

### Policy/Procedure/Guideline Review

<b>Policy/Procedure/ Guideline:</b>	Stop and Search Policy
<b>Senior Manager Responsible:</b>	Assistant Principal Student Experience & Support
<b>Author:</b>	Safeguarding and Prevent Manager
<b>Approved By:</b>	Senior Leadership Team and Board
<b>Date Approved:</b>	SLT - 5 December 2023 Board – 18 December 2023
<b>Next Review Date:</b>	July Board 2025
<b>Publication:</b>	Staff Hub
<b>Changes Made:</b>	Significant changes to reflect latest guidance – consider as new policy

# STOP AND SEARCH POLICY

## 1. Introduction

Nelson and Colne College Group (NCCG) are committed to providing staff and students a safe and secure environment as it is vital to establishing calm and supportive conducive to learning. Using searching, screening and confiscation powers appropriately is an important way to ensure students and staff welfare is protected and helps our College establish an environment where everyone is safe.

College and our staff are an important part of the wider safeguarding system for children. This system is described in the NCCG Safeguarding Children and Vulnerable Adults Policy and Procedure, statutory guidance Working together to safeguard children and Keeping children safe in education makes clear that all college staff have a responsibility to provide a safe environment in which students can learn.

Before screening or conducting a search of a student, it is vital that the college consider their obligations under the European Convention on Human Rights. Under Article 8, students have a right to respect for their private life. In the context of these rights and obligations, this means that students have the right to expect a reasonable level of personal privacy.

The right under Article 8 is not absolute; it can be interfered with, but any interference with this right by a college (or any public body) must be justified and proportionate.

The powers to search in the Education Act 1996 are compatible with Article 8. A college exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8.

The possession of prohibited items is not condoned and there is a zero-tolerance approach.

## 2. Purpose

The purpose of this policy is to:

- Promote a safe and healthy environment in which teaching and learning can take place.
- Explain the College's powers of searching students.
- Ensure a consistent approach to searching students.
- Outline where, when and by whom a student may be searched.

### 3. Legislative/Quality Framework

- KCSIE 2023
- Education Act 1996
- Department for Education 'Screening, Searching and Confiscation', 2022
- Use of reasonable force 2013
- The Schools (Specification and Disposal of Articles) Regulations 2012
- Police and Criminal Evidence Act 1984 (PACE) Codes of practice (January 2023)
- Behaviour in Schools guidance
- Schools and College security guidance
- Equality Act 2010
- DfE and ACPO drug advice for schools

### 4. Scope

This policy and procedures apply to all students of NCCG. Specific procedures apply to main site and vary off site depending on location and provision (see Appendix 1 and 2)

### Definitions

For the purposes of this policy, the following definitions will be used:

The list of **prohibited items** is:

- knives and weapons;
- alcohol;
- illegal drugs;
- stolen items;
- any article that the member of staff reasonably suspects has been, or is likely to be used:
  - to commit an offence, or
  - to cause personal injury to, or damage to property of; any person (including the pupil).
- an article specified in regulations: (1)
- tobacco and cigarette papers; (2)
- fireworks; and
- pornographic images.

(1) The Schools (Specification and Disposal of Articles) Regulations 2012.

(2) This does not include e-cigarettes or vapes. Schools who wish to search for these items should ensure they are listed as items for which a search can be made in the school rules.

### **Banned items (As Above and including)**

The College does not stipulate any wider banned items

### 5. Record Keeping, Complaints and Appeals

- A record of all searches for prohibited items and/or searches conducted by the police will be recorded in the safeguarding reporting system, whether or not an item is found.

The following information must be recorded by the college authorised staff on Promonitor L2 Comments and coded as 'stop and search'. This enables analysis of trends to be carried out, including consideration of whether the searches are being carried out disproportionately in relation to particular groups.

- *the date, time and location of the search;*
  - *which pupil was searched;*
  - *who conducted the search and any other adults or pupils present;*
  - *what was being searched for;*
  - *the reason for searching;*
  - *what items, if any, were found; and • what follow-up action was taken as a consequence of the search.*
- Complaints against any stop and searches will be dealt with through the normal College complaints procedure.
  - Appeals against any disciplinary action for prohibited items found through Stop and Search fall in line with the Appeals procedure in the Student Disciplinary Policy.

## 6. **Training**

The Principal has ensured that a sufficient number of staff are appropriately trained in how to lawfully and safely search a student. It is determined by college policy that only the 'Stop and Search Team' conduct searches.

## 7. **Dissemination**

7.1 NCCG Staff Hub / College Website

## 8. **Monitoring and Review**

The policy will be reviewed by NCCG Deputy Principal Curriculum and Quality supported by Director of Learner Services and the Safeguarding and Prevent Manager.

## 9. **Related Policies/Procedures**

Documents related to the policy are:

- Student Behaviour Policy
- Safeguarding Children and Vulnerable Adults Policy and Procedures
- Student Drug and Alcohol Policy
- Student Disciplinary Policy
- Student Code of Conduct

## **10. Management Responsibility**

The Deputy Principal Curriculum and Quality has overall management responsibility for this policy within NCCG.

Day to day management responsibility for this policy has been devolved to the Director of Learner Services and the Safeguarding and Prevent Manager.

## APPENDIX 1

## PROCEDURES FOR MAIN SITE

### 1. AUTHORISED STAFF

The Principal has a trained and authorised Stop and Search Team:

Andrew Dobbie	Security Guard
Lee Heyes	Security Guard
Ryan Khan	Security Guard
Gareth Wilson	Premises Officer
Polly Thompson	Student Personal Development Officer
Fiona McIntyre	Student Services Manager
Helen Gray	Safeguarding and Prevent Manager
Paula Heaton	Pastoral Support Officer - Apprenticeships

### 2. KEY POINTS

- 2.1 The Stop and Search team can search for **any item** if the student agrees.
- 2.2 Requests for searches to be carried out by the Stop and Search team must be reasonable, necessary, justified and have the consent of the student. The student must understand the reason for the search and how it will be conducted so that their agreement is informed.
- 2.3 Guidance now states that, if a student does not co-operate, the stop and search member of staff will then need to assess whether it is appropriate to use reasonable force to conduct the search. Explicitly, reasonable force can only be used to search for items prohibited by law, not items banned by the college in our Behaviour Policy/Disciplinary policy. The stop and search team are referred to the DfE's *Use of Reasonable Force* advice for further information.
- 2.4 The Stop and Search team can seize any prohibited item found as a result of a search. Where prohibited items are found certain items may raise concerns that the student is, or is at risk of, being involved in criminal behaviour/gang involvement, this will invoke the college's Safeguarding Children and Vulnerable Adults policy and procedure as well.
- 2.5 Searches should **only** be carried out by a member of the Stop and Search team.
- 2.6 In the rare occasion where authorised staff are not available direction should be sort from the Safeguarding and Prevent Manager, who will take reasonable, justified and necessary action.
- 2.7 The College will explicitly take into account the age and needs of pupils being searched or screened, including gender identity, any special educational needs (SEN) and/or disabilities (including behavioural disabilities) and the

college will make adjustments to avoid particular/substantial disadvantage

### **3. STOP AND SEARCH PROCEDURES**

The stop and search team should always seek the co-operation of the student before conducting a search. If the student is not willing to co-operate with the search, the member of staff should consider why this is. Reasons might include that they:

- are in possession of a prohibited item;
- do not understand the instruction;
- are unaware of what a search may involve; or
- have had a previous distressing experience of being searched.

#### **3.1 With Consent Searches**

##### **Procedure**

- The stop and search team will gain written consent from the student for this sort of search.
- CCTV can be checked in order to decide whether to conduct a search for an item.
- The member of the Stop and Search team must be the same sex as the student being searched. There must be a witness present (staff member) of the same sex. Where a student is Trans or presents as a different gender a conversation should take place to ensure the student and searching staff member are comfortable with the search. (Seek support from the DSL/DDSL).
- An appropriate location for the search should be found. Where possible, this should be away from other students. The search must only take place on the college premises or where the member of staff has lawful control or charge of the student, for example on a trip.
- The search can consist of a student's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the student to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves. Possessions' means any goods over which the student has or appears to have control - this includes desks, lockers and bags. The member of staff may use a metal detector to assist with the search.

##### **Actions**

- If prohibited items are found, the confiscation procedure (Section 8) and student suspension procedure must be followed.
- A record of the incident should be made on Promonitor L2 Confidential Comments (Reason - Stop and Search) and the Head of Division, relevant Vice Principal should be informed via email. If prohibited items are not found, a confidential comment L2 record should still be made.
- The suspended student will be invited to a Disciplinary Hearing in line with the Student Disciplinary Policy.

- The outcome of the Disciplinary Hearing will determine the disciplinary action and may lead to expulsion.

### **3.2 Searches without Consent**

#### **Procedure**

- College Designated Safeguarding Lead/ Deputy Designated Safeguarding Lead (DSL/DDSL) must be contacted in this situation and will lead from here.
- Where a student refuses to consent to a search, if it is illegal for the student to have a suspected prohibited item in their possession, The DSL/DDSL will be contacted on the College Safeguarding Mobiles they will then contact the police. There is an age limit for some prohibited items. It is illegal for students of all ages to possess knives or weapons, Class A, B or C drugs, psychoactive substances and stolen items. It is not illegal for students aged 18 or over to possess alcohol, fireworks and pornography. It is not illegal for students of any age to possess drug paraphernalia. All searches conducted by the police will involve an appropriate adult (This should be the parent/Guardian or individual with Parental responsibility)
- The Advice states that, except where there is an immediate risk of harm, parents should be informed before the strip search takes place (even where a parent is not acting as 'appropriate adult'), where reasonably possible. Parents should always be notified after the search has taken place. The College will keep a safeguarding record of strip searches conducted on college premises and monitor any trends.

#### **Strip Searches**

- There is now detailed advice on strip searching, with confirmation that college staff do not have this power. Strip searching is defined as involving the removal of more than outer clothing, which can only be carried out by police officers under PACE Code A and in accordance with PACE Code C. Not all PACE searches require an 'appropriate adult' to be present when a minor is searched - this depends on whether intimate parts of the body would be exposed - however, the College has made the decision to involve an appropriate adult as a matter of course during all searches conducted by police".
- The Advice makes it clear that a decision to undertake a strip search is a police matter. However, before calling the police, the DSL/DDSL is required to "assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. DSL/DDSL should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on college premises, the decision on whether to conduct a strip search lies solely with them, and the role of the college is to advocate for the safety and wellbeing of the student(s) involved".
- The Advice summarises how strip searches must be conducted by the police under PACE, including when they can be conducted, who must be



present, and what sex they should be. Bearing in mind the circumstances in the 'Child Q' case, we assume that this has been included to enable college staff to be more confident in challenging the police if they do not appear to them to be acting lawfully.

- It is made very clear that safeguarding is the overarching priority for colleges during and after a strip search of a student, with relevant staff being involved (including the DSL/DDSL) and an emphasis on after-care (particularly where an item is not found following the search).
- Except where there is an immediate risk of harm, parents should be informed before the strip search takes place. Parents should always be notified after the search has taken place. Colleges should keep a record of strip searches conducted on school premises and monitor any trends.
- In exceptional circumstances where the parent/guardian/ individual with parental responsibility is not able to act as the responsible adult and with explicit direction from the DSL, the following guidance will be used 'appropriate adult' published jointly by the Home Office and the National Appropriate Adult Network can be accessed [here](#).
- It is the police who have primary responsibility for ensuring that they act lawfully when conducting searches on college sites, however safeguarding is of paramount importance to colleges throughout the process, with the DSL/DDSL being expected to act in the best interests of students to ensure their safety and wellbeing at all times. This means that the DSL/DDSL should take note of what is happening and what officers are saying they plan to do, and be prepared to ask questions and challenge officers where they are concerned they may not be acting lawfully, where the student's welfare is at risk or where they consider that this is in the best interests of the student.

## **Actions**

- If the police attend and prohibited items are found, the student suspension procedure must be followed. The police will be expected to remove the prohibited items otherwise the confiscation procedure (Section 8) will be followed.
- If the police do not attend, the student suspension procedure must be followed.
- A record of the incident should be made on Promonitor L2 Confidential Comments (Reason - Stop and Search) and the Head of Division, relevant Vice Principal should be informed via email. If prohibited items are not found, a confidential comment L2 record should still be made.
- The College will keep a record of all searches for prohibited items and/or searches conducted by the police in our safeguarding reporting system, whether or not an item is found. The information recorded is as follows, the DSL will analyse trends, including consideration of whether the searches are being carried out disproportionately in relation to particular groups.
  - ***the date, time and location of the search;***
  - *which pupil was searched;*
  - *who conducted the search and any other adults or pupils present;*

- *what was being searched for;*
  - *the reason for searching;*
  - *what items, if any, were found; and • what follow-up action was taken as a consequence of the search.*
  - *Full safeguarding report of the incident.*
- The suspended student will be invited to a Disciplinary Hearing in line with the Student Disciplinary Policy.
  - The outcome of the Hearing will determine the disciplinary action and may lead to permanent exclusion.

#### **4. CONFISCATION OF PROHIBITED ITEMS**

**(All Prohibited Items will be brought to the safeguarding office and reported as described in the Actions section of part 3)**

An authorised person carrying out a search can seize anything they have reasonable grounds for suspecting it poses a risk to staff or students, is a prohibited item or is evidence relating to an offence.

There is now more detailed information on the examination of mobile phones and other electronic devices, including a stipulation that staff must not intentionally look at nude or semi-nude images, or copy, print, share, store or save such images, and that these must be referred to the DSL/DDSL. Alcohol, fireworks, pornography or tobacco seized during a search of an under 18 student will be disposed of.

**Controlled drugs** must be delivered to the police as soon as possible unless there is a good reason not to do so. In these cases, the member of staff must safely dispose of the drugs. In determining whether there is a good reason to dispose of controlled drugs, the member of staff must have regard to the following guidance in paragraph 59 below issued by the Secretary of State. The DSL/DDSL should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the controlled drug. When the DSL is unsure as to the legal status of a substance and has reason to believe it may be a controlled drug, they should treat it as such. If the DSL/DDSL is in doubt about the safe disposal of controlled drugs, they should deliver them to the police.

**Other substances** which are not believed to be controlled should also be delivered to the police, or disposed of as above, if the member of staff believes they could be harmful.

If the stop and search member of staff finds a pornographic image, they should contact the safeguarding team, the DSL/DDSL may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or an indecent image of a child) in which case they will deliver it to the police as soon as reasonably practicable. No staff member should intentionally view any indecent image of a child (also sometimes known as nude or semi-nude images). Staff must never copy, print, share, store or save such images.

**Stolen Items** these must be delivered to the police as soon as reasonably practicable. However, if there is good reason to do so, the stop and search member of staff may also

return the item to the owner, or retain or dispose of it if returning them to their owner is not practicable. In determining whether there is a good reason to return the stolen item to its owner or retain or dispose of the item, the member of staff must have regard to the following guidance issued by the Secretary of State:

The stop and search member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized article. In taking into account the relevant circumstances, the member of staff should consider the following:

- *the value of the item - it would not be reasonable or desirable to involve the police in dealing with low value items such as pencil cases, though school staff may judge it appropriate to contact the police if the items are valuable;*
- *whether the item is banned by the school;*
- *whether retaining or returning the item to the owner may place any person at risk of harm; and*
- *whether the item can be disposed of safely*

Any **weapons** or items which are evidence of a suspected offence must be passed to the police as soon as possible.

**Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property** should be delivered to the police as soon as reasonably practicable, returned to the owner, retained or disposed of.

**Electronic Devices** including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

## 5. 14-16 SCHOOL LINK PUPILS

Any incidences or concerns involving school link pupils will be dealt with in the same way as College students. Where possible, a member of the school staff will be a witness to the search. The teaching staff member responsible for them in College will inform the link staff member in the relevant partner high school of the search and outcome.

Where the College DSL/DDSL is involved in the process they will consult directly with the School DSL.

Disciplinary action will be taken in liaison with school protocol wherever possible.

## 6. CONTACT WITH PARENTS

- College is not required to inform parents of students aged under 18 before a college stop and search takes place or to seek their consent to search.
- The College has made the decision that Parents/Guardians/Parental Responsibility will be contacted where the Police are involved in a search.
- Parents/Guardians/Parental Responsibility will be informed, in line

with the Student Disciplinary Policy, if prohibited items are found and the student is suspended.

## **APPENDIX 2 PROCEDURES FOR NORTHLIGHT AND OFF-SITE**

### **1. EXTERNAL/COMMUNITY VENUES**

Teachers and staff at Lancashire Adult Learning, other NCCG venues and external community venues should consider the safety of themselves and other learners when addressing issues of concern regarding prohibited items.

The teacher/staff member responsible for the supervision of students should raise any issues of concern regarding a prohibited item with the student, as they arise. If there is cause to believe a student has a prohibited item and learning is disrupted, the member of staff can ask the student to leave the learning environment. Where appropriate, a follow up discussion will be carried out by the teacher/staff member responsible so that the student is aware of the consequences of their actions.

If the student refuses to leave, the teacher/staff member responsible may take the decision to contact the police. The Student Disciplinary Policy will apply.

### **2. COLLEGE ORGANISED TRIPS/EXTERNAL EVENTS**

- Students must not have in their possession any prohibited item on a college organised trip or during an external event.
- Where in the absence of authorised stop and search member of staff (Appendix 1 point 1.), whilst offsite or on a trip, the Trip Leader/Event Leader is given the permission to stop and search if there are reasonable grounds to suspect that a student may have a prohibited item in their possession. The Trip Leader/Event Leader can in this instance ask a student to turn out their pockets or ask if the staff member can look in the student's bag or possessions
- A minimum of two staff members must be present these staff members should be the same sex as the student. Where a student is Trans or presents as a different gender a conversation should take place to ensure the student and searching staff member are comfortable with the search. (Seek support from the DSL/DDSL if needed).
- If the student does not consent to a search, the Trip Leader/Event Leader should contact the DSL/DDSL they will take the decision as to whether to contact the police or not, taking into account the suspected prohibited item and legality of possession. The DSL/DDSL will advise the Trip Leader/Event Leader throughout any police searches.
- If prohibited items are found the Trip Leader/Event Leader should contact the DSL/DDSL, the DSL/DDSL will advise on next steps depending on the prohibited item.
- The suspension procedure will be followed, this could result in the parent/guardian/parental responsibility individual collecting the student

A record of the incident should be made on Promonitor L2 Confidential Comments (Reason - Stop and Search) and the Head of Division, relevant Vice Principal should be informed via email. If prohibited items are not found, a confidential comment L2 record should still be made.

### **3. WORK BASED LEARNING/WORK PLACEMENT STUDENTS**

- Students must not have in their possession any prohibited item whilst on any work placement, regardless of whether it is a paid or unpaid placement.
- If the employer has reasonable grounds to suspect that a student has a prohibited item in their possession, they may ask the student to leave the premises or contact the police, taking into account the suspected prohibited item and legality of possession.
- If the employer has a stop and search policy (or similar), this must be covered in the placement induction and/or included in the contract of employment.
- Any concerns during placement by the employer should be referred back to the relevant assessor (work based learning students) or personal tutor (work placement). Depending on the concerns, the Student Disciplinary Policy may apply.

# Appendix 1



## STOP AND SEARCH LOG

DATE:	
TIME:	
PERSON REQUESTING SEARCH:	Name:
	Signature:
PERSON PERFORMING SEARCH:	Name:
	Signature:
WITNESS TO SEARCH:	Name:
	Signature:
STUDENT NAME/ID:	Name:
	Signature:
AGREED: YES/NO	
LOCATION OF SEARCH:	
REASON FOR SEARCH:	
ITEMS SEIZED (IF APPLICABLE):	