



# INTERNAL PROCEDURE

## Title: Searching students procedure

<b>POLICY HOLDER:</b>	<b>Assistant Principal Student Services</b>
<b>SMT OWNER:</b>	<b>Principal</b>
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**Further information:** If you have any queries about this policy or procedure, please contact the named policy holder or the College's marketing team on 01603 773 169.

**Amendments log**

Review date	Version	Changes	Originated by	Approval
March 2020	1	Creation of document	Helen Richardson-Hulme	Exec
May 2021	2	Annual update and inclusion of residential provision.	Helen Richardson-Hulme / Jo Riseborough	Exec

## Searching students

### 1. Purpose

- 1.1 Incidents involving students carrying illicit items at City College Norwich are extremely rare. However, the following guidance has been prepared with everyone's safety in mind, if a member of staff or a student know or suspects a student to be carrying a prohibited substance or article.
- 1.2 The purpose of this procedure is to provide clear advice to College staff how to respond to situations where a student is known or suspected of carrying such an item.
- 1.3 Easton College Residential Accommodation. The College regards students' privacy as important, however we recognise that there may be occasions where our duty of care necessitates the immediate entry to rooms in order to; protect someone from harm, prevent an unlawful action from taking place, or to investigate an allegation that is contrary to the residential contract.

### 2. Introduction

- 2.1 Section 165 of the Education and Inspections Act 2006 does not remove the common law right of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or their property from being damaged.<sup>1</sup>
- 2.2 Section 46 of the Violent Crime Reduction Act 2006 authorises a principal or a member of staff authorised by him or her, to search a student at a further education institution for a weapon if that person has reasonable grounds for suspecting that there is a weapon with the student or in his or her possessions.
  - (3) *A person may carry out a search under this section only if—*
    - (a) *he is the principal of the institution; or*
    - (b) *he has been authorised by the principal to carry out the search.*
- 2.3 The Principal, Executive and Management team place the highest priority on the creation and promotion of a safe and secure environment for all students and staff. To this end the College adopts a '**zero tolerance**' procedure in relation to prohibited items listed in Section 3.
- 2.4 The purpose of this procedure is to outline where, when and by whom a student, and their accommodation if resident, may be searched for a situation when there are reasonable grounds for suspecting that there is a prohibited item being carried by the student.
- 2.5 This procedure helps to mitigate the risk by identifying authorised personnel and identifying the procedure to be followed.

### 3. Definitions

- 3.1 An offensive weapon is anything made, adapted or intended for use as a weapon.
- 3.2 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

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<sup>1</sup> Also referenced in College procedure *Guidance and Procedure for Staff on the Use of Force to Control or Restrain See Educations and Inspections Act 2006 Part 7, Chapter 1, Use of Reasonable Force, Section 93: <http://www.legislation.gov.uk/ukpga/2006/40/section/93> and Violent Crime Reduction Act 2006 Part 2, Knives, Section 46 <http://www.legislation.gov.uk/ukpga/2006/38/section/46> Accessed 24.04.19*

other authorised personnel during their work.

### 3.3 Prohibited items identified by the College are:

- Knives or weapons
- Illegal Drugs
- Alcohol
- Fireworks
- Pornographic images
- 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

## 4. Scope

- 4.1 All students at the College, including those living in student accommodation within Easton Halls of Residence.
- 4.2 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. Only **with consent** searches will be carried out by members of College staff.
- 4.3 **Confiscation:** College staff can seize any prohibited item found as a result of a search. However, they can also seize any item found which they consider harmful or detrimental to maintain a safe College environment. When the item is drugs, then the College procedure for the disposal of drugs will be followed.<sup>2</sup>

## 5. Responsibilities and Conditions

- 5.1 Staff who undertake a search according to the law and who follow their employer's guidelines are protected by the law. Only staff designated and trained in stopping and searching techniques will be authorised by the Principal to carry out these procedures.

**At our Norwich site permission is delegated to the Duty Principal who may authorise for a search to be undertaken and the search is carried out by NES Estates and Facilities colleagues, under supervision by the Site Security Manager.**

**At Paston College and Norfolk House permission to authorise and carry out search is delegated to the College Manager on site.**

**At Easton College site permission is delegated to the Duty Principal who may authorise for a search to be undertaken and the search is carried out by NES Estates and Facilities colleagues, under supervision by the Duty Principal.**

In cases where the search is being undertaken in accordance with the College Drug & Alcohol misuse procedure, the Duty Principal or College Manager (Paston) will delegate permission to search to the appropriate Drug & Alcohol Lead.

- 5.2 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.
- 5.3 For a search the "second person present" must be a member of the College staff who, by the authority of the Principal, has lawful control or charge of the students e.g. Drug and Alcohol Lead, Duty Principal or other member of staff. Where a search relates to a residential student at Easton College, a member of the Residential team will be present.

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<sup>2</sup> See the College procedure *Drugs and Alcohol misuse procedure*, see flow diagram for detailed guidance

- 5.4 On offsite educational visits, staff should normally rely on calling the Police rather than seek a member of staff authorised to search on every visit where suspicion might arise.
- 5.5 While the law on the power to search does not explicitly prevent more than two persons being present at a search, there may be occasions when there will be more staff present at a search. In such times, maintaining a sense of privacy and dignity for students and their possessions will always be a priority.
- 5.6 For example, searching a student with particular Special Educational Needs 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.

## 6. Related Documents

- Student Disciplinary Procedure
- Complaints Procedure
- Drug and Alcohol Misuse procedure
- Guidance and Procedure for Staff on the Use of Force to Control or Restrain
- Site Security Strategy
- Residential Contract

## 7. Search Procedures and Reasonable Suspicion

- 7.1 Reasonable Suspicion (which allows a search to take place)
- 7.2 If an authorised member of staff suspects a prohibited item is somewhere in the College, including in Easton Student Accommodation, or on an offsite educational visit, they can search any of their students and accommodation if they have reasonable grounds for suspecting that he or she has a prohibited item with him /her or in his /her possessions. 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.
- 7.3 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.
- 7.4 For example, a student's protected characteristic 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.

## 8. Options before a consent search

- 8.1 The College will only use the power of search if they have first exhausted other options:
- 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
- If questioning confirms suspicion, staff should ask the student to surrender the prohibited item, reminding them about College rules and the Residential Contract if applicable.
- If suspicion remains and the student does not surrender the prohibited item, staff should ask the student to consent to a search.

8.2 Students have the right to refuse to consent to a search of their property including their personal items or clothing.

**If staff decide a search would not be safe or a student refuses to be searched the Duty Principal will coordinate the response and this may involve liaising with local Police.**

The power to search is not a duty: it should only be used where it is judged safe to do so.

- 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 deal with the matter in a physical way i.e. by trying to physically overcome the student.

8.3 In all cases where the College makes a report to local Police, the responsible Manager will try to contact our local linked Police Officer so that we can provide a rich intelligence picture and take a holistic wrap-around approach to support wherever it is possible to do so. This is in line with the College’s approach to working with local Police on County Lines matters where young people may be both the victim as well as perpetrator of criminal exploitation by gangs.

9. Extent of Search – Clothes and Possessions

9.1 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.

9.2 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.

9.3 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 Duty Principal to call the police instead. (Resisting a police search can be a criminal offence.)

9.4 Residential Searches

- I. The ‘Search Team’ will initially knock on the door of the room in question and identify themselves to any occupant in the room. Should the door not be opened by an occupant of the room within a reasonable period of time, or if the room in question is thought to be unoccupied then entry will be facilitated by the use of a master key.
- II. It is necessary for the occupant of the room to be present for the search to be completed.
- III. Should the room be occupied by persons other than the residential student allocated to the room, then the identity of those persons present will be obtained, and they will then be required to leave the room.
- IV. Should the residential student of the room in question be present on entry, or return to the room at any stage during the search, then the reasons for the search will be communicated to this person by the Duty Principal and the Search Team.

- V. If the residential student is present whilst the search is being undertaken, this person will be invited by the searching staff to voluntarily submit to a personal search of clothing being worn on the body, in line with 9.1-9.3 and 9.5.
- VI. A methodical search of the room and contents will then be carried out by the searching staff.
- VII. Searching staff which will include but is not limited to:
  - Surface areas such as shelves, desk space floor space - including any receptacles contained therein.
  - Storage areas including drawers, cupboards and wardrobes and any receptacles contained therein.
  - Luggage, holdalls, and bags located in the room including contents.
  - Clothing located in the room except that which is on the person unless explicit consent of the person is given agreeing to a search.

The search of the room will be carried out with due regard to the occupant's dignity, with the room left in a state such as that which it was found prior to the search, wherever reasonably possible.

A written record of the search process will be completed by a member of the Search Team as the search is being carried out which will detail:

- Persons present in the room.
- Locations searched by the 'searching' staff
- The time, location and description of any items found thought to be unlawful or prohibited.

Should the residential student of the room be present during the search then they shall be invited to give an explanation or account of the items located and their response recorded.

9.5 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.
- students who are Sikhs might carry, as a religious duty, a ceremonial knife (kirpan). Since this is a legitimate item, staff should ask a Sikh student to declare it before being screened or searched in the same way as other legitimate metallic objects (e.g. keys or coins) should be declared.

## 10. After the Search

10.1 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 on the Incident Log which is reviewed weekly by the Exec team
- inform the student's parent (if under 18 or a vulnerable adult 19+) that their child has been the subject of a search. This includes if a young person has refused to be searched. Where possible this should be done with the young person present and with their consent. For example, the young person might want to call their parent/carer and let them know and pass on the name of the Duty Principal or responsible CCN staff member if their parent wishes to discuss the matter further. If the person does not give their consent to share this information with parents, then confer with a DSL to discuss further and record the decision and reasons why to share/not share on this occasion.

11. Record keeping
- 11.1 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.
- 11.2 A written record will be kept of any occasion when a student is searched for any prohibited item.
- 11.3 The record on the Incident Log should include:
- Student number
  - 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
12. Informing Parents: Complaints
- 12.1 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, or their accommodation, being searched.
- 12.3 The College should generally inform parents of students under 18 years old when their child or their room has been searched and offer an opportunity to discuss the matter. Any complaints will be dealt with through the complaints policy.
13. Data Protection
- 13.1 All written reports will be reviewed via the Incident Log weekly.
14. Developing this procedure
- Feedback has been gained from:
- NES Site Security Manager mtg 07.05.19 (who had also spoken with NES Estates and Facilities)
  - Executive Manager mtg 07.05.19
  - Residential Accommodation and Student Services Operations Manager, Easton College, March 2021
- To follow:
- Designated Safeguarding Lead including the Principal, via DSL monthly meeting 15.05.19
  - Norfolk Police: PC Andy Toes has been written to, awaiting feedback
  - Student's Union, via Exec meeting 20.05.19
  - Duty Principals, via Exec meeting 20.05.19
  - Student Representative, via FE Forum meeting tba
15. Staff training in Search
- The following staff roles will be trained in carrying out a search:
- Duty Principals including Exec Principal
  - Drug and Alcohol Leads