



# Confiscation (including retention and disposal) of inappropriate items

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## Confiscation (including retention and disposal) of inappropriate items

### Key points

- Schools can include confiscation of students' property as a disciplinary sanction in their behaviour policy.
- To be lawful, confiscation must be a reasonable sanction in the circumstances of the particular case.
- Decisions about retention and disposal of confiscated property must also be reasonable in the circumstances of the particular case.
- The Education and Inspections Act 2006 includes a specific statutory defence for school staff who have reasonably confiscated pupils' property.

### Confiscation of inappropriate items:

What criteria for confiscation might be used by a school?

These criteria are for individual schools to determine in the light of their policies on school uniform or behaviour generally. They might include:

- an item poses a threat to others: for example, a laser pen is being used to distract and possibly harm other pupils or staff
- an item poses a threat to good order for learning: for example, a pupil uses a personal music-player in class
- an item is against school uniform rules: for example, a pupil refuses to take off a baseball cap on entering a classroom
- an item poses a health or safety threat: for example, a pupil wearing large ornate rings in PE may present a safety threat to other pupils
- an item which is counter to the ethos of the school: for example, material which might cause tension between one community and another
- an item which is illegal for a child to have: for example, racist or pornographic material;

### What to do with confiscated items

- Confiscated items should be handed in at reception for collecting at 3pm.
- For items of obvious value, this would be in the school safe - the item should have student's NAME, MENTOR GROUP and YEAR written clearly on the item  
All reasonable steps should be taken to make such arrangements secure.
- If weapons or drugs are found on students the Principal or a member of the leadership team (usually staff on call) should be called for immediately.

### Mobile communication technologies

- We advise students not to bring mobile phones into school
- Phones should not be seen at all during the school day, unless a member of staff allows students to use them for learning purposes e.g. calculator
- As students are advised not to bring mobile phones into school, the loss of a mobile phone **WILL NOT BE** investigated in most cases
- If mobile phones are seen, they can be confiscated (and given to the Principal in an envelope – with the students name written clearly on it) and returned to the student at the end of the day. Students collect the phone from the headteacher.

- Students using mobile phones to bully other students may be excluded from school and will not be allowed to bring their phone into school
- Confiscation of a mobile phone is legitimate if it is used around site without permission of a member of staff
- Searching and confiscation of any items will be conducted in accordance with DfE guidelines outlined in the document below. This does not require student or parent permission.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674416/Searching\\_screening\\_and\\_confiscation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf)
- In some circumstances it may be reasonable for a member of staff to ask a student to reveal a message for the purpose of establishing whether cyber bullying has occurred, for instance, but if the student refuses then the member of staff should not enforce the instruction.
- The staff member can, however, legitimately issue a consequence for failure to follow a reasonable instruction.

How long should items be confiscated for?

- In most cases, confiscation is a sufficient sanction, and return of the item at the end of the school day is adequate time to reinforce the school rule.
- This also limits the chance of problems with loss of items while in the care of school staff.

**There may be some instances when the school chooses not to return an item to the student:**

- Items of no value, such as an inappropriate message scrawled on a piece of paper, may simply be disposed of. However, schools should keep in mind that some items of seemingly no value may have emotional value to the child — staff should establish if this is the case before deciding whether or not to dispose of the confiscated item.
- Items of value which the student should not have brought to school, or has misused in some way, might, if the member of staff judges this appropriate and reasonable, be stored safely at the school until a responsible family adult can come to retrieve them. For example, there is no acceptable reason why a pupil should bring a cigarette lighter to school. In such circumstances retention is a reasonable step both to protect property, and to enable discussion about whether the pupil is smoking and how this can be addressed

Searching students:

- Staff can search students who are suspected of carrying any items not allowed in school. HOWEVER, if at all possible it is usually good practice to inform parents of the search before searching a student
- A search should ALWAYS be carried by a member of staff of the same gender as the student.
- Another member of staff should also be present to avoid any accusations from students.
- However, a student might reasonably be asked to turn out their pockets or to hand over an item such as a personal MP3 player

The following items are not allowed in School and could lead to permanent exclusion:

1. Illegal drugs and 'legal highs' and any equipment associated with drug taking
2. Guns, including toy/ mock ones
3. Knives and other offensive weapons
4. Alcohol
5. Cigarettes and smoking materials
6. Fireworks or any other explosive or flammable items.

The School must inform the police if items 1, 2 or 3 are brought onto the School premises.