

1. Aim

1.1 Statement of Principles

The aim of this policy is to provide guidance to staff who suspect a student has any of the following prohibited items in their possession whilst at college:

- Knives or weapons
- Alcohol
- Illegal drugs
- Drug paraphernalia
- Stolen items
- Fireworks
- Pornographic images
- In addition, the Principal and staff authorised by him, have the statutory power to search students or their possession, without consent, for any article that the member of staff reasonably suspects has been, or is likely to be, used (i) to commit an offence, or (ii) to cause personal injury to, or damage to the property of, any person (including the student).

This policy applies to all students of all ages enrolled to the Shrewsbury Colleges Group (SCG) and follows the guidance provided by the DfE for search and confiscation. Colleges have the right to undertake a search without verbal consent using the approved guidelines contained within the procedure of this policy document. Where verbal consent is not given the Student Conduct Policy will be used to suspend the student where necessary.

The policy aims to provide the college community with assurance of the safety of all staff, students and visitors on site across the three campuses.

Only staff designated by the Principal, and who have undertaken training will be allowed to undertake a search and/or confiscate items

This policy is to be used in conjunction with the Student Conduct Policy, Substance Misuse Policy and the Safeguarding policy

1.2 Equality and Diversity

The College is committed to ensuring that the policy is applied to an individual or group to ensure that no one receives less favourable treatment by virtue of age, disability, economic status, faith, gender, marital status, sexuality, race, colour, and nationality including citizenship, ethnic or national origin.

2. Declaration

2.1 What you can expect from us

The College has very clear guidelines on the use, possession and selling of drugs and paraphernalia and being under the influence of drugs or alcohol whilst on college premises, which is zero tolerance. This guidance is found in the Student Conduct policy, Substance Misuse policy and the Student Handbook. Anyone found to be in this circumstance will be suspended under gross misconduct of the Student Conduct Policy.

However, anyone needing help with use of drugs and alcohol will be supported by the Safeguarding team to access appropriate support

Search and Confiscation

Anyone suspected of carrying an offensive weapon will be suspended under the Student Conduct Policy and the Police informed as appropriate

2.2 Students with learning difficulties and disabilities

Students with an EHCP who are suspected of having substances, weapons or items of concern will be subject to the policy and the procedure being carried out but with a recognised member of the Additional Learning Support team present and their parent/carer to support the student in understanding the situation.

- 2.2.1 **Looked After Young people** will be supported as appropriate by the Designated Teacher, or a member of the safeguarding team based on each individual circumstances

2.3 What we expect from you

Share concerns with tutors and support teams regarding anyone using and/or carrying drugs, weapons or prohibited items on college premises as appropriate, feel safe to share information that concerns you about other students' behaviour.

3. Criteria for undertaking a search

3.1 Searching

College staff identified and tasked by The Principal to undertake a search will be trained in the effective and correct procedures to conduct the search so that the safety and dignity of the student is maintained. The designated staff will be selected from Senior Leadership Team, the College Management Team and Safeguarding team.

The college will undertake two approaches to searching:

- **Proactive Searches** undertaken at entrances to the college campus building at various times through out the academic year. Students and parent/carers will be informed in Induction when the initial activity will be held, and further searches will happen randomly each term. Proactive searches will be a viewing of bag contents as students arrive on campus, student will be asked to open bags for designated staff to view contents. The purpose of these searches is to support the safe college community and provide reassurance. Students have the right to decline to open their bags for viewing but these students will be asked to have a discussion with the student services /safeguarding team regarding their decision to ensure they have the right support
- **Specific Searches** will be undertaken when a student's behaviours or information indicates a concern about the possession of items in college. These searches will be done in private with two trained members of staff present

Students will be asked to consent to a search of both their person and/or their possessions as appropriate to the situation.

Where a student does not consent to a specific search, the Principal and staff authorised by him have a statutory power to search students or their possessions, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items for **all students** are:

Search and Confiscation

- Knives or weapons
- Alcohol
- Illegal drugs
- Drug paraphernalia
- Stolen items
- Fireworks
- Pornographic images

In addition, the Principal and staff authorised by him, have the statutory power to search students or their possession, without consent, for any article that the member of staff reasonably suspects has been, or is likely to be, used (i) to commit an offence, or (ii) to cause personal injury to, or damage to the property of, any person (including the student).

3.2 Confiscation

College staff can seize any prohibited item found as a result of a search.

3.3 Circumstances under which a search can take place:

Staff conducting the search must be the same sex as the student being searched; there must be a witness (also a staff member) present and, if possible, they should be the same sex as the student being searched. They may not require the student to remove any clothing other than outer clothing. Outer clothing is defined in section 4. Where the search involves a student who is transgender, staff involved in applying the search policy will determine with the student their preference for gender of staff conducting the search.

3.4 When can a search take place?

When staff have reasonable grounds for suspecting that a student is in possession of a prohibited item.

3.5 Establishing grounds for a search without consent

- 3.5.1 Approved and trained College staff can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item.
- 3.5.2 The member of staff must decide in each case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.
- 3.5.3 In the interest of the member of staff, and of the college, a witness must be present.
- 3.5.4 College staff can view CCTV footage in order to decide as to whether to conduct a search for an item

3.6 Authorising members of staff to search

The Principal or his deputy, will decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.

3.7 Training for college staff

Staff from SLT, CMT will be appropriately trained in how to conduct a search. A list of trained staff will be available on InfoPoint

3.8 Location of a search

Search and Confiscation

Searches can only be carried out on the college premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on college trips or in off-site training settings.

3.9 Extent of the Search

- 3.9.1 The person conducting the search must not require the student to remove any clothing other than outer clothing.
- 3.9.2 Before starting the search, inform the student *“I am searching you as I believe or have sufficient grounds to suspect that you may be carrying items that are not allowed on college campus, this will be done in conjunction with the colleges search and confiscation policy”*
- 3.9.3 ‘Outer clothing’ means (i) clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear or (ii) clothing such as coats, hats, shoes, boots, gloves and scarves.
- 3.9.4 Where religious clothing is worn such as a hijab or turban or the carrying of a Kirpan by a Sikh student etc they can be asked to remove the items, but they must be taken somewhere out of public view.
- 3.9.5 ‘Possessions’ means any goods over which the student has or appears to have control – this includes lockers and bags.
- 3.9.6 A student’s possessions can only be searched in the presence of the student 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.
- 3.9.7 After the search, Appendix 2: The record of the search must be completed, uploaded to Pro Monitor and a copy either issued to the student to share with their parent/carer or sent in the post or by email using the contact details on REMS.

3.10 After the Search – deciding to seize and confiscate items

The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it should be passed to the Police. The Principal or Group Vice Principal Curriculum Support and Business Development should be consulted before the Police are contacted. Consultation can be by telephone when the incident is on a different campus to their location at the time of the incident. In the event of their absence from any of the campuses, any member of the SLT must be consulted.

For students under the age of 18, their parents/carers will be informed of the search and copies of the document provided

The members of staff undertaking the search will decide if the conduct policy needs to be implemented.

4. Items found as a result of a search

- 4.1 A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence. Any seized items should be recorded using the document in appendix 1 and reported to the Principal, or in his absence the GVP Curriculum Support and Business Development.
- 4.2 Where a person conducting a search of a student aged under 18 finds **alcohol, fireworks, or pornography**, they may retain or dispose of them. This means that the College can dispose of these items as they think appropriate, but this should not include returning them to a student aged under 18.
- 4.3 Where they find **controlled drugs** these should be seized and a decision made to contact and share with the Police as soon as possible but may be disposed of if the person thinks there is a good reason to do so (for example, if it is not possible to store them securely).
- 4.4 Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a staff member believes them to be harmful or detrimental to good order and discipline in accordance with the college's Student Conduct policy. This would include New Psychoactive Substances (NPS). Where staff suspect a substance may be controlled, they should treat them as controlled drugs as outlined in 5.1c above.
- 4.5 Where they find **stolen items**, these should be seized and a decision made as to whether or not to inform the Police, this decision will be made by the Principal or in his absence the GVP Curriculum Support & Business Development as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the member of staff thinks that there is a good reason to do so.
- 4.6 Any **weapons or items which are evidence of an offence** should be passed to the Police as soon as possible in agreement with The Principal.

In determining what is a 'good reason' for not delivering controlled drugs or stolen items to the Police, the member of staff should share all relevant information with the Principal (or GVP Curriculum Support & Business Development) to determine whether they can safely dispose of a seized article.

Where staff are unsure as to the legal status of a substance and have reason to believe it may be a controlled drug, they should treat it as such. (See 5.1 above)

5. Links to other college policies:

As appropriate in each instance, the related policy of Student Conduct, Substance Misuse, Safeguarding and Health and Safety policies will be invoked

6. Appeals Process

Students do not have the right to appeal any decision within this policy, appeals would be managed through the related associated policy that is invoked as a result of search and confiscation policy or the complaints policy can be referred to

Appendix 1

Record of confiscated items as a result of a search

This form must be completed in full for all items confiscated as a result of a search and stored within Estates Office.

DATE:

LOCATION of SEARCH:

STUDENT NAME:

COURSE:

STAFF NAME/S:

| Item | Number | Description and Notes |
|------|--------|-----------------------|
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| | | |
| | | |
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| | | |
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Parent/Carer informed? Yes/No

Location of storage:

Items passed to Police? Yes/No

Details of date and reasons:

Items returned: Yes/No

Date of return

Signed for by student:

Items confiscated: Yes/No

Staff signature:

Student informed: Yes/No

Date:

Appendix 2:

Written confirmation of search and confiscation

Student Name:

Staff Name:

Location of search :

Date:

Today a search has been undertaken as we believed we had sufficient grounds to suspect that you may have been carrying contraband, this was done in conjunction with the colleges Search and Confiscation Policy.

Description of items searched:

Items sourced:

Action taken:

Staff signature:

Copy of this record to be given to students or sent for parent/carer information and uploaded to Pro Monitor