

Searching, Screening and Confiscation Policy and Procedure

1. Introduction

- 1.1 The Education Act 1996 gives the Principal, and College staff authorised by the Principal, the power to search students for any prohibited items where there are reasonable grounds for suspicion that a student is in possession of such an item. These powers have been described further in The Department of Education's searching, screening and confiscation advice (July 2022)
- 1.2 The Principal and Senior Leadership team (SLT) place the highest priority on the creation and promotion of a safe and secure environment for all students and staff. To this end, The SLT adopts a '**zero tolerance**' policy in relation to prohibited items listed in 2.3. The College will instigate the student behaviour procedure where rules have been breached and will report incidents to the police where appropriate.
- 1.3 The purpose of this policy and advice is to outline where, when and by whom a student may be searched, screened and when items can be confiscated. This guidance has recently been reviewed following recommendations from the safeguarding review of the 'Child Q' case.

2. Definitions

- 2.1 An offensive weapon is anything made, adapted, or intended for use as a weapon.
- 2.2 There is absolutely no situation in which the possession of such articles will be considered safe and acceptable unless they are being used in the course of a supervised lesson or by other authorised personnel during the course of their work.
- 2.3 Prohibited items identified by the College are:
 - Knives or weapons
 - Illegal Drugs
 - Legal substances subject to abuse, including legal highs, and prescription medicine used in a manner other than prescribed
 - Alcohol
 - Fireworks
 - Pornographic images
 - Stolen items
 - Electric scooter / powered transporter
 - Nitrous gas
 - Any article that the member of staff reasonably suspects has been or is likely to be used to commit an offence or cause personal injury or injury to others.

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3. Scope

- 3.1 This policy covers all students (including 14 -16 students) at the College. The agreement to allow the College the right to search without suspicion is part of the student learning agreement.
- 3.2 The College has made the decision that should a student not consent to be searched then the student should be asked to leave the premises. In this instance the Police may be informed.
- 3.3 **Confiscation** - College staff can seize any prohibited item found as a result of a search that they have reasonable grounds for suspecting poses a risk to staff or pupils. Prohibited or items banned by the college can also be confiscated, as can an item that is suspected of being evidence in relation to an offence.
- 3.4 **Screening** - Screening is defined as the use of a walk-through or hand-held metal detector, an arch or wand, to scan all students for weapons before they enter the college premises.

Where a student has a disability, learning difficulty or Special Educational Needs (SEN), the College will make any reasonable adjustments to the screening process.

Where a student refuses to be screened, the member of staff should consider why the student is not co-operating. They can then assess whether it is necessary to carry out a search.

4. Responsibilities and Conditions

- 4.1 Staff who undertake a search according to the law and who follow their employer's guidelines are protected by the law. Only staff and security personnel designated and trained in search, screen and confiscate techniques will be authorised by the Principal to carry out these procedures. Staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.
- 4.2 Two members of staff must be present during a search of a student or his/her possessions. The person conducting the search must be of the same sex as the student being searched. However, the member of staff acting as a witness, may be of the opposite sex. The only exception will be in emergency situations where the urgency of the search due to the risk of potential harm means that the opposite sex may need to conduct the search. A witness will always be present.
- 4.3 For a search the "second person present" must be a member of the College staff or security personnel or anyone who, by the authority of the Principal, has lawful control or charge of the students e.g. tutor, lecturer, etc.
- 4.4 On offsite educational visits, staff should normally rely on calling the police rather than seek to have a member of staff authorised to search on every visit where suspicion might arise.
- 4.5 While the law on the power to search does not explicitly prevent more than two persons being present at a search, only in exceptional circumstances should more staff be present than the two who must be present.

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For example, searching a student with Special Educational Needs might be helped by support from a further adult with expertise on the student's needs or, where religious or cultural sensitivities might apply, an adult with knowledge of those aspects might help. Some searches might be helped by a parent/guardian's presence where that is practicable. A search can in principle be conducted with other persons present (that is, as well as the student and two members of staff of the same sex), though the student's privacy and dignity should be safeguarded.

5. Related Documents

- Student Behaviour Procedure
- Complaints Policy
- Alcohol & Drugs Misuse Policy (Students)

6. Search Procedures

Without/Reasonable Suspicion (which allows a search to take place)

If authorised staff suspect a prohibited item is somewhere in the College or on an offsite educational visit, they can search any of their students if they have reasonable grounds for suspecting that he or she has a prohibited item with him /her or in his /her possession. This is a legal standard and not a subjective one; the searcher must assess what constitutes, in each case, reasonable grounds for suspicion that a student may have a prohibited item with him/her or in his/her possession.

Suspicion should be based on facts relevant to the likelihood of finding a prohibited item. Reasonable suspicion will rarely be supported on the basis of personal factors alone, without reliable supporting intelligence or information about some specific behaviour by the student to be searched.

Extent of Search – Clothes and Possessions

The power to search on suspicion enables a personal search, involving removal of outer clothing and searching of pockets. The College will also have the power to use a handheld scanner which will detect metallic objects without touching the individual. The member of staff's power to search outlined above does not enable them to conduct a strip search. Strip searches on college premises can only be carried out by police officers

If patting down or the scanning identifies/finds an object in, for example, a trouser pocket, the student should be asked to bring out and show the object. If this is refused, the searcher can search the pocket. A pocket should not be searched if the member of staff believes that this action may escalate the situation. In this case the searcher is to radio for help and the most likely course of action will be to call/involve the Police.

The searcher can require the student to remove outer clothing (e.g., a coat, jacket or pullover) if it is necessary for the search. If the student refuses and staff still suspect a prohibited item is being carried, they should call the Police. This option is always available: the College can stop the search at any point and request the Police be called. (Resisting a Police search can be a criminal offence.)

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Reasonable steps should be taken to preserve the dignity and privacy of any searched student:

- searching out of sight of other students or staff passing by – though privacy may not always be possible, e.g. where staff decide to search a line of students waiting to board a coach.
- searchers should be sensitive to issues of race, culture or religion, e.g., where a student's customary head covering, or other outer clothing has religious or cultural associations.

7. After the search

If no prohibited item is discovered by a search, the College can decide to take no further action, but should still:

- Briefly record the outcome under confidential comments on Promonitor and a copy of the record sent to the executive office
- Inform the student's parent/carer (if under 19)
- Inform the school if it is a 14-16 student who is studying a Practical Learning Opportunities Programme
- In the case where this is a Work Based Learning student, the employer will be informed

8. Records

Given that a student holding a prohibited item on College premises could also be committing an offence, it is possible that the student will be arrested by the Police, and that members of staff involved in the search will be called as witnesses in a criminal prosecution.

A written record will be kept of any occasion when a student is searched for any prohibited item.

The record should include:

- **Name, date of birth, gender, ethnicity of every student searched**
- **Grounds of suspicion**
- **Date, time and place**
- **Who searched**
- **Who else was present**
- **What if any reasonable force was used, and if so why**
- **How the search began and progressed**
- **The students' responses and how staff managed them (e.g., steps taken to calm the student)**
- **Outcomes and follow-up actions**

9. Informing Parents/Carers: Complaints

The College is not required by law to inform a parent/guardian before a search or seek parental consent, but a parent/guardian might feel concerned about their child being searched.

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The College should always inform parents/guardians of students under the age of 19 years when their child has been searched and offer an opportunity to discuss the matter. Any complaints will be dealt with through the complaints policy.

10. Data Protection

All written reports will be retained on My Concern for a period of one year.

11. Residential

Any instances will be dealt with in accordance with the Student Behaviour Policy. Parents/carers will be contacted to inform and collect the student from residential. Where this is not possible the Residential Manager and Safeguarding team will support and advise.

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Appendix One

Staff with authorised responsibilities:

Title	Name
Vice Principal Student Experience & Progression	Abid Hussain
Vice Principal Performance, Planning, Innovation & Digital Transformation	Ana Guimaraes
Director of Faculty Sports, Business & Academies	Andy Moore
Head of Careers, Enrichment and Learner Voice	Rhys Wynne
Deputy Director Services & Creative Industries	Aneesa Kiani
Director of Faculty LIFE and Skills for LIFE	Roxanne Lowe
Deputy Director of Faculty Sports, Business & Academies	Ian Morrison
Head of Behaviour and Designated Teacher	Sarah Gilliver
Deputy Director of Maths English and ESOL	Paul Smith
Director of Faculty Engineering, Construction and IT	Garry Morgan
Director of Faculty Service and Creative Industries	Victoria Caulton
Head of Safeguarding, Wellbeing and Personal Development	Sarah Furley
Head of Residential	Garry Leask

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Appendix Two

Record of Search must be completed every time a search is conducted, and the record card sent to the executive office for storage and reporting purposes.

Searching, Screening and Confiscation a Student Record of Incident	
Date	
Student Name	
ID number	
Location including campus	
Curriculum area	
Reason for search	
Name of person who performed the search	
Name of person who witnessed the search	
Outline of any reasonable force used, and if so why	
Details of how the search began and progressed	
Note of student responses and how staff managed them (e.g., steps taken to calm the student)	

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