



# TIMU ACADEMY TRUST

## **Policy Document for: Confiscation of Inappropriate Items Policy**

**Approved by Directors: October 2017**

**Due for Review: October 2020**

### **Introduction**

Children and young people learn best in an environment which values their positive behaviour and is responsive to their needs and wishes. First and foremost the Timu Academy Trust recognises that all pupils have a right to learn and all adults, engaged by the school to promote learning, have a right to teach.

Consequently, teachers are expected to deliver relevant and interesting lessons that engage pupils and promote their learning and pupils are expected to arrive ready to learn, with the equipment necessary to enable them to participate fully in the lesson.

Pupils should not take anything to a lesson which might interfere with their learning or the learning of others. They should not bring any items to school which are not directly connected with their lessons and inappropriate items will be confiscated.

### **Objectives and targets**

The purpose of this policy is to explain which items may be confiscated and advise on how confiscation of items will be dealt with.

Items which might be considered for confiscation include those items listed in the pupil behaviour policy and those mentioned below, among others:

- Any item posing as a distraction or threat to good order for learning in class: eg mobile phones, tablets, MP3 and MP4 players and other electronic devices.
- Any item posing a threat to others: eg a laser pen being used to distract and possibly harm other pupils or staff.
- Any item which is against school uniform rules: eg a pupil refusing to take off a baseball cap on entering a classroom.
- Any item posing a health or safety threat: eg a pupil wearing jewellery in PE which may present a safety threat to him/herself or to other pupils.

- Any item which is counter to the ethos of the school: eg material which might cause tension between one community and another.
- Any item which is illegal for a pupil to have: eg racist or pornographic material.

### **Action plan**

School staff can search a pupil for any item banned under the school rules, if the pupil agrees, and apply a punishment proportionate to the circumstances, the age of the pupil and any SEN or disability they may have, and any religious requirement affecting them. The Principal and staff authorised by the Principal have a statutory power to search pupils or their possessions without consent where they suspect the pupil has prohibited items. The items that can be searched for, with a view to confiscation, under this power are:

- Knives or weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- Fireworks.
- Pornographic images.
- Any article that could be used to commit an offence, cause personal injury or damage to property.
- Anything banned by the school rules that have been identified as an item that will be confiscated.

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. When searching in these circumstances, staff are protected from liability for damage to, or loss of, any confiscated items.

Although not a legal requirement, a record of all searches will be kept on file, as will a record of any incident involving the police.

### **Searching pupils with their consent**

Items that are banned by the school rules are communicated to parents and pupils alike (see pupil behaviour policy). School staff have the right to search pupils with their consent for any such item, including the search of pupil's electronic devices. Refusal by the pupil constitutes the same situation as when he/she refuses to obey any other kind of instruction, and an appropriate disciplinary penalty will be applied.

Pupils can be searched without giving their permission for knives, weapons, illegal drugs and stolen items. 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, preferably of the same sex as the pupil, as a witness.

### **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.)

Reasonable force may be used if necessary to search for items prohibited by law, but only the Principal and staff authorised by the Principal may use such force. This practice will not be used to search pupils for items which are banned only by the school rules.

Weapons, controlled 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.

### **Informing parents**

Timu Academy Trust is not required to inform parents before a search takes place nor to seek their consent to search their child. Neither is there any legal requirement for the trust to inform a pupil's parents when alcohol, illegal drugs or potentially harmful substances are found in the course of a search, however it will usually be good practice to do so.

### **School procedures for safeguarding confiscated Items**

As soon as practicable after confiscation, any item belonging to a pupil will be secured in the administration office.

All reasonable steps will be taken to ensure that storage arrangements are secure. If similar items have been confiscated from several pupils, eg mobile phones or personal music players, care will be taken to ensure staff members are clear which item belongs to which pupil.

For some items, the trust will always seek specialist advice, eg 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.

### **Mobile communication technologies (including mobile phones and wireless technologies)**

Please see the school mobile phone and electronic device policy, available at [www.timuacademytrust.org.uk](http://www.timuacademytrust.org.uk)

### **Length of confiscation**

In most cases, confiscation 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 school rule.

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

- Any item of no value such as an inappropriate message scrolled on a piece of paper will be destroyed.
- Any item of an unlawful or hazardous nature (eg illegal drugs, valuable stolen items) will be handed to the police.
- Any item of value which a pupil should not have brought to school, or has misused in some way (eg alcohol, cigarette papers, fireworks and tobacco), may be retained for collection by a responsible family adult at a time indicated by the school. Should the family choose not to collect the item, it will be disposed of, but not offered back to the pupil.
- Images found on a mobile phone or other electronic device can reasonably be deleted unless it is necessary to pass them to the police (eg those of a pornographic or extreme nature).

Note: Staff have a defence to any complaint or other action brought against them. 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.

### **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.