

**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** Deputy Principal  
Designated Safeguarding Lead

**Equality Assessment By Whom** Deputy Principal **Date** Sept 2023

**Version** 3 **Date of next review (month & year)** Sept 2024

	<b>Date</b>	
<b>Approved by</b>	SMT	October 2023
	Corporation	n/a

<b>Related policies or procedures or parent policy if applicable</b>	Safeguarding Policies Child Protection and Adults at Risk Policy Equality and Diversity Student Behaviour Policy Health and Safety Policy Drugs, Alcohol and Substance Misuse Policy
<b>Groups/bodies consulted in the development of the policy</b>	External agencies
<b>To be published on College website</b>	Yes
<b>To be published on Student Hub</b>	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 staff authorised by the Principal the statutory power to search students for any prohibited items where there are reasonable grounds for suspicion that a student is in possession of such an item.

The possession of prohibited items is not condoned and the College operates 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 Education 'Screening, Searching and Confiscation' 2022

### Scope

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

### Responsibility

Deputy Principal  
Designated Safeguarding Lead

Day to day management responsibility for this policy has been devolved to the 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

Drugs Illegal Class A, B and C drugs, new psychoactive substances (previously known as legal highs), solvents (including aerosols, glue, cleaning and lighter fluid).

Drug paraphernalia button bags, grinders, bong, 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 Behaviour 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 who are authorised to conduct a Stop and Search. Any Stop and Search activity will be undertaken by two members of 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 and must include someone from Student Central.

### **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 student's 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.
- A minimum of two staff members must be present including one of the same sex as the student.

- Possessions which can be searched include 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 must be followed and the student suspended if deemed necessary.
- A record of the incident should be made using Promonitor for the attention of the Centre Principal and the Designated Safeguarding Lead. If prohibited items are not found, a record should still be made.
- The student will be invited to a Disciplinary Hearing in line with the Student Behaviour Policy.
- The hearing will determine the disciplinary outcome and may lead to exclusion.

### **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 may 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 illegal items are found, the student suspension procedure must be followed. The police will be expected to remove the illegal items.
- If the police do not attend, the student suspension procedure may be followed if the staff member remains suspicious
- A record of the incident should be made using Promonitor for the attention of the Centre Principal and the Designated Safeguarding Lead. 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 Behaviour Policy.
- The hearing will determine the disciplinary outcome and may lead to exclusion.

### **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 students 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 Designated Safeguarding Lead's 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 Behaviour 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 student's 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
- As soon as possible, the suspension procedure will be followed and a record made on Promonitor

#### **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 Centre Principal (work placement). Depending on the concerns, the Student Behaviour Policy may apply.