

# LEARNER RELATED POLICY: SEARCHING, SCREENING AND CONFISCATION

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved by: <b>Deputy Principal</b> Reviewed by: <b>Assistant Principal: Student Experience</b>	
Date of next review	<b>September 2025</b>

This policy and procedure is subject to The Equality Act 2010 which recognises the following as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual orientation, and Disability.

## 1. Document Control

### 1.1. Document Details

Title	Searching, Screening and Confiscation Policy
Author	Abid Hussain / Sharon Posey
Version	3.2
Date	February 2024
Status	Published

### 1.2. Revision History

Version	Date	Author	Comments
1.0	Feb 2020	Vicki Locke	Definitive Release
2.0	Feb 2022	Vicki Locke	Definitive Release
3.0	Sep 2023	Abid Hussain / Sharon Posey	Definitive Release
3.1	January 2024	Sharon Posey	Amendment to 14.3
3.2	February 2024	Sharon Posey	Amendments to 4.4, 7.1, 10.4, 11.2, 12.5, 13.3, 15.3, 16.2, 17.4 and Annex

### 1.3. Distribution

Name	Email	Organisation
All Staff	Uploaded to SharePoint	Boston College

## **1. Introduction**

- 1.1 Ensuring staff and learners feel safe and secure is vital to establishing a calm and supportive environment conducive to teaching and learning. Using searching, screening and confiscation powers appropriately is an important way to ensure learners and staff welfare is protected and helps the college establish an environment where everyone is safe.

This policy is intended to explain the college's screening, searching and confiscation powers so that staff have the confidence to use them if necessary.

The College operates a 'zero tolerance' approach to weapons, drugs, alcohol and prohibited items.

Before screening or conducting a search of a learner it is important that the staff consider their obligations under the European Convention on Human Rights.

- 1.2 Under article 8 of the European Convention on Human Rights, learners have a right to respect for their private life. In the context of these rights and obligations, learners have the right to expect a reasonable level of personal privacy.

The powers to search in the Education Act 1996 are compatible with Article 8 and a college exercising those powers lawfully should have no difficulty in demonstrating that it has acted in accordance with Article 8 so long as it is justified and proportionate.

- 1.3 In the event of a learner being screened or searched, or a learner's bag or other possessions being searched, the College will take all reasonable steps to maintain its usual high standard of safeguarding. At all times a balance will be maintained between common-sense actions rightly taken in respect of an assessed risk and the obligation to following step-by step written procedures which, however helpful, cannot anticipate every eventually.

## **2. Aim and Purpose of the Policy**

- 2.1 The purpose of this policy is to ensure that all staff, learners and visitors are aware of the powers the College has with regards to searching, screening and confiscating items deemed to be dangerous, offensive or prohibited and the procedures that need to be followed.

## **3. Scope of the Policy**

- 3.1 This policy applies to all learners irrespective of their mode or type of study, whilst attending a college campus or at a college-approved placement.
- 3.2 It applies to learner behaviours both on the college sites and in external settings including trips, college transport, work placement and social media. It applies to

learners on campus and outside college grounds within the learner's normal College hours.

## **4. Roles and responsibilities**

### **Principal:-**

- 4.1 Only the Principal, or a member of staff authorised by the Principal, can carry out a search. The Principal can authorise individual members of staff to search for specific items, or all items set out in the learner behaviour policy.
- 4.2 The Principal can require a member of the security staff to undertake a search.
- 4.3 The Principal should oversee the college's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all learners and staff with support from the Designated Safeguarding Lead
- 4.4 The Principal should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a learner who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the learner who is being searched.

For the purposes of this policy, the principal has authorised the following college staff to conduct a search.

- Members of the Executive Leadership Team
- Security Team
- College Safeguarding Team

### **Designated Safeguarding Lead:-**

- 4.5 The Designated Safeguarding Lead should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a learner was in possession of a prohibited item as listed in point 5. The staff member should also involve the Designated Safeguarding Lead without delay if they believe that a search has revealed a safeguarding risk.
- 4.6 If the Designated Safeguarding Lead finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately and follow the college's safeguarding procedures. The Designated Safeguarding Lead should then consider the circumstances of the learner who has been searched to assess the incident against potential wider safeguarding concerns.

## **5. Prohibited items**

- 5.1 Staff authorised by the Principal have a statutory power to carry out searches of learners or their possessions if they have reasonable grounds for suspecting that the learner may have a prohibited item. Prohibited items are deemed as the following:
- knives or weapons, including tasers.
  - illegal drugs
  - stolen items
  - items that are believed to have been used to commit an offence or could cause personal injury and/or damage to property or people (including the learner)
  - alcohol
  - fireworks
  - pornographic images

## **6. Legitimate use of Knives and Tools**

- 6.1 Given the wide nature of college activities, learners may own and use tools and equipment that could be used as an offensive weapon. Examples are chef's knives, scalpels and craft knives used in Art, hand tools used in Engineering or Motor Vehicle, and razors/scissors used in Hairdressing. The College acknowledges its responsibility to ensure that those items which belong to the College or which it stores for learners are kept secure and that the correct procedures are in place for issue and collection i.e., departmental risk assessments. When using such equipment or tools learners are informed of the safe use of the items under staff supervision. Learners should not transport these items between home and college.

## **7. Searching a Learner**

- 7.1 Prior to any search being undertaken approval must be sought from a member of the College Executive Leadership Team, the Designated Safeguarding Lead or Head of Safeguarding and Wellbeing unless it is deemed that there is an immediate risk to learners or staff.
- 7.2 A search of a learner can only be conducted by a person authorised by the College Principal and the following procedures must be adhered to:
- The member of staff conducting the search must be the same sex as the learner.
  - There must be more than one member of staff present who should also be of the same sex as the learner.
  - Only outer clothing may be removed. See paragraph 10.3.

- A search can be conducted by a person of the opposite sex to the learner, but only where the searcher reasonably believes that there is a risk that serious harm will be caused to the learner if the search is not conducted immediately and where it is not practicable to summon another member of staff.
- 7.3 It should be explained to the learner at the time of the search why the search is being conducted and what specific prohibited item/s are being looked for. The aim will always be to search with the cooperation of the learner and give them opportunity to ask any questions relating to the search.
- 7.4 Reasonable adjustment should be considered for learners with additional needs or language barriers to ensure that they understand why the search is being carried out. This may require interpreters where available and an adjustment in language/terminology to suit the learners understanding.

## **8. Request for voluntary presentation of Prohibited Items**

- 8.1 If a member of staff suspects a learner has a prohibited item in their possession, they can instruct the learner to turn out their pockets or bag. If the learner refuses the request, then the member of staff should immediately refer the matter to the college Safeguarding Team, who will assess if a search is required.
- 8.2 It may be necessary to refer the learner to the relevant Director of Learning to assess whether it is appropriate to suspend on grounds of refusing the request.

## **9. Searching with Consent**

- 9.1 Section 89 of the Education and Inspections Act 2006 gives guidance on the College's common law powers to search. Under common law powers, colleges can search lockers and similar storage facilities for any item if the learner agrees. The extent of a search with consent includes outer clothing, possessions i.e., bags, desks and lockers only.
- 9.2 The power to search with consent can include 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.
- 9.3 Outer clothing is deemed as clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but does include hats; shoes; boots; gloves and scarves.
- 9.4 "Possessions" means any goods over which the learner has or appears to have control – this includes desks, lockers and bags. A learner's possessions can only be searched in the presence of the learner and 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.

9.5 Only college staff that are on the authorised list can search learners with their consent for prohibited items; however, consideration should be given to the article being searched for. If staff have concerns regarding their safety, or the safety of other members of staff or learners then security staff should be called to assist with the search.

9.6 If prohibited items are found during the search then the College Disciplinary Policy should be followed.

## **10. Refusal to co-operate with a search**

10.1 If a learner 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.

If a learner continues to refuse to co-operate, the member of staff may sanction the learner in line with the College's behaviour policy, ensuring that they are responding to misbehaviour consistently and fairly. This may include suspension and the learner being sent home.

10.2 CCTV footage may be viewed in order to decide as to whether to conduct a search for an item.

10.3 If a learner does not consent to a personal search of clothing and bags and the staff suspect prohibited items then consideration should be made whether the Police will be called if this presents as a risk to safety of learners, visitors and/or staff.

10.4 If prohibited items are found during the search then the College Disciplinary Policy should be followed.

## **11. Location of a search**

11.1 Searches can only be carried out on the College premises or, if elsewhere, where the member of staff has lawful control or charge of the learner, for example on an authorised trip or in training settings.

11.2 Searches on college property should take place out of view of anyone other than those that need to be present with appropriate sensitivity to vulnerability, gender, cultural or religious issues.

## **12. Dealing with electronic devices**

- 12.1 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.
- 12.2 As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.
- 12.3 Staff may examine any data or files on an electronic device they have confiscated as a result of a search, as defined in paragraph 13.2, if there is good reason to do so.
- 12.4 If the member of staff conducting the search suspects they may find an indecent image of a child (sometimes known as nude or semi-nude images), the member of staff should never intentionally view the image, and must never copy, print, share, store or save such images. When an incident might involve an indecent image of a child and/or video, the member of staff should confiscate the device, avoid looking at the device and refer the incident to the Designated Safeguarding Lead (or Deputy) as the most appropriate person to advise any further actions.
- 12.5 If a member of staff finds any image, data or file that they suspect might constitute a specified offence, then the Designated Safeguarding Lead (or Deputy) must report this to the police as soon as is reasonably practicable.
- 12.6 In exceptional circumstances members of staff may dispose of the image or data if there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files, the member of staff must have regard to the following guidance issued by the Secretary of State (see paragraphs 12.7 and 12.8 below).
- 12.7 In determining whether there is a 'good reason' to examine the data or files, the member of staff should reasonably suspect that the data or file on the device has been, or could be used, to cause harm, undermine the safe environment of the College and disrupt teaching, or be used to commit an offence.
- 12.8 In determining whether there is a 'good reason' to erase any data or files from the device, the member of staff should consider whether the material found may constitute evidence relating to a suspected offence. In those instances, the data or files should not be deleted, and the device must be handed to the police as soon as it is reasonably practicable by the Designated Safeguarding Lead or Deputy. If the data or files are not suspected to be evidence in relation to an offence, a member of staff may delete the data or files if the continued existence of the data or file is likely to continue to cause harm to any person and the learner and/or the parent refuses to delete the data or files themselves.

### **13. Procedure for Handling of Confiscated Items**

- 13.1 Colleges' general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a learner's property as a disciplinary penalty, where reasonable to do so.



- 13.2 An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:
- Anything which that person has reasonable grounds for suspecting is a prohibited item
  - Any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence.
  - Items that poses a risk to staff or learners safety
- 13.3 In regard to specific prohibited items the following actions will be applied:
- **Alcohol** may be retained and disposed of, together with its container.
  - **Illegal drugs or suspected illegal drugs or substances** must be reported to the police, who will advise if they need to collect and dispose of substances. They may advise the College to dispose of small amounts internally.
  - **Stolen property** must be reported to the police as soon as is reasonably practicable, but may be returned to its owner (or, if returning it to its owner is not practicable), retained or disposed of if the searcher thinks that there is a good reason to do so.
  - **Offensive weapons** must be reported to the Police as soon as reasonably practicable and must be the same day as the item was found.
  - **Pornographic images.** If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e., it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is thought necessary to pass them to the police in the interest of investigating a crime.
- 13.4 If prohibited items are to be retained or are awaiting collection by Lincolnshire Police, the Safeguarding Team may temporarily store such items, in a secure area intended for such purposes. This is located in a secure locked filing cabinet within Learner Services
- 13.5 In the majority of cases there will be no immediacy in acting on a find and any item seized during a search must be referred to the Safeguarding Team who will advise on or arrange disposal. It is important is to take possession of potentially harmful items so that they cannot be used by the learner.
- 13.6 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.
- 13.7 The College will inform parents as appropriate when a prohibited item is found, and notify them of any further action i.e., disciplinary or suspension of the learner.

## **14. Screening**

- 14.1 Screening can help provide reassurance to learners, staff and parents that the college is taking measures to create a calm, safe and supportive environment.
- 14.2 The College's duties as employers in relation to the safety of staff, learners and visitors enables them to impose a requirement that learners undergo screening.
- 14.3 Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan learners randomly for weapons before they enter college premises. If there is any reason to believe a learner has a weapon, the College will use a metal detector as part of the search and screening process.
- 14.4 Learners will be advised that the college will randomly screen individuals with a handheld metal detector during induction. Parents will be informed via the Parent Welcome event and letter.
- 14.5 All Staff will be notified of the dates of random screening a week before they occur to advise that learners may be held up with the process if they are selected to be screened.
- 14.7 In addition to using a handheld detector for screening, the College will occasionally invite police sniffer dogs to detect substances, depending on availability from the police. Learners and parents will not be made aware of when this will happen.
- 14.6 Where a learner has a disability, the College should make any reasonable adjustments to the screening process that may be required.
- 14.7 If a learner refuses to be screened, the member of staff should consider why they are not co-operating and make an assessment of whether it is necessary to carry out a search. See section 7 in this policy for searching a learner.
- 14.8 If a learner refuses to be screened, the college will refuse to have the student on the premises. Health and safety legislation requires the college to be managed in a way which does not expose learners or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- 14.9 If a learner fails to comply, and the college does not let the learner in on that occasion, the college has not excluded the learner and the learner's absence should be recorded as unauthorised.
- 14.10 This type of screening, without physical contact, is not subject to the same conditions as apply to the powers to search.

## **15. Confidentiality, Recording, Keeping and Monitoring**

- 15.1 All personal and sensitive information will be managed in accordance with GDPR.
- 15.2 There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent:
- Where the learner's behaviour threatens their safety or safeguarding, and that of others;
  - Or where the College would be liable to civil or criminal liability for failure to disclose.
- 15.3 All searches that take place on college premises will be recorded on a college incident form (Annex A) and passed on to the Head of Safeguarding & Wellbeing.
- 15.4 This Policy, along with any incident reports, will be monitored through the Health and Safety and Safeguarding Committees to ensure its effective operation. Feedback and lessons learned will inform improving awareness and communication.

## **16. Informing parents/guardians/Police and dealing with complaints**

- 16.1 College are not required to inform parents before a search takes place or to seek their consent to search their child. Parents may be informed if a prohibited item is found during a search as per this policy.
- 16.2 Where necessary Safeguarding and Wellbeing Officers will be responsible for informing the individual learner's parents or guardians where prohibited items including alcohol, drugs or potentially harmful substances are found, under the College's procedures. Where appropriate a report may be made to the police.
- 16.3 Complaints about searching or confiscation should be dealt with through the normal college complaints procedure.

## **17. Awareness and Training**

- 17.1 Staff should be aware that the possession of prohibited items by learners may come to light in various ways.
- 17.2 For further information please contact the Safeguarding Team.
- 17.3 Training will be provided to relevant staff as required.

17.4 The College provides raises learner's awareness of prohibited items through:

- Tutorial Sessions
- Awareness events
- External speakers
- Access to information and advice
- Close links with relevant external agencies
- Access to counselling (as appropriate)

**Annex A - Record of Search – Please return completed to:**  
[safeguarding@boston.ac.uk](mailto:safeguarding@boston.ac.uk)

Details of Learner		Learner ID:	
Full name:		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	DoB:
Tel No:		If under 18 Parent/Guardian Name:	
Address:			
Department/Service/Course:			
Details of Search			
Date of Search:			
Time of Search:			
Location of Search: Building & Room Number			
Permission to search obtained from Executive Team, SLT or Designated Manager for Safeguarding		Details:	
Have Learner Support Officers been informed?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>NB: If Learner is under 18 Learner Support Officers will inform parent/guardian when necessary</i>			
Grounds for Search:			
Reason for/Objective of Search:			
Details of those present			
College Staff/Tutors/Security Staff/other	Name	Telephone No	

<b>Did it involve Violence/Aggression?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>If yes, explain the circumstances</b>		
<b>What items were found?</b>  Consider photographing items, and identify where the seized property is stored.		
<b>Were the Police informed?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Has action been taken?</b> If 'yes', summarise below	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Suggested further action(s) if necessary</b>		

<b>Name (please print):</b>	
<b>Signature:</b>	
<b>Date:</b>	

