

**Name of Policy**

**Stop and Search Policy**

**Purposes**

The purpose of this policy is to promote a safe and healthy environment in which teaching and learning can take place, explain the College's powers of searching students as detailed in the Education Act 2011 and to ensure a consistent approach to searching students

**Responsibility of / Job Title**

Vice Principal Quality and Curriculum  
Head of Student Services and Support

**Equality Assessment By Whom**

J Disley

**Date**

03/2017

**Version**

1

**Date of next review (month & year)**

07/2019

**Approved by**

	<b>Date</b>
Senior Manager	
SMT	11/04/17
Corporation	

**Related policies or procedures or parent policy if applicable**

Safeguarding Policies  
Child Protection and Adults at Risk Policy  
Equality and Diversity  
Student Disciplinary Policy  
Health and Safety Policy

**Groups/bodies consulted in the development of the policy**

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**To be published on College website**

YES

## STOP AND SEARCH POLICY

### Purpose

Macclesfield College is committed to providing a safe, supportive, healthy and secure environment for students and staff.

The Education Act 2011 gives the Principal and authorised staff by the Principal the statutory 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 possession of prohibited items is not condoned and there is a zero tolerance approach.

The purpose of this policy is to:

- Promote a safe and healthy environment in which teaching and learning can take place
- Explain the College's powers of searching students
- Ensure a consistent approach to searching students
- Outline where, when and by whom a student may be searched.

### Legislative/Quality Framework

- Education Act 2011
- Department for Business, Innovation and Skills 'Screening, Searching and Confiscation', 2011
- Department for Education 'Screening, Searching and Confiscation', 2014

### Scope

This policy and procedure applies to full-time, part-time, school link and work-based learning students of Macclesfield College/

**Responsibility** Vice Principal Quality and Curriculum  
Head of Student Services and Support

Day to day management responsibility for this policy has been devolved to the Head of Student Services and Support (Designated Safeguarding Lead)

### Policy

For the purposes of this policy, the following definitions will be used:

#### Prohibited Items

- Drugs
- Drug paraphernalia
- Knives\* or weapons
- Stolen items
- Alcohol
- Fireworks
- Pornographic materials/images

Offensive weapon Knives or anything made, adapted or intended for use as a weapon

Drugs Illegal Class A, B and C drugs, 'legal highs' solvents (including aerosols, glue, cleaning and lighter fluid).

Drug paraphernalia Button bags, grinders, bongos, stash jars/containers, needles or similar items that could be linked to the use of drugs (possession/supply)

\* It is acknowledged that Catering students are required to use knives during practical sessions. The procedure of the use and storage of knives is determined and written by the Catering department. All students (full-time and work based learning) will be made aware of the procedures during their departmental Health and Safety induction.

### **Record keeping, complaints and appeals**

- Although there is no legal requirement to do so, a record will be made of all searches by the Stop and Search team. Incidents will also be recorded on Promonitor.
- Complaints against searching will be dealt with through the normal College complaints procedure.
- Appeals against any disciplinary action for prohibited items found through Stop and Search fall in line with the Appeals procedure in the Student Disciplinary Policy.

### **Dissemination**

Macclesfield College Intranet, Student Hub, Website.

### **Monitoring and Review**

The policy will be reviewed by Macclesfield College's Designated Safeguarding Lead.

## Procedures For Main Site

### Authorised Staff

The Principal has a trained and authorised Stop and Search team:

- Head of Student Services and Support
- Student Liaison Officer
- Estates Security Staff
- Senior Estates Staff
- Designated Learning Mentor
- Designated Curriculum Staff
- Designated Maxim Staff

### Key Points

- The Stop and Search team can search for **any item** if the student agrees
- Requests for searches to be carried out by the Stop and Search team must be reasonable, necessary and justified
- The Stop and Search team can seize any prohibited item found as a result of a search.
- Searches should only be carried out by a member of the Stop and Search team.

## Stop And Search Procedures

### With Consent Searches

#### Procedure

- Colleges are not required to have formal written consent from the student for this sort of search – it is enough for a member of the Stop and Search team to ask a student to turn out his/her pockets or ask if the staff member can look in the students bag or locker, and for the student to agree.
- CCTV can be checked where appropriate in order to make a decision whether to conduct a search for an item.
- The member of the Stop and Search team must be the same sex as the student being searched. There must be a witness present (staff member, this does not have to be a member of the Student Services team).
- Possessions which can be searched including clothing and goods over which the student has or appears to have control e.g. lockers and bags.

#### Actions

- If prohibited items are found, the confiscation procedure and student suspension procedure must be followed.
- A record of the incident should be made using Promonitor for the attention of the Head of Faculty, Assistant Principal Curriculum and Student Services (wellbeing@macclesfield.ac.uk). If prohibited items are not found, a record should still be made.
- The suspended student will be invited to a Disciplinary Hearing in line with the Student Disciplinary Policy.
- The outcome of the Hearing will determine the disciplinary procedure, but may lead to expulsion.

### Searches without Consent

#### Procedure

- Where a student refuses to consent to a search, if it is illegal for the student to have the suspected prohibited item in their possession, the police will be contacted. There is an age

limit for some prohibited items. It is illegal for students of all ages to possess knives or weapons, Class A, B or C drugs and stolen items. It is not illegal for students aged 18 or over to possess alcohol, fireworks and pornography. It is not illegal for students of any age to possess drug paraphernalia.

#### Actions

- If the police attend and prohibited items are found, the student suspension procedure must be followed. The police will be expected to remove the prohibited items otherwise the confiscation procedure will be followed.
- If the police do not attend, the student suspension procedure must be followed.
- A record of the incident should be made using Promonitor for the attention of the Head of Faculty, relevant Assistant Principal Curriculum and Student Services (wellbeing@macclesfield.ac.uk). If prohibited items are not found, a record should still be made.
- The suspended student will be invited to a Disciplinary Hearing in line with the Student Disciplinary Policy.
- The outcome of the Hearing will determine the disciplinary procedure, but may lead to expulsion.

#### Confiscation Of Prohibited Items

- An authorised person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence relating to an offence.
- Alcohol, fireworks, pornography or tobacco seized during a search of an under 18 student will be disposed of. • If 'legal highs' or solvents are found, these can be confiscated and disposed
- of.
- Illegal drugs, weapons or items which are evidence of an offence will be stored in the Head of Student Services and Support office in a lockable cabinet and handed over to the police as soon as possible.
- Stolen items will be stored in the Head of Student Services and Support office in a lockable cabinet and handed over to the police as soon as possible. Discretion will be used as to whether the police should be involved for items of low value. Stolen items may be returned to the owner if the staff involved in the incident believe there is a good reason to do so.
- Where staff are unsure as to the legal status of a substance and have reason to believe it may be an illegal drug, it should be treated as such.

#### 14-16 Students (IFP and Home Educated)

Any incidences or concerns involving school link pupils will be dealt with in the same way as College students. Where possible, a member of the school staff will be a witness to the search. The teaching staff member responsible for them in College will inform the link staff member in the relevant partner high school of the search and outcome.

Disciplinary action will be taken in liaison with school protocol wherever possible.

#### Contact With Parents

- College is not required to inform parents of students aged under 18 before a search takes place or to seek their consent to search.
- Parents will be informed, in line with the Student Disciplinary Policy, if prohibited items are found and the student is suspended.

## Procedures Off-Site

### College Organised Trips/External Events

- Students must not have in their possession any prohibited item on a college organised trip or during an external event.
- If there are reasonable grounds to suspect that a student may have a prohibited item in their possession, the Trip or Event Leader can ask a student to turn out his/her pockets or ask if the staff member can look in the students bag or possessions
- A minimum of two staff members must be present including one of the same sex as the student.
- If the student does not consent to a search, the Trip or Event Leader may take the decision to contact the police, taking into account the suspected prohibited item and legality of possession.
- If prohibited items are found, these should be confiscated and the confiscation procedure followed (Appendix 1 Section 4) as soon as is practicable.
- As soon as possible, the suspension procedure will be followed and a record made on Promonitor (Appendix 1 Section 3.1 Actions).

### Work Based Learning/Work Placement Students

- Students must not have in their possession any prohibited item whilst on any work placement, regardless of whether it is a paid or unpaid placement.
- If the employer has reasonable grounds to suspect that a student has a prohibited item in their possession, they may ask the student to leave the premises or contact the police, taking into account the suspected prohibited item and legality of possession.
- If the employer has a stop and search policy (or similar), this must be covered in the placement induction and/or included in the contract of employment.
- Any concerns during placement by the employer should be referred back to the relevant assessor (work based learning students) or personal tutor (work placement). Depending on the concerns, the Student Disciplinary Policy may apply.