pupils with their Consent

Items that are banned by the school rules are communicated to parents/carers and pupils alike. School staff have the right to search pupils with their consent for any such item. Refusal by the pupil constitutes the same situation as when he/she refuses to obey any other kind of instruction, and an appropriate disciplinary sanction will be applied. Pupils/students can be searched without giving their permission for knives, weapons, illegal drugs and stolen items (or any other item listed by the [DfE 2018 guidance](#)). An authorised member of staff of the same sex as the pupil will carry out the search and there must be another staff member present.

Searching Pupils without their Consent

The power to search without consent allows a personal search involving the removal of outer clothing, but not an intimate search (Intimate searches may only be carried out by someone with more extensive powers such as a police officer).

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 determine whether they can safely dispose of a seized item.

Any search of a student will be done by two staff members for safeguarding reasons. Only those staff designated by the Headteacher may conduct a search:

- Heads of Year
- Senior Leaders
- Behaviour Mentor

In some instances, the second staff member may not be designated to conduct a search of student. In such instances, these staff will not be directly involved in searching a student, but will observe to ensure all safeguarding protocols are followed. Searches will only be carried out by someone of the same sex but this may not always be true of the second staff member present. There is a limited exception to this rule. A search of a pupil of the opposite sex and / or without a witness present may happen where there is reasonable grounds to suspect that there is a risk that serious harm will be caused to a person if a search is not conducted immediately and where it is not reasonably practicable way to summon another member of staff.

Informing Parents

Birkdale High School is not required to inform parents/carers before a search takes place or to seek parental consent to search their child. Nor is there any legal requirement for the school to inform students' parents/carers when alcohol, illegal drugs or potentially harmful substances are found in the course of a search. However, we believe in strong relationships with parents and carers and will inform parents and carers in such circumstances.

School Procedures

Safeguarding Confiscated Items

As soon as practicable after confiscation, any item belonging to a pupil should be secured in an envelope or bag and marked with the student's name and handed into the main office. All reasonable steps will be taken to ensure that storage arrangements are secure.

For some items, Birkdale High School will always seek specialist advice, for example suspected illegal drugs and items which might be used as weapons. We are committed to working in partnership with Police, Youth Offending Teams and other specialist agencies to cover such issues. We will not hesitate to access specialist support and advice if an incident occurs. For safety reasons, any illegal items that are confiscated will more than likely be kept away from the main school office and stored in another secure location on school site.

Mobile Communication Technologies (Including Mobile Phones and Wireless Technologies)

Mobile phones are not permitted to be seen whilst students are on the school site. The protocols and procedures around the misuse of mobile phones, searches and subsequent sanctions and confiscation can be found in the separate mobile phone policy.

Length of Confiscation

Where an item has been confiscated that requires collection by the parent appropriate contact will be made to arrange a suitable collection date and time. In some instances, a parental meeting may be required before an item is returned.

However, there are instances when the school will choose not to return an item to a pupil:

- Any food item brought to school for economic gain will be destroyed
- Any item of an unlawful or hazardous nature or included in the list of prohibited items;
- Should the family choose not to collect an item, it will be disposed of at the end of each term.

Smoking paraphernalia, including e-cigarettes, will be dealt with in accordance with the smoking policy. Please refer to the smoking policy for further guidelines.

Monitoring and Evaluation

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