

Student Search Policy

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Document Control

Owner	Safeguarding and Welfare Team
Audience	All Moulton College Stakeholders
Confidentiality	Low

Version Control

Version	Description/Changes	By	Date
1.0	Initial Release	DP	July. 2017
2.0	Review and Update	DP	Dec. 2019
2.1	Review and update	LWM	August 2020
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Approval

Approved By	Meeting Date	Next Review
Senior Leadership Team	September 2023	September 2024

Related Policies

Ref.	Policy
	Student alcohol and substance misuse policy
	Learner Behaviour, Support & Disciplinary policy
	Safeguarding & Child Protection Policy

Equality Impact Assessment

Equality Impact Assessment
No change required The assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review

Student Search Policy

Policy Statement

Introduction

1. The Education Act 1996 gives the Principal and authorised staff by the Principal the power to search students for any prohibited items where there is reasonable grounds for suspicion that a student is in possession of such an item. The powers to search in the Education Act 1996 are compatible with Article 8 of the European Convention of Human Rights.
2. This policy considers obligations under Article 8 that students have a right to respect for their private lives. In the context of these rights and obligations, this means that students have the right to expect a reasonable level of personal privacy. The Principal 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, SLT adopts a '**zero tolerance**' policy in relation to prohibited items listed.
3. Schools and colleges are an important part of the wider safeguarding systems for children and young people. This system is described in the statutory guidance, Working Together to Safeguard Children (2018), which makes clear that all staff have a responsibility to provide a safe environment for students to learn.
4. The purpose of this policy is to outline where, when and by whom a learner may be searched when there are reasonable grounds for suspecting that there is a prohibited item being carried by the learner.
5. This policy helps to mitigate that risk by identifying authorised personnel and identifying the procedure to be followed.
6. Being in possession of a prohibited item – especially knives, weapons, illegal drugs or stolen items – may mean that the student is involved, or at risk of being involved, in anti-social or criminal behaviour including gang involvement, and in some cases may be involved in child criminal exploitation. A search may play a pivotal role in identifying students who may benefit from early help or a referral to the local authority children's social care services.

Definitions

7. 'Student' is a collective term used throughout this handbook to refer to any person aged 16 or over whether they are a student, an apprentice or similar, who is in further or higher education or training at Moulton college, unless otherwise identified.
8. 'Lecturer' is a collective term used throughout this handbook to refer to teachers, trainers, lecturers, mentors, assessors and staff in similar roles.

9. 'Skills Coach' is a collective term for trainers and/or assessors who are part of the college's apprenticeships delivery.
10. An offensive weapon is anything made, adapted or has the potential for use as a weapon. There is absolutely no situation in which the possession of such articles will be considered safe and acceptable unless they are the colleges own tools being used in the course of a supervised lesson, or by other authorised personnel during the course of their work.
11. Prohibited items identified by the College are:
 - Knives or weapons
 - Illegal Drugs/Psychoactive drug
 - 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, or damage to property; of any person (including the student)

Scope

12. This procedure is applicable to all Further and Higher Education provision, including subcontracted provision and apprenticeships, of Moulton College irrespective of their location of delivery or by whom they are being delivered.
13. All students at the College including pupils from schools receiving some of their compulsory education at College.
14. 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 and the police informed. Only **with consent** will searches of a person be carried out by authorised members of College staff.
15. However, a student's possessions may be searched without consent (and the search witnessed) by staff of the opposite sex to the student; the student must still be present.
16. **Confiscation**, College staff can seize any prohibited item found as a result of a search. They can also seize any item, however found which they consider harmful or detrimental to College discipline.
 - a. When the item is drugs, then the College policy for the disposal of drugs must be followed
 - b. Other items, considered as having potential to injure others, will not be returned to the student without robust checks being made, including discussion with parent/carers.

Responsibilities and Conditions

17. Staff who undertake a search according to the law and who follow their employer's guidelines are protected by the law. Only designated staff authorised by the Principal will be approved to carry out stop and search procedures.
18. Staff may wish to consider using CCTV footage to decide whether to conduct a search for an item.
19. 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, unless it is a search for weapons.
20. For a search the "second person present" must be a member of the College staff, defined as any Lecturer who works at the College or anyone who, by the authority of the Principal, has lawful control or charge of the students e.g. Head of School, tutor, lecturer, etc.
21. A member of staff can search a student of the opposite sex and/or without a witness present **only**:
 - a) If the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
 - b) In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the student **or** it is not reasonably practicable for the search to be carried out in the presence of another member of staff
22. When a member of staff conducts a search without a witness, they should immediately report this to another member of staff and ensure a record of the search is kept.
23. 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.
24. 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 (that is, as well as the student and two members of staff of the same sex). The student's privacy and dignity must be safeguarded throughout.
25. For example:
 - a. 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,

- b. 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.

Recording and Reporting Searches

- 26. If no prohibited item is discovered by a search, the College can decide to take no further action, but should still:
 - a. Raise a My Concern, that details the reasons why a search was conducted. The Designated Safeguarding Lead (or deputies) should be informed without delay if there is a belief that a search has revealed a safeguarding link.
 - b. Inform the student's parent (if under 18) report to the college's governing body annually of how many searches took place under the policy, and the results.

Appendix One - Search Procedures

Reasonable Suspicion (which allows a search to take place)

1. If authorised 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 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.
2. 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.
3. 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.

Options before a consent search

4. 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 will consider how urgent the need for a search is and should consider the risk to other students and staff
 - (b) 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.
 - (c) if questioning confirms suspicion, staff should ask the student to surrender the prohibited item, reminding them about College rules.
 - (d) If suspicion remains and the student does not surrender the prohibited item, staff should ask the student to consent to a search.
 - (e) Staff should ensure that the student understand the reasons for the search and how and where the search will be conducted so that their agreement is informed. The student should be given the opportunity to ask any questions they have.
 - (f) 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:

- a) are in possession of a prohibited item;
 - b) do not understand the instruction;
 - c) are unaware of what a search may involve; or
 - d) have had a previous distressing experience of being searched
5. If the student continues to refuse or it is decided that a search would not be safe, staff should ask the student to leave the premises (informing parents of students under the age of 18). SLT should be informed, 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.
 6. 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 him/her.
 7. If the member of staff still feels that a search is necessary, but not urgent, they should seek the advice of the Designated Safeguarding Lead (or deputies) who may have more information about the student. During this time the student should be supervised and kept away from other students.

Extent of Search – clothes and possessions

8. 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. 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. SLT should be asked to call the police instead.
10. 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 SLT call the police instead. (Resisting a police search can be a criminal offence.)
11. Staff must not require a searched student to remove, and must not themselves remove, clothes beneath outerwear: e.g. trousers, skirt, sari, shirt, blouse, shalwar-kameeze (tunic and trousers), socks, 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.
12. 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). See appendix 1. Since this is 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.

After the search

27. If no prohibited item is discovered by a search, the College can decide to take no further action, but should still:
 - a. Raise a My Concern, that details the reasons why a search was conducted
 - b. inform the student's parent (if under 18)
 - c. report to the college's governing body annually of how many searches took place under the policy, and the results.

Records

28. 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.
29. A written record (on My Concern) will be kept of any occasion when a student is searched for any prohibited item.
30. If a high number of searches are conducted, the College will consider whether the searches fall disproportionately on any particular groups of students by analysing the recorded data. This will be monitored through the College's Equality Committee.
31. The record should include:
 - Grounds of suspicion
 - Date, time and location
 - Who was searched
 - Who conducted the search
 - Who else was present (students and staff)
 - What was being searched for
 - What items, if any, were found
 - What if any reasonable force was used, and if so why
 - The students responses and how staff managed them (e.g. steps taken to calm the student)
 - Outcomes and follow-up actions

Informing Parents; Complaints

32. 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.
33. The College should generally inform parents of students younger than 18-year-olds when their child has been searched and offer an opportunity to discuss the matter. Any complaints will be dealt with through the complaints policy.

Data Protection

34. All written reports will be retained on the college's student My Concern records.

Appendix Two - Staff with authorised responsibilities:

Title	Name
Principal	Oliver Symons
Vice Principal	Faye Williams
Chief Operating Officer	Alicia Bruce
Assistant Principal Student Services	Andrew Bailey
Director of SEND and Student Experience	Nikki Southgate
Residential Coordinator	Edd Degg
Director of Curriculum	Samantha Smith
Head of school	PLEASE ADD
Head of school	Leigh Jones
Head of school	Richard Ball
Head of school	Carley Daniels
Security Officers	

Appendix Three

Sikh students: Wearing of the Kirpan

This appendix is intended to provide advice regarding the wearing of the Kirpan.

Guru Gobind Singh, the founder of the Khalsa (brotherhood of Sikhs), instructed its members to wear five special signs to show that they were Sikhs. Known as the 'five Ks' these signs are: kesh (uncut hair), kangha (comb), Kara (steel wristband), Kaccha (shorts/underwear) and Kirpan. Each sign has a particular significance. A Khalsa is a baptised Sikh, male or female.

- **Kesh** is a symbol of spiritual strength and power and an acceptance of 'good will'.
- **Kangha** is a symbol of cleanliness and of well – ordered life.
- **Kara** is a symbol of strength, unity, equality and justice and is worn by everyone from a Sikh family.
- **Kachhera** is a symbol of high moral character, modesty and sexual morality
- **Kirpan** is a symbol of respect, justice and authority; it is a reminder that Sikhs are warriors.

The Kirpan is one of the 'five Ks' that Sikhs who have been initiated into the Khalsa by receiving Amrit (holy nectar) are expected to wear at all times.

The Kirpan is a symbol of respect, justice and authority; it is a reminder that Sikhs are warriors. However the Kirpan is never used for offensive purposes.

The word Kirpan comes from the word 'Kirpa' and 'aan'. Kirpan means act of kindness, a favour, and 'aan' means honour and self-respect. Thus, for Sikhs the Kirpan symbolises hand of mercy. To call it a dagger or a knife is insulting to the article of faith as the functions of these items are very different from the Kirpan.

Background

Section four of the Offensive Weapons Act 1996 creates the offence of having an article with a blade or point (or offensive weapon) on school/college premises etc. Under section four, subsection (2), a person has a defence if the article in question is worn for religious reasons or as part of any national costumes.

We have to balance the responsibilities to ensure the health and safety of persons at College with the religious requirements of practising Sikhs.

Guidelines

1. There should be no objection to the wearing of the 'five Ks', including the Kirpan.
2. Parents or religious leaders should be asked to authorise the wearing of the Kirpan by confirming that a young person has been initiated into the Khalsa by receiving Amrit and are therefore expected to wear the 'five Ks' at all times.
3. The Kirpan should not be more than six inches in length (including both blade and handle) and the blade should not exceed three inches in length; the Kirpan should always be sheathed and worn out of sight.

4. The Kirpan should never be unsheathed and should never be used as a weapon to threaten others. In either case the kirpan should constitute an offensive weapon within the law. Students would be subject to College's disciplinary procedures; this might include police involvement.
5. College staff will expect to remove the Kirpan from any student not wearing all five K's and to contact the student's parents at the earliest opportunity to discuss the situation with them.
6. In the event of serious or persistent breaches of the above conditions by a student the College may refuse permission for the student concerned to wear the Kirpan whilst at College.

Equality Impact Assessment (EIA)

Please complete both sides of this Equality Impact Assessment and ensure that the latest copy of this is recorded as part of the appendices of the specific policy.

Policy Reference and Name	SGP-06 Student Search Policy
Assessment date	September 2024
Completed by	
What are the aims of the policy?	
Who does the policy affect?	
Who is involved in implementing the policy?	
What information is currently available about the impact of this policy and its associated procedures?	
Do you need more information to help you make an assessment about the impact of this policy and its associated procedures?	
Do you have any examples that show how this policy will have a positive impact on any of the equality characteristics listed in the table below?	
Which other policies does this policy link with?	
What consultation has taken place in the development of this policy?	

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Use the table below to assess the impact of this policy on each of the listed characteristics. Your decision must be evidence based. Sources of evidence might include success rates, achievement gaps, application and enrolment data, student voice, consultation outcomes, recruitment and employment data, customer feedback or complaints, meeting minutes.

Characteristic (These characteristics are protected under the Equality Act 2010)	Negative impact? Y / N	Evidence to support your impact assessment decision	Requires further action? Y/N
Age	N		
Disability	N		
Race	N		
Gender, inc. re-assignment	N		
Sexual orientation	N		
Religion / belief	N		
Pregnancy / maternity	N		
Marriage / civil partnership	N		
Socio-economic	N		

Overall EIA judgement

Select	
✓	No change required The assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review
	Adjust the policy or practice This involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact
	Continue the policy This means adopting/continuing with the policy despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded
	Stop the policy If there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated

