

Learner Search & Confiscation Policy

Excellence • Integrity • Supportiveness

Our Mission

Raising Aspirations, Unlocking Potential, Advancing Futures

Our Values

Excellence, Passion, Teamwork, Integrity, Innovation,
Sustainability, Valuing Others and Supportiveness

Sparsholt College Group

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

The Learner Search & Confiscation Policy was approved by the Board of Governors in July 2024. This supersedes the previous publications.

Originator: Vice Principal Curriculum

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College Group Intranet

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LEARNER SEARCH & CONFISCATION POLICY

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LEARNER SEARCH & CONFISCATION POLICY

1. Introduction

- 1.1 The Sparsholt College Group (the College Group) has a responsibility towards its employers, learners and visitors to ensure that it has a safe environment for all learners and staff. The College Group operates a 'zero tolerance' approach to the prohibited items listed in this policy.
- 1.2 The aim of this policy is to ensure that everyone who works and learns at the College Group is aware of the powers that the College Group has with regards to searching and to confiscating items and the procedures that need to be followed. The Principal and staff authorised by the Principal have a statutory power to search a learner or their possessions where there are reasonable grounds to suspect the learner may have a prohibited item.
- 1.3 In the unusual event of a learner or repository for their possessions being searched, the College Group will take all reasonable steps to maintain its usual high standards of safeguarding.

2. Scope

- 2.1 This policy covers all learners at the College Group, including 14-16 pupils receiving some of their compulsory education at the College Group, FE learners and University Centre Sparsholt students.
- 2.2 This policy covers searches of learners with their consent. The College Group 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 Strategic Leadership Team (SLT).
- 2.3 This policy covers the seizure and confiscation of any prohibited item found as a result of a search. Staff can also seize any item, however found, which they reasonably consider harmful or detrimental to learner discipline and safety.

3. Definitions

- 3.1 The College Group recognises that some items on the prohibited list are legal to use for over 18s. However, the College Group is clear that the following items are forbidden on its campuses irrespective of age
 - Knives or weapons
 - Illegal drugs/Psychoactive substances
 - Alcohol*
 - Fireworks
 - Pornographic images
 - Stolen items

- 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 to, or damage to property of, any person (including the learner).

**Alcohol may only be consumed by over 18 learners in the designated areas of the licensed bar and inside over 18 accommodation after 5 pm and must be consumed responsibly.*

3.2 An offensive weapon is anything made, adapted or intended for use as a weapon. There is no situation in which the possession of such articles will be considered safe and acceptable unless they are being used during a supervised lesson or by other authorised personnel during their work. In such cases, learners have the responsibility to comply with procedures and instructions issued by staff.

4. Responsibilities and Conditions

4.1 Prior to any search being undertaken, approval must be sought from a member of SLT unless it is deemed that there is an immediate risk to learners or staff. In the case of learner residential accommodation, a search of possessions in the learner's room must be approved by the Residential Manager or member of SLT. The Designated Safeguarding Lead should be informed of searches and should be involved without delay if it is believed that a search has revealed a safeguarding risk.

4.2 All Managers are 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. Staff who undertake a search according to the law and who follow the College Group's policy and procedures are protected by law.

4.3 The member of staff conducting the search must be of the same sex as the learner being searched and there must be another member of staff present as a witness to the search. The second person present must be a member of the College Group staff, typically the learner's lecturer, pastoral support tutor, a member of the wellbeing team, a residential warden or security staff.

4.4 The only exceptions are when a member of staff reasonably believes there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency and, 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 learner or to be carried out in the presence of another member of staff.

4.5 The search can include the learner's outer clothing, pockets, rooms, lockers, bags and cars with the learner's consent. Rooms and lockers can also be searched without consent if there is a strong suspicion that a prohibited item is present.

4.5 Where a learner is in residential accommodation, they have the right to be present, whilst a search is undertaken in accordance with the Residential Learner Handbook, and in the presence of 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.

4.6 On offsite educational visits, staff should normally rely on calling the police rather than seeking to have a member of staff who is authorised to search present on every visit where suspicion might arise.

4.7 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, and the learner's privacy and dignity should be safeguarded

- 4.8 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 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.
- 4.9 It is recognised that, in exceptional cases, staff may be required to use reasonable force in accordance with the Use of Reasonable Force Policy. Strict adherence to this policy is necessary to ensure reasonable force is only used in the specified circumstances.
- 4.10 The SLT will inform the governing body annually of how many searches took place under the policy, and the outcomes, including an assessment of whether the searches fell disproportionately on any group of learners.

5. Related Documents

Safeguarding Learners Policy
FE Complaints (and other Feedback) Management Policy
FE Managing Learner Conduct Policy
UCS Student Conduct Policy
Substance Use & Misuse Policy (Learners)
Residential Learner Handbook
Use of Reasonable Force 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 learner's possession on College Group premises or on an offsite educational visit, they can search any of their learners if they have reasonable grounds for suspecting that they have a prohibited item with them or in their possessions. This is a legal standard and not a subjective one; the searcher must assess what constitutes, in each case, reasonable grounds for suspicion that a learner may have a prohibited item.

Suspicion should be based on facts relevant to the likelihood of finding a prohibited item. Reasonable suspicion will rarely be supported based on 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 Group 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 and, if appropriate, obtain further evidence through witness statements or CCTV footage.
- (b) Staff should use "talking down" techniques to calm the learner and prevent or reduce any risk of their exchange escalating.
- (c) If questioning confirms suspicion, staff should ask the learner to surrender the prohibited item, reminding them about College Group rules.
- (d) If suspicion remains and the learner does not surrender the prohibited item, staff should ask the learner to consent to a search by indicating their agreement (written consent is not required).
- (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 an SLT member 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. If the learner refuses to give consent it may result in the implementation of the Conduct Policy.

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 the learner.

3. Extent of Search – clothes, possessions and electronic devices

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 if it is necessary for the search. '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.

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 an SLT member to advise the police. This option is always available: the searcher can stop the search at any point and request an SLT member to 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-kameez (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 considerations of race, culture or religion, e.g. where a learner's outer clothing, such as a head covering, is worn for religious reasons or has cultural associations.

Electronic devices, including mobile phones, can contain files or data which relate to any offence, or which may cause harm to another person (including indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour).

The member of staff conducting the search may examine any data or files on the device if they think there is good reason to do so. Safeguarding procedures should be followed and, if inappropriate material is found on the device, the staff member should seek advice from the Designated Safeguarding Lead as to whether the material should be deleted, retained as evidence (of a criminal offence or breach of learner conduct policies) or whether the material is of such seriousness that it requires the involvement of the police. Members of staff should never 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.

4. After the search

After the search, whether a prohibited item is discovered or not, the member of staff conducting the search, in conjunction with their manager, should:

- record the outcome on the relevant system (CPOMs in the case of a safeguarding incident or ProMonitor in a conduct situation)
- inform the learner's parent (if under 18)
- inform a member of the SLT of the outcome

- inform the police if relevant
- consider whether the reason for the search, the search itself, or the outcome of the search gives cause to suspect that the learner is suffering, or is likely to suffer harm, and whether any specific support is needed and following the Safeguarding Learners Policy, if relevant
- following the procedures for handling of confiscated items, if relevant

5. Records

Given that a learner holding a prohibited item(s) on College Group 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. This must be recorded on the relevant system (CPOMs in the case of a safeguarding incident or ProMonitor in a conduct situation). The manager undertaking the search must also update a member of SLT.

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 learner's responses and how staff managed them (e.g. steps taken to calm the learner)
- What items, if any, were found
- Follow-up actions

6. Informing Parents

The College Group is not required by law to inform a parent before a search or seek parental consent but understands that a parent might feel concerned about their child being searched.

The College Group should generally inform parents of learners who are under 18-year-olds when their child has been searched and what, if any, prohibited items are found and offer an opportunity to discuss the matter.

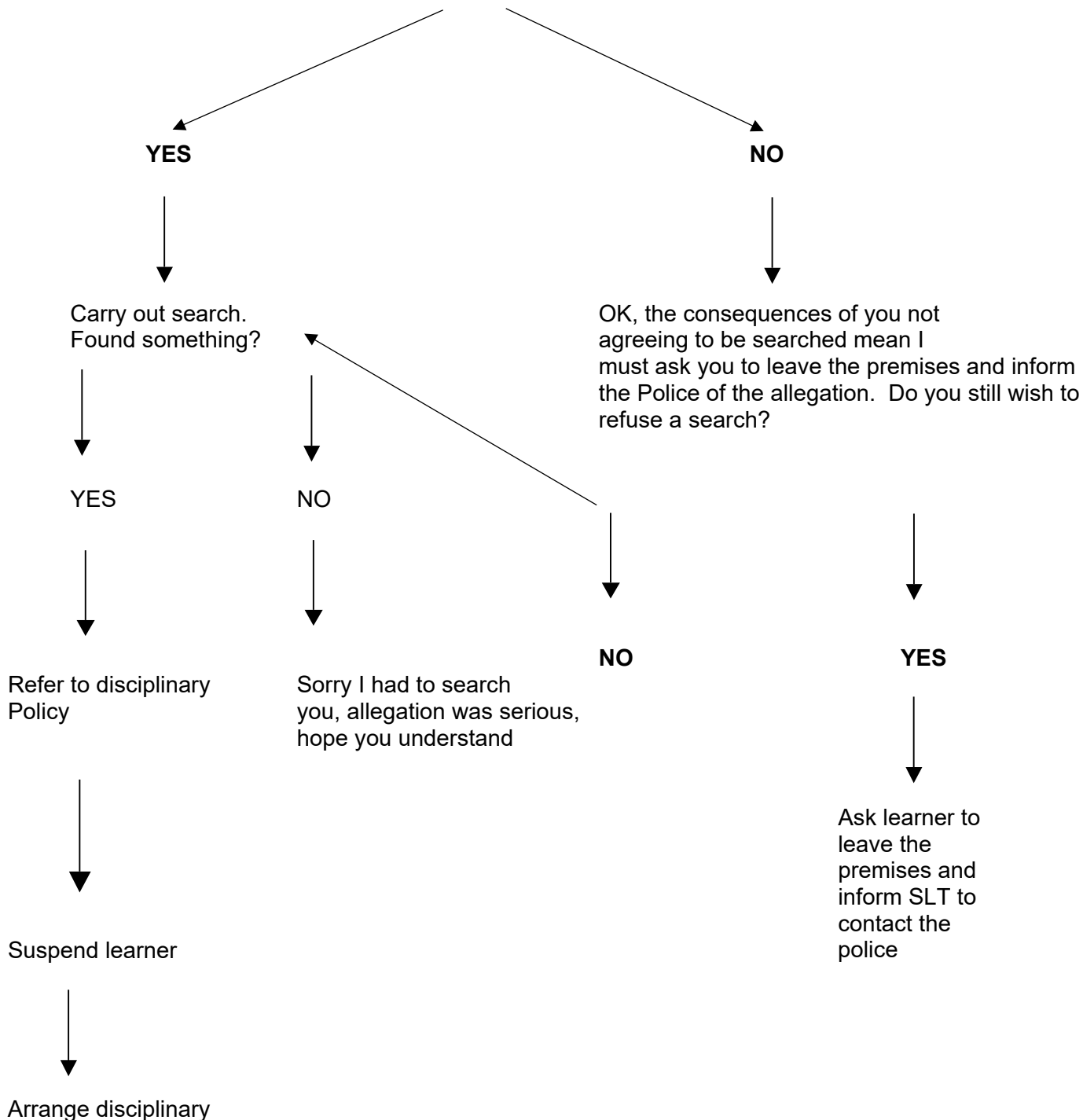
Any complaints will be dealt with through the College Group complaints policies.

7. Data protection

All written reports will be retained on CPOMs for the lifetime of the data subject or ProMonitor for a period of seven years as part of the learner record.

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?**



In all incidences following the procedures for alerting the SLT and Designated Safeguarding Lead, for recording the search and handling confiscated items (if relevant).

APPENDIX 3 – HANDLING OF CONFISCATED ITEMS PROCEDURES

A member of staff carrying out a search may use their discretion to seize during the search anything which they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence. The following procedures must be followed in relation to specific prohibited items:

- Any weapons or items which are evidence of an offence must be held safely and passed to the police as soon as possible.
- Where controlled drugs (see *Misuse of Drugs Act 1971, Section 2*) are found, these must be delivered to the police as soon as possible unless there is a good reason not to do so. The member of staff should use their professional judgement and take into account all relevant circumstances to determine what is 'a good reason' and dispose of the drugs only if it is necessary and safe to do so (for example, if it is not possible to store them securely until the police arrive).
- Where other substances are found 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 Group's policies. This would include, for example, Cannabidiol (CBD) products which are not permitted on campus (see Substance Use & Misuse Policy).
- Where stolen items are found, these must be delivered to the police as soon as reasonably practicable unless there is a good reason not to do so. The member of staff should use their professional judgement and take into account all relevant circumstances to determine what is 'a good reason', including returning to the owner or retained/disposed of if returning to their owner is not practicable. For example, it would not be reasonable or desirable to involve the police in dealing with low value items such as hairbrushes.
- Where a member of staff conducting a search of a learner aged under 18 finds alcohol or fireworks, they may be retained or disposed of by the College Group and must not be returned to the learner if aged under 18.
- If a member of staff conducting a search of a learner finds a pornographic image, they may dispose of the image if the learner is under 18 unless they have reasonable grounds to suspect that its possession constitutes a specific offence (ie it is extreme or an indecent image of a child) in which case, and in relation to under and over 18 year old learners, it must be delivered to the police as soon as reasonably practicable. Members of staff should never 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.
- 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, taking into account all relevant circumstances including whether it is safe to dispose of the item and whether and when it is safe to return the item.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully and in line with this policy.

Items confiscated during a search must be temporarily stored in SLT offices whilst awaiting collection by the police and information recorded on CPOMs or ProMonitor and an update provided to a member of the SLT.