



**ST. THOMAS MORE HIGH SCHOOL**  
**ACADEMY**

**SEARCHING, SCREENING AND CONFISCATION POLICY**

**The School's Mission Statement**

*To inspire, To learn, To achieve,*

*To keep our Catholic ethos at the centre of our lives,*

*To fulfil our educational potential, welcoming all and reaching out to the wider world,*

*To truly be God's servant first.*

*Approved and Reviewed by SLT*

*September 2024*

**Commitment to equality:**

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Searching, Screening and Confiscation Policy has been approved and adopted by the Senior Leadership Team of St Thomas More High School in September 2024 and will be reviewed annually in September 2025.

Signed by Headteacher:

## SAFEGUARDING & CHILD PROTECTION POLICY FOR ST THOMAS MORE HIGH SCHOOL

### KEY CONTACTS WITHIN THE SCHOOL SEPTEMBER 2024

<b>DESIGNATED SAFEGUARDING LEAD</b> NAME: MR GEOFF MASON : Member of SLT CONTACT NUMBER: 01702 606771
<b>DEPUTY SAFEGUARDING LEAD</b> NAME: MRS MICHELLE WALFORD CONTACT NUMBER: 01702 606773
<b>CHAIR OF GOVERNORS</b> NAME: DANIEL CAUCHI
<b>NOMINATED GOVERNOR FOR SAFEGUARDING AND CHILD PROTECTION</b> NAME: LORRAINE MCCLEAN
<b>DESIGNATED LEAD FOR LAC</b> NAME: MRS ALISON LINDSAY : Member of SLT CONTACT NUMBER: 01702 606712

<b>EMERGENCY OUT OF HOURS CONTACT FOR STAFF :</b> <a href="mailto:gmason@st-thomasmore.southend.sch.uk">gmason@st-thomasmore.southend.sch.uk</a> <a href="mailto:mwalford@st-thomasmore.southend.sch.uk">mwalford@st-thomasmore.southend.sch.uk</a>
<b>DIRECT OUT OF OFFICE HOURS FOR C-SPOC</b> See number below for direct referral

### KEY CONTACTS WITHIN THE DIOCESE OF BRENTWOOD

NAME: Mr Rob Simpson (Diocesan Director of Education) CONTACT NUMBER: 01277 265284
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### KEY CONTACTS WITHIN THE LOCAL AUTHORITY

<b>CSPOC</b> <b>Children's Social Care,</b> <b>Southend City Council:</b> Where the school has concerns for the safety and welfare of a child or young person.	01702 215007  <a href="mailto:c-spoc@southend.gov.uk">c-spoc@southend.gov.uk</a>
<b>OUT OF OFFICE HOURS:</b> To make URGENT referrals	0345 606 1212

<p><b>SAFEGUARDING &amp; CHILD PROTECTION CO-ORDINATOR and LOCAL AUTHORITY DESIGNATED OFFICER (LADO):</b></p> <p>Where there are concerns/allegations in respect of people working with children</p> <p><b>SAFEGUARDING ADVISOR:</b></p>	<p>ALLISON FRANCIS 01702 534539 <a href="mailto:allisonfrancis@southend.gov.uk">allisonfrancis@southend.gov.uk</a></p> <p>SHARON LANGSTON 01702 534591 <a href="mailto:LADO@southend.gov.uk">LADO@southend.gov.uk</a></p>
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## Introduction

St Thomas More wishes to ensure that the school staff and pupils feel safe and secure. This is seen to be vital in establishing a calm and supportive environment conducive to learning. The use of the powers to search, screen and confiscate appropriately is an important way to ensure pupil and staff welfare is protected and enables the school to establish an environment where everyone is safe.

This Policy draws upon the advice given in – [The DfE guidance Searching, Screen and Confiscation – July 2022](#). The Policy also draws upon the wider [Keeping Children Safe in Education- DfE, September 2024](#) and the [Working Together Document 2023](#). Both documents make it clear that safeguarding is the responsibility of all staff.

## What legislation

- 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

Before screening or conducting a search of a pupil, it is vital that schools consider their obligations under the European Convention on Human Rights. Under Article 8, pupils have a right to respect for their private life. In the context of these rights and obligations, this means that pupils have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by a school (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8. This advice will assist schools in deciding how to exercise their searching powers in a lawful way.

## Searching

1. Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It 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.

2. Headteachers and staff they authorise, have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in paragraph 3 or any other item that the school rules identify as an item which may be searched for.

3. The list of prohibited items is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- 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 property of; any person (including the pupil)
- tobacco, vapes and cigarette papers
- fireworks; and
- pornographic images.

4. **Under common law, school 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.**

5. 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.

6. The school’s Behaviour Policy outlines the banned items for which a search can be made. These can also be seen in paragraph 3 of this Policy but **may also include other items which the Headteacher has decided are detrimental** to maintaining high standards of behaviour and a safe environment.

7. The school’s Behaviour Policy is communicated to all members of the school community to ensure expectations are transparent to all pupils, parents, and staff, and provides reassurance that any searching of a pupil will be implemented consistently, proportionately, and fairly, in line with the school’s policy.

8. When exercising their powers, the school considers 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.

9. The school staff may use CCTV footage to decide whether to conduct a search for an item.

### **The role of the Headteacher, the Designated Safeguarding Lead and authorised members of staff**

10. Only the Headteacher, or a member of staff authorised by the Headteacher, can carry out a search. The Headteacher can authorise individual members of staff to search for specific items, or all items set out in the school’s Behaviour Policy.

11. The Headteacher ordinarily authorises members of SLT or members of the **Pastoral or SEND** team to conduct searches but may wish to designate other named staff as the need arises.

12. The Headteacher oversees the school’s practice of searching to ensure that a culture of safe, proportionate, and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the Designated Safeguarding Lead (or Deputy).

13. The Headteacher ensures that enough staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the pupil who is being searched.

14. The Designated Safeguarding Lead (or Deputy) must be informed of all searching incidents where the designated member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed in paragraph 3. The designated staff member should also involve the Designated Safeguarding Lead (or Deputy) without delay if they believe that a search has revealed a safeguarding risk.

15. 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. The Designated Safeguarding Lead (or Deputy) will then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns. See paragraphs 44-46 on recording searches.

### **Before searching.**

16. 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 school rules for which a search can be made, or if the pupil has agreed.

17. The authorised member of staff should assess how urgent the need for a search is and should consider the risk to other pupils and staff.

18. 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**

19. 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.

20. 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. See Behaviour in Schools for more information on lawful sanctions.

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

22. If the pupil still refuses to co-operate, the member of staff will 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 school rules. Use of reasonable force in schools. The decision to use reasonable force should be made on a case-by-case

basis. The member of staff will consider whether conducting the search will prevent the pupil harming themselves or others, damaging property or from causing disorder.

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

## During a search

### Where?

24. An appropriate location for the search will be found. Where possible, this will be away from other pupils. The search will 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?

25. 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.**

26. 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 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.

27. 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. See paragraphs 44-46 on recording searches.

### The extent of the search

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

29. The person conducting the search will 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.

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

31. A member of staff can search lockers and desks or other personal spaces at the school for any item **provided the pupil agrees**. Schools 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 listed in paragraph 3 and any items identified in the school rules for which a search can be made.

32. 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. See paragraphs 25-27 on who can conduct a search.

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

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

## Strip searching

35. A strip search is a search involving the removal of more than outer clothing (see paragraph 29). Strip searches on school 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, school staff retain a duty of care to the pupil(s) involved and should always advocate for pupil wellbeing.

36. Before calling police into school, staff will 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 Staff members should be sensitive to whether such outer clothing is worn for religious reasons when conducting a search.

ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the pupil(s) involved.

**Commented [PM1]:** Is there part of this sentence missing or does the word 'ensure' need a capital?

37. 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 will always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

### The process the police must follow during a strip search.

38. 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 school 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.

39. 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.

40. Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school 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.

### After-care following a strip search

41. Pupils will be given appropriate support, irrespective of whether the suspected item is found. If an item is found, this may be a police matter, but will always be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the Designated Safeguarding Lead (or Deputy). Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place. In both cases, pupils should feel that they have an opportunity to express their views regarding the strip

search and the events surrounding it. School staff should give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency and consider preventative approaches.

### After a search

42. Whether or not any items have been found as a result of any search, the school 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/or whether any specific support is needed. Where this may be the case, school staff should follow the school's child protection policy and speak to the Designated Safeguarding Lead (or Deputy) as set out in Part 1 of Keeping children safe in education. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate. If any prohibited items are found during the search, the member of staff will follow the guidance set out below in paragraphs 53-77 on confiscation.

43. If a pupil is found to be in possession of a prohibited item listed in paragraph 3, then the staff member will alert the Designated Safeguarding Lead (or Deputy) and the pupil should be sanctioned in line with the school's Behaviour Policy to ensure consistency of approach.

### Recording searches

44. Any search by a member of staff for a **prohibited item** listed in paragraph 3 and all searches conducted by police officers **will be recorded in the school's safeguarding reporting system, including whether** or not an item is found. This will allow the Designated Safeguarding Lead (or Deputy) to identify possible risks and initiate a safeguarding response if required. Headteachers may also decide that all searches for items banned by the school rules should be recorded. Staff members should follow the school policy in these cases.

45. Schools are encouraged to include in the record of each search:

- 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 items, if any, were found; and
- what follow-up action was taken because of the search.

46. Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this.

### Informing parents

47. The School will reinforce the whole-school approach by building and maintaining positive relationships with parents. Parents will **always** be informed of any search for a **prohibited item** listed in paragraph 3 that has taken place, and the outcome of the search as soon as is practicable. A member of staff will inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

48. Any complaints about searching, screening or confiscation will be dealt with through the normal school complaints procedure.

### Screening

49. Screening can help provide reassurance to pupils, staff, and parents that the school is taking measures to create a calm, safe and supportive environment. Whilst the School does not use screening at present it reserves the right to do so under DfE Guidance July 2022.



50. Schools' statutory power to make rules on pupil behaviour and their duties as employers in relation to the safety of staff, pupils and visitors enables them to impose a requirement that pupils undergo screening.

51. Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.

52. If a pupil refuses to be screened, the member of staff will consider why the pupil is not co-operating and assess whether it is necessary to carry out a search. See paragraphs 18-23 for more information on when a pupil refuses a search, including sanctioning.

## Confiscation

### Items found as a result of a search.

53. 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 school rules for which a search can be made (see para 2-3); or
- is evidence in relation to an offence.

### Prohibited or illegal items

54. **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 will 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 55 below issued by the Secretary of State.

55. The member of staff should consider 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.

56. **Other substances** which are not believed to be controlled will also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

57. 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 will not return them to the pupil.

58. If a member of staff finds a **pornographic image**, they will 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 will 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 paragraphs 68-75 for further advice on searching electronic devices.

59. Where a member of staff finds **stolen items**, these will 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 will have regard to the following guidance issued by the Secretary of State in paragraph 60 below.

60. The member of staff will consider 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 will take account of 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; and
- whether the item can be disposed of safely.

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

62. Items that **have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** will 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 will have regard to the guidance issued by the Secretary of State in paragraphs 63-64.

63. The member of staff will consider 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 considering 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.

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

65. Members of staff will 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 will have regard to the guidance issued by the Secretary of State in paragraph 66.

66. The member of staff will consider all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item. In considering 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.

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

### **Electronic devices**

68. 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.

69. As with all prohibited items, staff will 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.

70. Staff may examine any data or files on an electronic device they have confiscated because of a search, as defined in paragraph 53, if there is good reason to do so.

71. 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 will never intentionally view the image, and will 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 will 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 will follow the principles as set out in Keeping Children Safe in Education. The [UK Council for Internet Safety - GOV.UK \(www.gov.uk\)](http://www.gov.uk) 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.

72. If a member of staff finds any image, data, or file that they suspect might constitute a specified offence, then they will be delivered to the police as soon as is reasonably practicable.

73. 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 74 and 75 below.

74. In determining whether there is a '**good reason**' to examine the data or files, the member of staff will 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.

75. In determining whether there is a '**good reason**' to erase any data or files from the device, the member of staff will consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files will 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**

76. 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.

**77. 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.**

## **Further information**

### **Other relevant departmental advice and statutory guidance**

- Behaviour in Schools guidance
- Schools and College security guidance
- Equality Act 2010 and schools' guidance
- Keeping children safe in education guidance
- Use of reasonable force in schools' guidance
- Working together to safeguard children guidance
- DfE and ACPO drug advice for schools

### **Other advice**

- [Sharing nudes and semi-nudes: advice for education settings working with children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sharing-nudes-and-semi-nudes-advice-for-education-settings-working-with-children-and-young-people)