



Electronic Devices – Searching and Confiscation

(updated with new DfE guidance – September 2022)

This policy was updated: September, 2025.

This policy will be reviewed: September, 2026.

Statutory policy: No.

Source: SWGFL

Our School Vision

Our school vision is based on the theme of '***Taking Care***'. We strive to encourage our children, staff and wider community to 'take care' of one another through the core Christian Values of:

Kindness, Hope, Courage and Respect.

Our vision is inspired by the words in Corinthians:

"Let love and kindness be the motivation behind all that you do."

(1 Corinthians 16.14)

Ravenshead C of E Primary School is committed to valuing diversity and to equality of opportunity. In biblical tradition, children in particular are seen to hold a special place in the priorities of God. Furthermore, we hold to the foundational belief that all people are created in God's image and are intrinsically valuable. Everyone should be treated as fundamentally precious, irrespective of behaviour, achievements or potential.

Therefore, we aim to create and promote an environment in which pupils, parents/carers and staff are treated fairly and with respect and feel able to contribute to the best of their abilities. The school's biblical foundation provides a model of Christian community described as the 'body of Christ', in which everyone has a part to play, and everyone without exception has God-given gifts which are to be used for the benefit of others.

Introduction

The changing face of information technologies and ever-increasing learner use of these technologies has meant that the Education Acts were updated to keep pace. Part 2 of the Education Act 2011 (Discipline) introduced changes to the powers afforded to schools by statute to search learners in order to maintain discipline and ensure safety. Schools are required to ensure they have updated policies which take these changes into account. No such policy can on its own guarantee that the school will not face legal challenge but having a robust policy which takes account of the Act and applying it in practice will however help to provide the school with justification for what it does.

The particular changes we deal with here are the added power to screen, confiscate and search for items 'banned under the school rules' and the power to 'delete data' stored on confiscated electronic devices.

Items banned under the school rules are determined and publicised by the Headteacher (section 89 Education and Inspections Act 1996).

An item banned by the school rules may only be searched for under these new powers if it has been identified in the school rules as an item that can be searched for. It is therefore important that there is a school policy which sets out clearly and unambiguously the items which:

- are banned under the school rules; and
- are banned AND can be searched for by authorised school staff

The act allows authorised persons to examine data on electronic devices if they think there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files the authorised staff member must reasonably suspect that the data or file on the device in question relates to an offence and/or may be used to cause harm, to disrupt teaching or could break the school rules.

Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, **if they think there is a good reason to do so.**

The Headteacher must publicise the school behaviour policy, in writing, to staff, parents/carers and learners at least once a year.

Many pupils, especially as they get older, will have a mobile phone of their own. Allowing access to mobiles in school introduces complexity and risks, including distraction DfE advice on these sections of the Education Act 2011 can be found in the document: "Screening, searching and confiscation – Advice for schools" (updated July 2022)

The DfE Guidance – "Behaviour in Schools" was updated in July 2022 and refers to behaviour online:

"The way in which pupils relate to one another online can have a significant impact on the culture at school. Negative interactions online can damage the school's culture and can lead to school feeling like an unsafe place. Behaviour issues online can be very difficult to manage given issues of anonymity, and online incidents occur both on and off the school premises. Schools should be clear that even though the online space differs in many ways, the same standards of behaviour are expected online as apply offline, and that everyone should be treated with kindness, respect and dignity.

Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nude or semi-nude images and videos and sexual harassment should be addressed in accordance with the same principles as offline behaviour, including following the child protection policy and speaking to the designated safeguarding lead (or deputy) when an incident raises a safeguarding concern.

Many online behaviour incidents amongst young people occur outside the school day and off the school premises. Parents are responsible for this behaviour. However, often incidents that occur online will affect the school culture. Schools should have the confidence to sanction pupils when their behaviour online poses a threat or causes harm to another pupil, and/or could have repercussions for the orderly running of the school, when the pupil is identifiable as a member of the school or if the behaviour could adversely affect the reputation of the school.

Headteachers should decide if **mobile phones** can, disruption, bullying and abuse, and can be a detriment to learning. Headteachers should consider restricting or prohibiting mobile phones to reduce these risks.

If headteachers decide not to impose any restrictions on mobile phones, they should have a clear plan to mitigate the risks of allowing access to phones. This plan, as part of the school's behaviour

policy, should outline the approach to mobile phones and be reiterated to all pupils, staff and parents throughout the school year. Headteachers should ensure it is consistently and fairly applied.”

A new Keeping Children Safe in Education guidance document is in force from September 2025. Schools should be aware of new guidance concerning **Harmful Sexual Behaviour** (see policy template in these appendices):

“Following any report of child-on-child sexual violence or sexual harassment offline or online, schools should follow the general safeguarding principles set out in Keeping children safe in education (KCSIE) - especially Part 5. The designated safeguarding lead (or deputy) is the most appropriate person to advise on the school's initial response. Each incident should be considered on a case-by-case basis.

Schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable, will not be tolerated and that pupils whose behaviour falls below expectations will be sanctioned. Schools should make clear to all staff the importance of challenging all inappropriate language and behaviour between pupils. Schools should refer to the Respectful School Communities toolkit for advice on creating a culture in which sexual harassment of all kinds is treated as unacceptable.”

Relevant legislation:

- Education Act 1996
- Education and Inspections Act 2006
- Education Act 2011 Part 2 (Discipline)
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Health and Safety at Work etc. Act 1974
- Obscene Publications Act 1959
- Children Act 1989
- Human Rights Act 1998
- Computer Misuse Act 1990

This is not a full list of Acts involved in the formation of this advice. Further information about relevant legislation can be found via the above link to the DfE advice document.

Responsibilities

The Headteacher is responsible for ensuring that the school policies reflect the requirements contained within the relevant legislation. The formulation of these policies may be delegated to other individuals or groups. The policies will normally be taken to Governors for approval. The Headteacher will need to authorise those staff who are allowed to carry out searches. Any searches will be carried out by 2 members of the Senior Leadership Team.

The Headteacher has authorised the following members of staff to carry out searches for and of electronic devices and the deletion of data/files on those devices:

[Sophie Keightley](#) [\(Deputy Head\)](#)

Sarah Soley	(Assistant Head)
Suzy Burton-Sanders	(KS2 Lead)
Alison Eyre	(KS1 Lead)
Alex Sutcliffe	(EYFS Lead)

The Headteacher may authorise other staff members in writing in advance of any search they may undertake, subject to appropriate training. Members of staff cannot be required to carry out such searches. They can each choose whether or not they wish to be an authorised member of staff.

Training/Awareness

Members of staff should be made aware of the school's policy on "Electronic devices – searching, confiscation and deletion":

- at induction
- at regular updating sessions on the school's online safety policy

Members of staff authorised by the Headteacher to carry out searches for and of electronic devices and to access and delete data/files from those devices should receive training that is specific and relevant to this role.

Specific training is required for those staff who may need to judge whether material that is accessed is inappropriate or illegal.

Policy Statements

Search:

The school **Behaviour Policy** refers to the policy regarding searches with and without consent for the wide range of items covered within the Education Act 2011 and lists those items. This policy refers only to the searching for and of electronic devices and the deletion of data/files on those devices.

Learners are allowed to bring mobile phones to school and use them only within the rules laid down by the school. They should not be used at all on school premises and must be handed into the School Office at the start of the school day and collected at the end of the school day. Smart watches are not permitted in school.

If learners breach these rules:

The sanctions for breaking these rules can be found in the Relationship-based Behaviour Policy.

Authorised staff (defined in the responsibilities section above) have the right to search for such electronic devices where they reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

- Searching with consent - Authorised staff may search with the learner's consent for any item
- Searching without consent - Authorised staff may only search without the learner's consent for anything which is either 'prohibited' (as defined in Section 550AA of the Education Act 1996) or appears in the school rules as an item which is banned and may be searched for

In carrying out the search:

The authorised member of staff must have reasonable grounds for suspecting that a *learner* is in possession of a prohibited item i.e. an item banned by the school rules and which can be searched for. Whether there are 'reasonable grounds' is a matter decided on by reference to the circumstances witnessed by, or reported to, someone who is authorised and who exercises properly informed professional judgment and has received appropriate training.

The authorised member of staff should take reasonable steps to check the ownership of the mobile phone/personal electronic device before carrying out a search. The powers included in the Education Act do not extend to devices owned (or mislaid) by other parties e.g. a visiting parent or contractor, only to devices in the possession of learners.

The authorised member of staff should take care that, where possible, searches should not take place in public places e.g. an occupied classroom, which might be considered as exploiting the learner being searched.

The authorised member of staff carrying out the search must be the same gender as the *learner* being searched; and there must be a witness (also a staff member) and, if at all possible, they too should be the same gender as the *learner* being searched.

There is a limited exception to this rule: Authorised staff can carry out a search of a learner of the opposite gender including without a witness present, but **only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.**

Extent of the search:

The person conducting the search may not require the learner to remove any clothing other than outer clothing.

Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear (outer clothing includes hats; shoes; boots; coat; blazer; jacket; gloves and scarves).

'Possessions' means any goods over which the learner has or appears to have control – this includes desks, lockers and bags. We will take account of our normal policies regarding religious garments/headwear and may wish to refer to it in this policy.

A learner's possessions can only be searched in the presence of the learner 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.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Use of Force – force cannot be used to search without consent for items banned under the school rules regardless of whether the rules say an item can be searched for.

Electronic devices

The DfE guidance – Searching, Screening and Confiscation received significant updates in July 2022 and now states:

- 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.
- As with all prohibited items, staff should 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
- Staff may examine any data or files on an electronic device they have confiscated as a result of a search .. if there is good reason to do so (defined earlier in the guidance as)
 - poses a risk to staff or pupils;
 - is prohibited, or identified in the school rules for which a search can be made or
 - is evidence in relation to an offence.
- 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 should never intentionally view the image, and must 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 should 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 should follow the principles as set out in [Keeping children safe in education](#). The UK Council for Internet Safety 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](#).
- If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then they must be delivered to the police as soon as is reasonably practicable.
- 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 determining whether there is a 'good reason' to examine the data or files, the member of staff should 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.
 - In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should 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

The examination of the data/files on the device should go only as far as is reasonably necessary to establish the facts of the incident. Any further intrusive examination of personal data may leave the school open to legal challenge. It is important that authorised staff should have training and sufficient knowledge of electronic devices and data storage.

Members of staff may require support in judging whether the material is inappropriate or illegal. One or more Senior Leaders should receive additional training to assist with these decisions. Care should be taken not to delete material that might be required in a potential criminal investigation.

The school should also consider their duty of care responsibility in relation to those staff who may access disturbing images or other inappropriate material whilst undertaking a search. Seeing such material can be most upsetting. There should be arrangements in place to support such staff. The school may wish to add further detail about these arrangements.

Further guidance on reporting the incident to the police and the preservation of evidence can be found in the SWGfL flow chart in the main School Template Policies document. Local authorities/local safeguarding partnerships may also have further guidance, specific to their area.

A record should be kept of the reasons for the deletion of data/files. DfE guidance states and other legal advice recommends that there is no legal reason to do this, best practice suggests that the school can refer to relevant documentation created at the time of any search or data deletion in the event of a learner, parental or other interested party complaint or legal challenge. Records will also help the school to review online safety incidents, learn from what has happened and adapt and report on application of policies as necessary.

Care of Confiscated Devices

School staff are reminded of the need to ensure the safe keeping of confiscated devices, to avoid the risk of compensation claims for damage/loss of such devices (particularly given the possible high value of some of these devices).

School will not be held responsible for damage/loss to mobile phones that have been brought into school.

Audit/Monitoring/Reporting/Review

The responsible person (Deputy Head) will ensure that full records are kept of incidents involving the searching for and of electronic devices and the deletion of data/files. This will be recorded on MyConcern (the school's electronic safeguarding system).

These records will be reviewed by the Headteacher and Safeguarding Governor (Nicola Thomas).

This policy will be reviewed annually and in response to changes in guidance and evidence gained from the records.