



Appendix 6 Screening and searching pupils

Confiscation of inappropriate items

There are two sets of legal provisions which enable school staff to confiscate items from pupils:

The **general power to discipline** enables a member of staff to confiscate, retain or dispose of a pupil's property as a consequence, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully (Section 94 of the Education and Inspections Act 2006).

Power to search without consent by the Headteacher and authorised staff for "prohibited items" Section 550ZA (3) of the Education Act 1996 including:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property; and

The legislation sets out what must be done with prohibited items found as a result of a search.

- Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.
- More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in 'Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies'. See Section 94 of the Education and Inspections Act 2006 and Section 550ZA (3) of the Education Act 1996 for a link to this document.
- Contact the Police if bladed article or any other illegal item brought into school; other items at the discretion of the Head Teacher.