

STOP AND SEARCH A STUDENT POLICY

1. INTRODUCTION

- 1.1 The Education Act 1996 gives the Chief Executive and authorised staff by the Chief Executive 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.
- 1.2 The Chief Executive 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 within Section 2.3 of this policy.
- 1.3 The purpose of this policy is to outline where, when and by whom a student may be searched for a when there are reasonable grounds for suspecting that there is a prohibited item being carried by the student.
- 1.4 This policy helps to mitigate that risk by identifying authorised personnel and identifying the procedure to be followed.

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 or Legal Highs
 - Alcohol
 - Fireworks
 - Pornographic images and films
 - Stolen items
 - 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

3. SCOPE

- 3.1 All students at the College, including pupils from schools receiving some of their compulsory education at College, are subject to this policy.
- 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 by security

staff and the police informed. Only with consent searches will be carried out by members of College staff.

- 3.3 College staff can seize any prohibited item found as a result of a search. They can also seize any item which they consider harmful or detrimental to College discipline. When the item is drugs, the College policy for the disposal of drugs must be followed

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 members who have been authorised by the Chief Executive or Principal may carry out these procedures.

- 4.2 Two members of staff must be present during a search of a student or their 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, unless it is a search for weapons.

A student's possessions can be searched without consent (and the search witnessed) by staff of the opposite sex to the student; the student must be present.

- 4.3 For a search the second person present must be a member of the College staff.
- 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.

For example, searching a student with particular Special Educational Needs or Disability might be helped by support from a further adult with expertise on the student's needs; or, where particular religious or cultural sensitivities might apply, an adult with knowledge of those aspects might help. Some searches might be helped by a parent'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.

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Appendix One

Search Procedures

1. Reasonable Suspicion (which allows a search to take place)

If 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 they have a prohibited item with them or in their possession. This is a legal standard and not a subjective one; the searcher must assess what constitutes, in each particular case, reasonable grounds for suspicion that a student may have a prohibited item with him/her or in his/her possessions. 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. For example, a student's race, age, appearance, or any isolated instance of misbehaviour in the distant past must not be used alone or in combination with each other as the reason for suspecting that student. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of students as more likely to be in possession of a weapon.

2. Options before a consent search

The college will only use the power of search if they have first exhausted other options:

- (a) Where staff suspect a student is in possession of a prohibited item, they should seek to confirm or allay their suspicion by questioning the student;

Staff should use "talking down" techniques to calm the student and prevent or reduce any risk of their exchange escalating.
- (b) If questioning confirms suspicion, staff should ask the student to surrender the prohibited item, reminding them about College rules.
- (c) If suspicion remains and the student does not surrender the prohibited item, staff should ask the student to consent to a search.
- (d) **If staff decide a search would not be safe or a student refuses to be searched then they should ask the student to leave the premises and inform SLT who will coordinate the response if the police are to be called.** The power to search is not a duty: it should only be used where it is judged safe to do so.

In particular, if it is believed that a student is carrying a weapon and is likely to resist a search physically; staff should call the police rather than try to overcome them.

3. 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; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

The searcher can pat down a person's clothing, without directly touching the body. If patting down 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 when the member of staff believes the student may interpret the search as an assault. In this case a member of SLT should be consulted and the police service contacted.

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 that a member of the SLT call the police instead. (Resisting a police search can be a criminal offence.)

Staff must not require a searched student to remove, and must not themselves remove, clothes beneath outerwear: e.g. trousers, skirt, sari, shirt, blouse, tunics, socks, underwear or tights. Nor should staff seek the voluntary removal of such clothes. Students volunteering to remove such clothes should be required not to do so. Staff must be careful not to touch or hold a student indecently.

3.1 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.

4. 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 and provide a copy to the Student Life Manager
- Inform the student's parents/carers/next of kin (if under 18)
- Inform the college's governing body annually of how many searches took place as part of the annual safeguarding report.

5. Records

Given that a student holding 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

6. Informing Parents/Carers and Next of Kin; Complaints

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

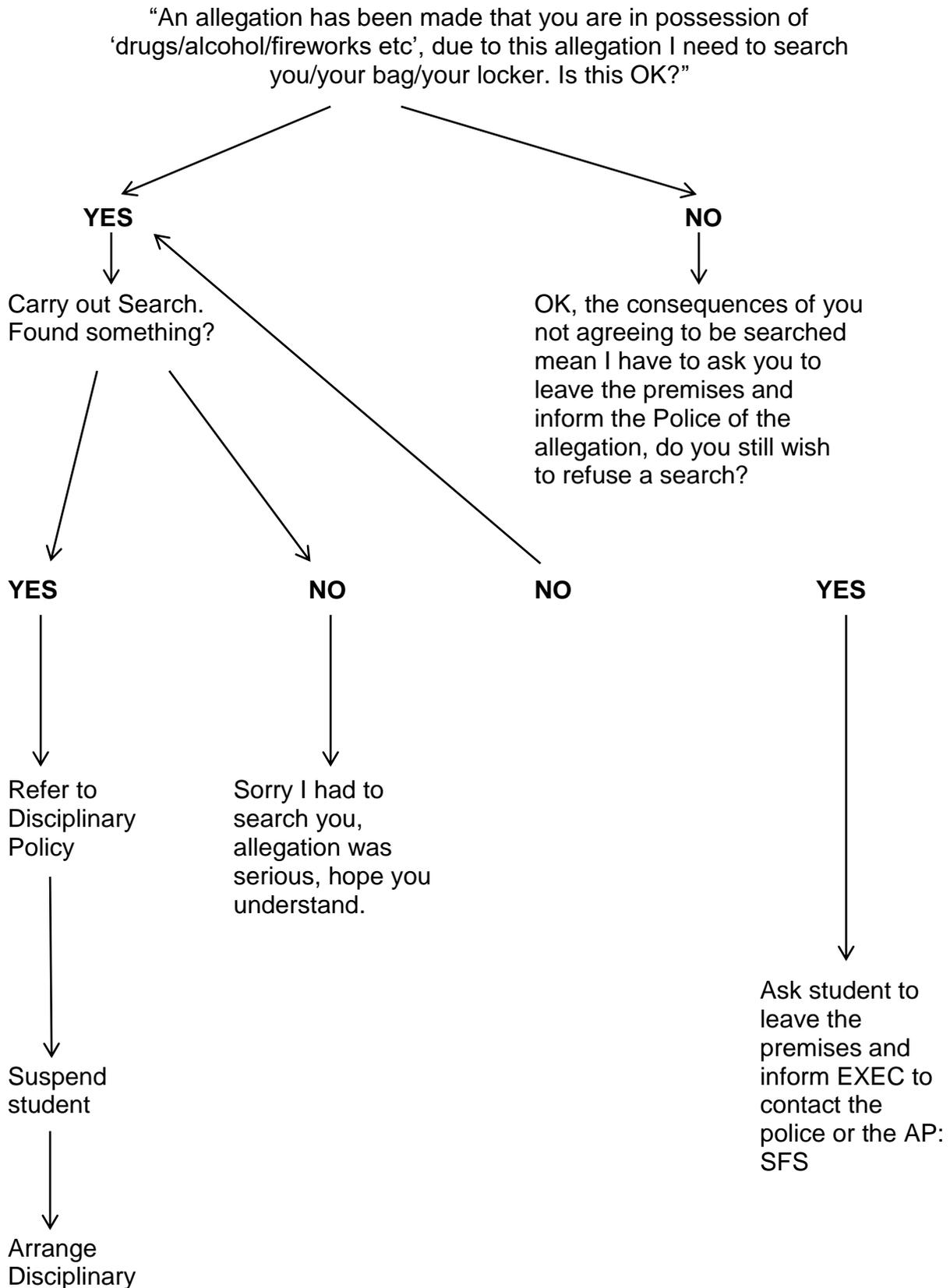
The College should generally inform parents of students who are younger than 18 years of age when their child has been searched, and offer an opportunity to discuss the matter. Any complaints will be dealt with through the complaints policy.

7. Data protection

All written reports will be retained by the Student Life Manager for a period of three years.

Appendix Two

Example of how to approach a student search:



Appendix Three

Record of Search must be completed every time a search is conducted and the record card given to the Assistant Principal, HR & Student Services for storage and reporting purposes.

Stop and Search a Student Record of Incident	
Student Name	
DOB	
Location	
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)	
Outcomes and follow-up actions	