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POLICY AND GUIDELINES ON STUDENT SEARCH



The College has a zero tolerance stance to weapons or illegal substances on College premises. This policy includes students from 14 years upwards

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THIS VERSION CONTAINS THE UPDATED SEARCH PROCESS - APPENDIX A

IMPACT ASSESSED: January 2010

1. INTRODUCTION

- 1.1 The main aim of this policy is to ensure that Telford College remains a safe site for staff, students and visitors.
- 1.2 New measures in the Violent Crime Reduction Act, have meant that from 31 May 2007 FE Colleges have the power to carry out consensual and non-consensual searches of students within agreed procedures.
- 1.3 The new powers mean that Principals in FE Colleges can designate staff to screen students for weapons or substances or other items, where there are reasonable grounds for suspecting possession.
- 1.4 The emphasis at all times will be the de-escalation of stress and aggression in the relevant incident and also not to jeopardise the welfare and wellbeing of either staff or students involved.
- 1.5 The search process will only be used as a last resort.
- 1.6 Students, guardians, parents and carers will be reminded that it is a criminal offence to have a knife or offensive weapon in College or on the College site, and the penalties for doing so will be severe. The Police will be called and given details of the incident.
- 1.7 In all cases where an offensive weapon is found, the weapon will be retained by the College and handed to the Police.
- 1.8 College staff will ensure the student is retained and monitored in a quiet area whilst awaiting the arrival of the Police. The safety of staff and the student will be maintained by vigilance of all concerned.

2. SCOPE OF POWERS DESIGNATED STAFF

- 2.1 The Principal will designate specific postholders and security staff to be trained in a recognised search process, which respects the dignity of the student and the safety of all present.
- 2.2 Designated staff will be trained on an annual basis so that they are aware of the process and any updated information.

3. SEARCH PROCESS

- 3.1 The College will train staff in the routine search process and in the use of metal detectors. Usually however this will be carried out by security staff.

- 3.2 The Search process will only be carried out if there are witness statements (verbal or written) indicating that a student may be in possession of a weapon, substance, or stolen property.
- 3.3 The search process must always be carried out by two designated members of staff. One member will talk the student through the stages of search, whilst the other member monitors and records the search process, questions and answers. As a matter of routine a member of Security should always be notified prior to a search taking place.
- 3.4 Screening or search processes must not involve any physical contact with the student.
- 3.5 The student must not be asked to remove any clothing other than outer clothing e.g. hats, shoes, boots, gloves, scarves, coats, pullovers.
- 3.6 Clothing directly next to the skin or immediately over underwear must not be removed.
- 3.7 Searches must not be carried out by untrained staff.
- 3.8 A student does not have the right to be accompanied by another student. However a student with learning difficulties or where gender cultural issues are concerned, may be accompanied by a tutor.

4. WHERE CAN SEARCHES BE CARRIED OUT?

- 4.1 On the premises of the institution (building, grounds)
- 4.2 Anywhere else where the member of staff has lawful control or charge of the student e.g. visits, residential trips.
- 4.3 Any goods or articles over which the student appears to have control e.g. car, bike, case, etc.

5. REASONABLE FORCE

- 5.1 In extreme circumstances the student may react aggressively by hitting or kicking out. At this point the search must be stopped and the student immediately suspended by the Head on Duty pending investigation. Security staff present should escort the student off site. Head on Duty should write a report for all relevant Directors, Heads of Schools, etc.
- 5.2 Reasonable force may have to be used during 5.1 as defined in law i.e. a person may use such force as is reasonable in the circumstances

in the prevention of crime, or in the effecting or assisting in the restraint of offenders or suspected offenders or other persons. "Reasonable" is defined as: moderate in the circumstances, within the limits of reason, not greatly more or less than might be expected.

6. WHAT IS AN OFFENSIVE WEAPON?

- 6.1 Under Section 139 of the Criminal Justice Act 1988 "offensive weapons" would include knives, blades, etc.
- 6.2 The Prevention of Crime Act 1953 indicates articles made, intended, or adapted, for use as a weapon.
- 6.3 Use of weapons for religious purposes are not allowed on site unless they have been registered with the Diversity Manager. Wearing of a replica of the Kirpan (Sikh dagger) is allowed. The Diversity Manager can be contacted through Student Services on 01952 642237.
- 6.4 If the student has been seen with a knife or gun, the member of staff should not search but should call the Police and notify a senior manager.

7. WITHOUT CONSENT

- 7.1 The statutory power applies where there are reasonable grounds for suspecting a student has an offensive weapon or stolen property in their possession.
- 7.2 The power to search also applies where there are reasonable grounds to suspect that a student is in innocent possession of a weapon.
- 7.3 The College will only use the power of a "without consent" search when all other options have been exhausted. These include:
 - Comprehensive questioning prior to any search process
 - Where a student confirms the suspicion that a weapon/substance is being carried, the member of staff should try to persuade the student to surrender the weapon/substance
 - Asking the student to consent to a search
- 7.4 The student should be informed that the College has the right to carry out a search and the request should be made again for the student to empty bags etc.
- 7.5 Should the student refuse to do this, then the student should be suspended by the Head on Duty pending disciplinary proceedings.

8. SEIZING OF PROPERTY

- 8.1 If any items are seized during the preliminary questions or search process, these should be contained in a sealed bag, referenced and secured in a locked cabinet in the Security office - Room A003d.
- 8.2 Security staff will record all seized property in the Seized Property Log, cross-referenced to the sealed bag.
- 8.3 Any seized item (i.e. substance, weapon) should be delivered to the Director or Deputy Director of Student Services. They will then consult the Police Authority as soon as reasonably practicable.

9 SPECIAL CONSIDERATIONS

- 9.1 Students with learning difficulties may not have the capacity to consent. Wherever possible, staff should strive to calm the situation and consult the student's tutor. The tutor should be present with the student to act as advocate.
- 9.2 Students wearing religious dress (veils etc) may also wish to be accompanied by a tutor.

10 EXTENT OF SEARCH

The power to search does not include an intimate search. This can only be carried out by a Police Officer. It is essential that the privacy and dignity of the student should be preserved at all times.

11 AGREED PROCESS

The College has an agreed process for search. This will be followed at all times to ensure that the correct procedure is followed and that the dignity of staff and students is maintained at all times.

Process includes:

- Two members of staff(security and Head on Duty) present with at least one member the same gender as the student. If this is not the case a third person should be asked to attend from the Head on Duty or other designated staff list.
- Students with learning difficulties may be accompanied by a tutor
- Students with disabilities may be accompanied by a carer or learning support assistant
- Students wearing religious dress (veils etc) may be accompanied by a tutor

- The member of staff who has approved the search must be a Head on Duty or member of SMT/EMT
- At no time must staff or security place themselves in an unnecessary risk setting
- Security staff will generally carry out the search process. Where a different gender is required the College has a cohort of trained staff who will be available to carry out the search process. Lists of trained staff can be obtained from Director or Deputy Director of Student Services
- Security staff and Heads on Duty will be aware of the additional cohort of trained staff
- The members of staff carrying out the search will have a search checklist to abide by and the other member of staff will need to complete Student Search Process form (available on H drive, Forms)

STUDENT SEARCH PROCESS - ON THE COLLEGE CAMPUS

The Search process can only be authorised by a Head on Duty or member of the Senior Management Team.

Authorisation given by: Print

Student Name: Course: Tutor:

Names of all others present

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Ethnicity Category:					
Asian/British - Bangladeshi	<input type="checkbox"/>	Black/British - Other	<input type="checkbox"/>	White - British	<input type="checkbox"/>
Asian/British - Indian	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	White - Irish	<input type="checkbox"/>
Asian/British - Pakistani	<input type="checkbox"/>	Mixed White/Asian	<input type="checkbox"/>	White - Other	<input type="checkbox"/>
Asian/British - Other	<input type="checkbox"/>	Mixed White/Black African	<input type="checkbox"/>	Any Other	<input type="checkbox"/>
Black/British - African	<input type="checkbox"/>	Mixed White/Black Caribbean	<input type="checkbox"/>	Not known/Not Provided	<input type="checkbox"/>
Black/British - Caribbean	<input type="checkbox"/>	Mixed - Other	<input type="checkbox"/>		

Learning Difficulty/Disability Category:					
Difficulty with reading	<input type="checkbox"/>	Sight difficulty	<input type="checkbox"/>	Temporary disability after illness	<input type="checkbox"/>
Difficulty with writing	<input type="checkbox"/>	Speech difficulty	<input type="checkbox"/>	Profound/complex difficulties	<input type="checkbox"/>
Difficulty with hearing	<input type="checkbox"/>	A statement of Educational need	<input type="checkbox"/>	Multiple disabilities	<input type="checkbox"/>
Medical condition	<input type="checkbox"/>	Other Medical difficulty	<input type="checkbox"/>	Other	<input type="checkbox"/>
Mobility problems	<input type="checkbox"/>	Emotional/behave difficulty	<input type="checkbox"/>	No Disability	<input type="checkbox"/>
Physical problems	<input type="checkbox"/>	Mental health difficulty	<input type="checkbox"/>	Not known	<input type="checkbox"/>
Moderate learning difficulty	<input type="checkbox"/>	Dyscalculia	<input type="checkbox"/>	Aspergers Syndrome	<input type="checkbox"/>
Severe Learning difficulty	<input type="checkbox"/>	Other learning difficulty	<input type="checkbox"/>	Other	<input type="checkbox"/>
Dyslexia	<input type="checkbox"/>	Autism Spectrum disorder	<input type="checkbox"/>	No learning difficulty	<input type="checkbox"/>
		Multiple learning difficulty	<input type="checkbox"/>	Not known/not provided	<input type="checkbox"/>

Grounds of Reasonable Suspicion:

Search conducted by: 1:	Date:
2:	Time:
3:	

1	If there is a suspicion that the student has a substance, weapon or other item then the student will be asked to accompany the member of staff to a confidential room, probably in Student Services. A member of security should be present.	
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	What, if any, reasonable force was used, and if so, why: (Please give full details and names of witnesses.)
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	Vulnerable students may also be accompanied by a member of staff See Section 11 of Policy	
3	Member of staff should ask the student if they have a weapon / substance on their person	
	Student's reply:	
4	<p>If 'YES', member of staff to ask student to produce item, or empty pocket, bags, containers etc.</p> <p>If student has own transport on College premises the Head on Duty may ask Security to search the transport if there is reasonable suspicion of the student being in possession of weapons, or other items etc. The Head on Duty should also be present at the search of any vehicle.</p>	
5	<p>If the student says 'NO' but there is still reasonable suspicion, the member of staff should indicate that we have the authority to carry out a search and read the following statement:</p> <p><i>"I am employed by Telford College of Arts and Technology and Under Section 46, of the Violent Crime Reduction Act 2006, I have reasonable grounds for believing that you may have in your possession an article relating to Section 133, Criminal Justice Act 1988, or an article under the Prevention of Crime Act 1953, or any other thing which I have reasonable grounds for suspecting is evidence in relation to an offence and I give authority for you or your belongings to be searched."</i></p> <p>If the student refuses to be searched the student should be suspended pending disciplinary proceedings for failing to follow an instruction. A student <u>does not</u> have the right to refuse a search request if they are participating on an external trip or residential.</p>	
6	If the student is known to be going through a Transgender process and intimates that this is the case then the student can request a male or female member of staff to carry out the search:	
7	<p>The student must be treated with dignity and respect at all times.</p> <p>In extreme cases, If the student is abusive or threatening to the staff, then the process should be stopped and the student suspended pending disciplinary proceedings. Security may need in extreme circumstances to restrain the student. (a separate report should detail this)</p> <p>At all times staff must speak in a calm voice to allay any anxieties and at all times stand to one side of the student to avoid invasion of personal space.</p>	

8	<p>(b) IF THERE IS A SUSPICION THAT THE STUDENT IS IN POSSESSION OF A METAL OBJECT, THEN THE SEARCH PROCESS WITH DETECTOR WILL BE AUTHORISED BY THE HEAD ON DUTY - the following process will be followed:</p> <ul style="list-style-type: none"> • At least one member of search team should be same gender as student • Student to be asked to stand with feet slightly apart, arms outstretched • Students with disabilities may need to sit down and will reduce the scope of the search • Security or Staff member will turn the Detector to 'On' position and pass over and down each outer side of body • Along each inner leg, up to <u>the knee position only</u> • Any process incurring 'beeping' sound should be repeated <p>THIS TYPE OF SEARCH WILL NOT BE CARRIED OUT ON TRIPS</p> <ul style="list-style-type: none"> • If there is continuous 'beeping' ask student to remove item/items - if the item is concealed next to the body the student should be given privacy to remove the item • At this point staff should step outside the room to allow privacy • Any item identified in the search to be bagged <p>(b) IF THERE IS A SUSPICION OF A SUBSTANCE OR OTHER ARTICLE ON THE STUDENT THEN A ROUTINE SEARCH will be carried out - this does not involve the use of the detector or any other physical contact with the student:</p> <ul style="list-style-type: none"> • Student will be asked to remove hat and gloves as appropriate • Student should empty pockets of jackets and trousers • Student should empty bag, containers • Any other packages with students should be emptied • If student has a car or locker at College the Head on duty can authorise for this to be searched by security with student present - the Head on Duty should also be present at the search • Any substance, weapon, offensive items etc recorded, bagged, and added to the report. Bags are available from Student Services. 	
9	<ul style="list-style-type: none"> • If an offensive weapon, substance or stolen item is found on the student, then the student should be suspended by the Head on Duty, pending disciplinary proceedings • Head on Duty to complete Incident form and forward to appropriate Director, Head of School and other relevant staff listed on the Incident form 	
10	<p>OTHER FOLLOW-UP ACTION, OR NOTES FOLLOWING SEARCH:</p> <p>Staff signature: Staff signature:</p> <p>Student signature: Date:</p>	

A copy of this form should be attached to the Incident form which the Head on Duty completes and circulates to the appropriate members of staff
 Additional staff members if a female presence is required and those on the Head on Duty list are not available are: Dot Pountney, Alison Gray Judy Parker, Pam Kaminski

Appendix B

Form B

STUDENT SEARCH PROCESS - DAY TRIPS AND RESIDENTIALS

***Copies of this form should be taken on Day Trips or Residential visits.**

The Search process can only be authorised by a Head on Duty or member of the Senior Management Team.

Authorisation given by: Print

Student Name: Course: Tutor:

Names of all others present

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Ethnicity Category:					
Asian/British - Bangladeshi	<input type="checkbox"/>	Black/British - Other	<input type="checkbox"/>	White - British	<input type="checkbox"/>
Asian/British - Indian	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	White - Irish	<input type="checkbox"/>
Asian/British - Pakistani	<input type="checkbox"/>	Mixed White/Asian	<input type="checkbox"/>	White - Other	<input type="checkbox"/>
Asian/British - Other	<input type="checkbox"/>	Mixed White/Black African	<input type="checkbox"/>	Any Other	<input type="checkbox"/>
Black/British - African	<input type="checkbox"/>	Mixed White/Black Caribbean	<input type="checkbox"/>	Not known/Not Provided	<input type="checkbox"/>
Black/British - Caribbean	<input type="checkbox"/>	Mixed - Other	<input type="checkbox"/>		

Learning Difficulty/Disability Category:					
Difficulty with reading	<input type="checkbox"/>	Sight difficulty	<input type="checkbox"/>	Temporary disability after illness	<input type="checkbox"/>
Difficulty with writing	<input type="checkbox"/>	Speech difficulty	<input type="checkbox"/>	Profound/complex difficulties	<input type="checkbox"/>
Difficulty with hearing	<input type="checkbox"/>	A statement of Educational need	<input type="checkbox"/>	Multiple disabilities	<input type="checkbox"/>
Medical condition	<input type="checkbox"/>	Other Medical difficulty	<input type="checkbox"/>	Other	<input type="checkbox"/>
Mobility problems	<input type="checkbox"/>	Emotional/behave difficulty	<input type="checkbox"/>	No Disability	<input type="checkbox"/>
Physical problems	<input type="checkbox"/>	Mental health difficulty	<input type="checkbox"/>	Not known	<input type="checkbox"/>
Moderate learning difficulty	<input type="checkbox"/>	Dyscalculia	<input type="checkbox"/>	Aspergers Syndrome	<input type="checkbox"/>
Severe Learning difficulty	<input type="checkbox"/>	Other learning difficulty	<input type="checkbox"/>	Other	<input type="checkbox"/>
Dyslexia	<input type="checkbox"/>	Autism Spectrum disorder	<input type="checkbox"/>	No learning difficulty	<input type="checkbox"/>
		Multiple learning difficulty	<input type="checkbox"/>	Not known/not provided	<input type="checkbox"/>

Grounds of Reasonable Suspicion:

Search conducted by: 1:	Date:
2:	Time:
3:	

1	<ul style="list-style-type: none">• The member of staff should first of all question the student and say there is reasonable suspicion that the student may be in possession of an item of concern.	
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What, if any, reasonable force was used, and if so, why: (Please give full details and names of witnesses.)

	<ul style="list-style-type: none"> • The member of staff would ask the student to empty pockets, bags etc. • At all times staff must speak in a calm voice to allay any anxieties and at all times stand to one side of the student to avoid invasion of personal space. • If the student refuses, then the student will be placed on a Disciplinary Stage 3 for failing to carry out the instruction of a member of staff. This will be conducted at College. 	
2	<p>If the student refuses to comply, then the member of staff should say:</p> <p>“When you agreed to attend this day trip/residential you gave permission to be asked to go through the routine search process if necessary. Under Section 46 of the Violent Crime Reduction Act 2006, I have reasonable grounds for believing that you may have in your possession an article relating to Section 133, Criminal Justice Act 1988, or an article under the Prevention of Crime Act 1953, or any other thing which I have reasonable grounds for suspecting is evidence in relation to an offence and I request that you now go through the routine search process.”</p>	
3	<p>The student must be treated with dignity and respect at all times.</p> <p>In extreme cases, If the student is abusive or threatening to the staff, then the process should be stopped and the student suspended pending disciplinary proceedings once the class has returned to College.</p>	
4	<p>ROUTINE SEARCH</p> <p>This must not involve any touching of the student and staff must at all times stand outside the student’s personal space.</p> <p>Two members of staff must be present, one of whom MUST be the same gender as the student.</p> <p>Student will be asked to remove hat and gloves as appropriate</p> <ul style="list-style-type: none"> • Student should empty pockets of jackets and trousers by turning the pockets inside out. • Student should empty bag, containers and place items on a table. • Any other packages with students should be emptied. • Any substance, weapon, offensive items etc recorded, bagged and added to the report. Bags are available from Student Services. • If a student is a wheelchair user or has some other disability then assistance may be required to empty articles and the student should nominate a colleague within the student group. 	
5	<p>ITEMS FOUND</p> <ul style="list-style-type: none"> • If an offensive weapon, substance or stolen or other item is found on the student, then the student will be informed that disciplinary proceedings will commence on arrival at College. • Staff must ensure that witness names are recorded. • The item must be placed in a container e.g. an envelope, bag and full details written on the container. 	

