



'Stop and Search a Learner' Policy

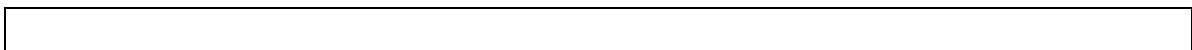
Excellence, Integrity, Supportiveness



With excellence in
Environmental and Land Based Training

Recognising the best organisations
for training and development solutions

Principal: Tim Jackson BTech (Hons), PGCE



Our Mission

To inspire learners to recognise and achieve their full potential

Our Values

Excellence, Passion, Team Work, Integrity, Innovation,
Sustainability, Valuing Others and Supportiveness

Sparsholt College Group

The Sparsholt College Group (the College Group) includes Sparsholt College, Andover College, University Centre Sparsholt, Sparsholt College Services, Westley Enterprises and Andover Town Football Club. College Group policies apply to each part of the group unless specified otherwise.

The '*Stop and Search a Learner*' Policy was reviewed and confirmed by the Board of Governors in July 2019.

Equality Impact Assessment	Conducted:
Originator: Deputy Principal Curriculum	Located: College Document Library
	College Intranet
	College Website
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Stop and Search a Learner Policy

Excellence, Integrity, Supportiveness

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1. Introduction

- 1.1 The Education Act 1996 gives the Principal and authorised staff by the Principal the power to search learners for any prohibited items where there is reasonable grounds for suspicion that a learner is in possession of such an item.
- 1.2 The Principal and Strategic Leadership Team (SLT) place the highest priority on the creation and promotion of a safe and secure environment for all learners and staff. To this end, SLT adopts a 'zero tolerance' policy in relation to prohibited items listed.
- 1.3 The purpose of this policy is to outline where, when and by whom a learner may be searched for a when there are reasonable grounds for suspecting that there is a prohibited item being carried by the learner.
- 1.4 This policy helps to mitigate that risk by identifying authorised personnel and identifying the procedure to be followed.

2. Definitions

- 2.1 An offensive weapon is anything made, adapted or intended for use as a weapon.
- 2.2 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 other authorised personnel during the course of their work.
- 2.3 Prohibited items identified by the College are:
 - Knives or weapons
 - Illegal Drugs/Psychoactive substances
 - Alcohol¹
 - 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

3. Scope

- 3.1 All learners at the College including 14-16 pupils receiving some of their compulsory education at College.
- 3.2 The College has made the decision that should a learner not consent to be searched then the learner should be asked to leave the premises and the police informed by SLT. Only with consent searches will be carried out by members of College staff.
- 3.3 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.

¹ Alcohol may only be consumed in designated areas – the licensed bar (Fit Jym's) and inside over 18 accommodation. The consumption of alcohol is not permitted anywhere on site before 5pm Monday to Friday.

4. Responsibilities and Conditions

- 4.1 Staff who undertake a search according to the law and who follow the College's guidelines are protected by the Education Act 1996. All Managers will be authorised by the Principal to carry out these procedures. In addition, the Principal, or a member of the SLT, has the authority to grant permission to a particular member of staff in the absence of a manager.
- 4.2 Two members of staff must be present during a search of a learner or his/her possessions. The search can include lockers, bags and cars with the learner's consent. Lockers can be searched without consent if there is a strong suspicion that a prohibited item is stored in the locker.
- 4.3 For a search the "second person present" must be a member of the College staff, typically the learner's lecturer, pastoral support tutor, a member of the well-being team, a residential warden or security staff.
- 4.4 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.
- 4.5 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.
- 4.6 For example, searching a learner with particular Special Educational Needs might be helped by support from a further adult with expertise on the learner'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 learner and two members of staff of the same sex), though the learner's privacy and dignity should be safeguarded.

5. Related Documents

Safeguarding Policy
Complaints (and other Feedback) Management Policy
Learner Conduct Policy

APPENDIX ONE – SEARCH PROCEDURES

1. Reasonable Suspicion (which allows a search to take place)

If authorised staff suspect a prohibited item is somewhere in the College or on an offsite educational visit, they can search any of their learners 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 learner may have a prohibited item with him/her or in his/her possessions.

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 learner to be searched.

For example, a learner'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 learner. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of learners as more likely to be in possession of a weapon.

2. Options before a consent search

The college will only use the power of search if they have first exhausted other options:

- (a) where staff suspect a learner is in possession of a prohibited item, they should seek to confirm or allay their suspicion by questioning the learner;

Staff should use "talking down" techniques to calm the learner and prevent or reduce any risk of their exchange escalating.

- (b) if questioning confirms suspicion, staff should ask the learner to surrender the prohibited item, reminding them about College rules.

- (c) If suspicion remains and the learner does not surrender the prohibited item, staff should ask the learner to consent to a search.

- (d) If staff decide a search would not be safe or a learner refuses to be searched they ask the learner to leave the premises and inform SLT 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.

In particular, if it is believed that a learner is carrying a weapon and is likely to resist a search physically, staff should call the police rather than try to overcome him/her.

3. Extent of Search – clothes and possessions

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.

The searcher can require the learner to remove outer clothing (eg. a coat, jacket or pullover) if it is necessary for the search. If the learner refuses and staff still suspect a prohibited item is being carried, they should ask the learner to leave the premises and request SLT advise 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).

Staff must not require a searched learner 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. Learners volunteering to remove such clothes should be required **not to do so**. *Staff must be careful not to touch or hold a learner indecently.*

Reasonable steps should be taken to preserve the dignity and privacy of any searched learner:

- searching out of sight of other learners or staff passing by – though privacy may not always be possible, e.g. where staff decide to search a line of learners waiting to board a coach.
- searchers should be sensitive to issues of race, culture or religion, e.g. where a learner's customary head covering or other outer clothing has religious or cultural associations.

4. After the search

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 and provide a copy to the DPCu/DPCo
- inform the learner's parent (if under 18)
- inform the college's governing body annually of how many searches took place under the policy, and the results.

5. Records

Given that a learner holding prohibited item on College premises could also be committing an offence, it is possible that the learner will be arrested by the police, and that members of staff involved in the search may be asked to provide a statement.

A written record will be kept of any occasion when a learner is searched for any prohibited item.

The record should include:

- Name, date of birth, gender, ethnicity of every learner searched
- 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 learners responses and how staff managed them (e.g. steps taken to calm the learner)
- Outcomes and follow-up actions

6. Informing Parents; Complaints

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.

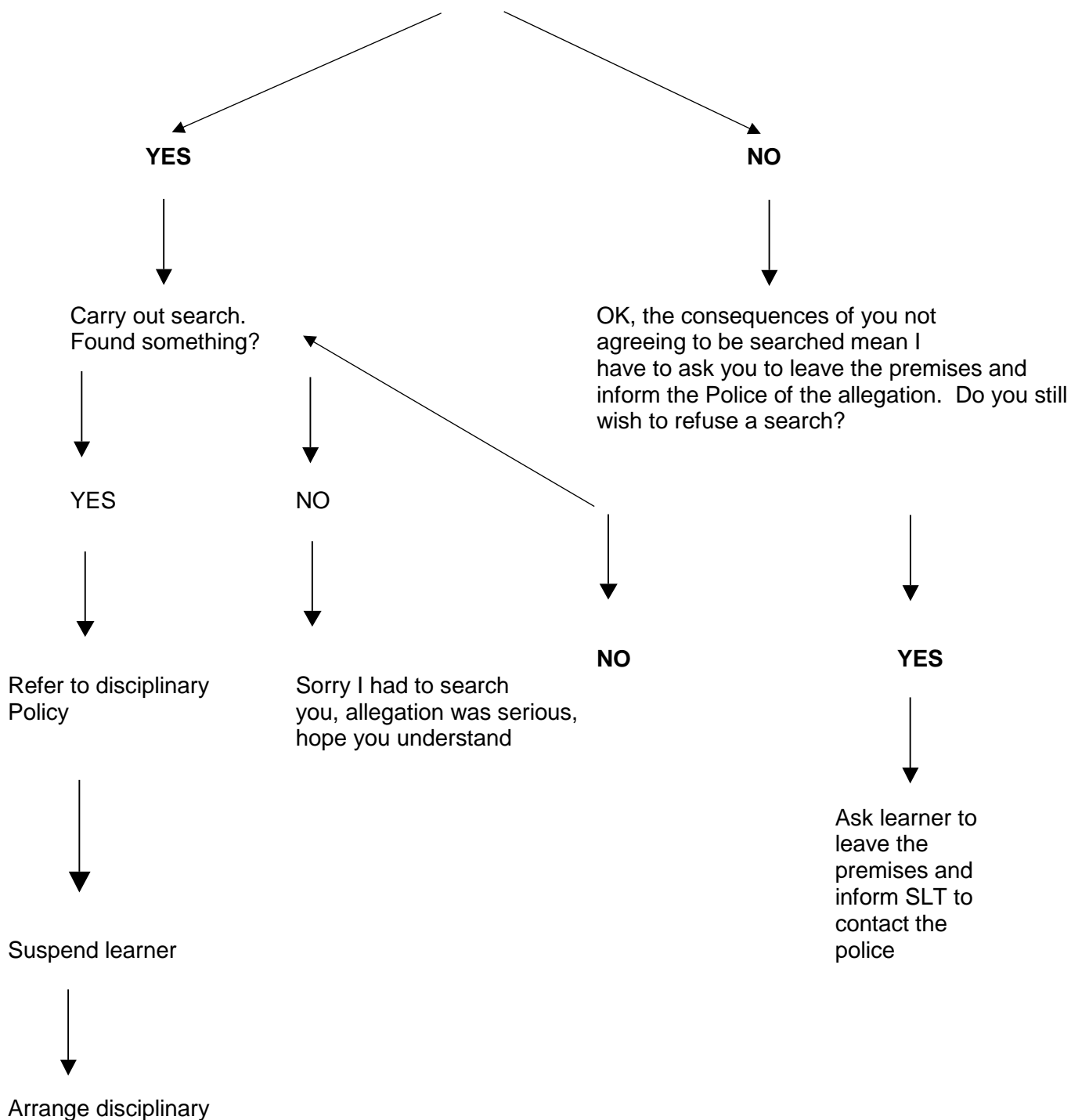
The College should generally inform parents of learners other than 18 year olds when their child has been searched, and offer an opportunity to discuss the matter. Any complaints will be dealt with through the complaints policy.

7. Data protection

All written reports will be retained by the DPCu/DPCo for a period of three years.

APPENDIX TWO – EXAMPLE OF HOW TO APPROACH A LEARNER SEARCH

An allegation has been made that you are in possession of 'drugs/alcohol/fireworks etc, in your room', due to this allegation I need to search you/your bag/your locker. **Is this OK?**



APPENDIX THREE – RECORD OF SEARCH

Record of Search must be completed every time a search is conducted and the record card given to the SLT for storage and reporting purposes.

Stop and Search a Learner Record of Incident	
Learner Name	
DOB	
Location	
Name of person who performed the search	
Name of person who witnessed the search	
Outline of any reasonable force used, and if so why	
Details of how the search began and progressed	
Note of learner responses and how staff managed them (e.g. steps taken to calm the learner)	
Outcomes and follow-up actions	