

LEARNER RELATED POLICY: PROCEDURE FOR SEARCHING OF RESIDENTS AND THEIR ROOMS IN THE HALL OF RESIDENCE AND CONFISCATION OF PROHIBITED ITEMS

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved by: Executive Director: Business, Innovation and Partnerships	
Reviewed by: International Manager	
Date of next review	May 2023

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, SocioEconomic Disadvantage

1. Document Control

1.1. Document Details

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Version	Date	Author	Comments
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1.3. Distribution

Name	Email	Organisation
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INTRODUCTION

Boston College has a legal responsibility under the Health and Safety at Work Act 1974 for the health, safety and welfare of residents in the Hall of Residence, the staff employed there and visitors. It aims to provide a safe, healthy and high quality living and learning environment.

RESPONSIBILITIES

All staff working within the Hall of Residence are aware of the rules that apply to residents in the Hall of Residence including prohibited items. Any member of staff who is aware of any prohibited item or who has suspicions that a resident may have a prohibited item in their room should report this initially to the International Office Manager.

All students living in the Hall of Residence receive a copy of the Hall of Residence Disciplinary Procedure as part of their induction. All residents sign a copy of this to confirm that they are aware of the rules and understand their responsibilities to abide by the rules.

PROHIBITED ITEMS

For the purposes of this policy Prohibited items are but not limited to:

- Knives or other weapons
- Alcohol
- Illegal drugs
- Stolen items
- Any item that a member of staff reasonably suspects has been used, or is likely to be used to commit an offence or cause personal injury to someone or damage someone's property (including college premises).
- Age restricted material

SEARCHES WITH/WITHOUT CONSENT

College staff can, at any point, ask to search a resident or his/her room where there is a suspicion that the resident has a prohibited item or that a person may be in the room without college agreement. Formal written consent for this type of search is not required.

Where the resident consents to a search of his/her room and/or possessions, he/she will be given the opportunity to be present at the search.

Consent to search is not required and if it is not given the International Office Manager will make the decision about if and when the search will take place.

A search of a resident will involve the resident being asked to empty their pockets and to open any bags etc. In these circumstances a resident may be asked to

remove outer layers of clothing and this is limited to shoes, boots, hats, scarves and gloves.

USE OF FORCE

In the event of consent to a personal search not being given, the law allows the use of reasonable force. If consent is not given the Safeguarding Lead will decide whether a search without consent is required. This decision will be made in conjunction with the International Office Manager or a member of the Executive Team. The use of force will only be sanctioned in rare and exceptional circumstances where it is considered that failure to do so would

1. Result in an individual committing an offence
2. Cause personal injury to, or damage the property of, any person (including the student himself) or
3. Prejudice the maintenance of good order and discipline at the college or among any of our residents.

Any use of force will comply with Section 85C of the Further and Higher Education Act 1992.

PERSONS INVOLVED

Staff carrying out searches with or without consent will be requested to do so in accordance with Section 85AA of the Further and Higher Education Act 1992. It is expected that the resident will be present if their room is being searched, however this is not essential. Where a search takes place either of a resident or their room two members of staff will be present. One member of staff will be of the same sex as the resident. The staff involved will be sanctioned by the Safeguarding Lead.

CONFISCATION

Where prohibited items are found as a result of a search of either the resident or their room, they will be confiscated and taken initially to the International Office Manager who will decide on the appropriate action. This action is likely to mean that alcohol will be disposed of immediately. Drugs, weapons or stolen items will be handed over to the police.

From time to time prohibited items are discovered during routine work, such as cleaning, maintenance etc. These items will also be confiscated and dealt with in the same way. The International Office Manager will decide on the appropriate course of action, including what will happen to the confiscated item.

The college will maintain a record of any items confiscated. The record will include the following information:

1. Description of item
2. Who the item belongs to
3. When and where found and confiscated
4. The circumstances in which the item may be returned
5. Details of any confiscated item being destroyed and the justification.

ELECTRONIC DEVICES

Where there is a suspicion that a resident may hold inappropriate material on their electronic device, this will be reported to the Safeguarding Lead and the International Office Manager who will decide on an appropriate course of action. This could include deletion of the material, confiscation of the device or the involvement of the police if there is evidence of illegal activity.

RECORDS

Boston College will keep a record of any searches carried out. The records will show the date and time of the search, who was present and who carried out the search, the reasons for the search, details of anything found, details of any prohibited items found and how these were disposed of as detailed above. The International Office staff will be responsible for maintaining appropriate records.

RESPECTING PRIVACY

Boston College will at all times respect the resident's right to privacy. However suspicions of prohibited items will take precedence.

DISCIPLINARY ACTION

In the event of prohibited items being found either on a resident or in their room, the resident will be subject to the Hall of Residence Disciplinary procedure and will receive the appropriate sanction.

