

Stop and Search Policy

1. Purpose

- 1.1 South & City College Birmingham is committed to providing a safe, supportive, healthy and secure environment for its students, staff and visitors.
- 1.2 The Education Act 1996 gives the Principal and authorised staff, 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.
- 1.3 The College places the highest priority on the creation and promotion of a safe and secure environment for all students and staff. The possession of prohibited items is not condoned. To this end, the senior leadership team (SLT) adopts a zero tolerance policy in relation to prohibited items listed in Section 4.1.1 below.
- 1.4 The purpose of this policy is to:
- promote a safe and secure environment in which people can study and work;
 - outline where, when and by whom a student may be searched, when there are reasonable grounds for suspecting that there is a prohibited the student's possession and
 - ensure a consistent approach by those authorised to stop and search is adopted across the College.
- 1.5 The legislative framework:
- Education Act 1996 and 2011
 - Department for Education 'Searching, screening and confiscation – Advice for head teachers, school staff and governing bodies' January 2018
 - Department for Business, Innovation & Skills 'Screening, searching and confiscation – Advice for principals, staff of further education colleges, sixth form colleges and 16-19 academies' 2011
 - European Convention on Human Rights (Article 8)

2. Scope

- 2.1 This policy applies to all academy, alternative provision, school link, further education, higher education and work-based/ apprentice students at the College.

3. Responsibility

- 3.1 The Deputy Principal and Assistant Principal for Estates & IT Support is responsible for this policy.
- 3.2 Day to day management responsibility for the implementation of this policy has been devolved to full senior leadership team, the Designated Safeguarding Lead (DSL) and the Director for Student Engagement (Deputy DSL).

4. Definitions & Policy Guidelines

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

4.1.1 **Prohibited items** identified by the College are:

- knives
- weapons (including anything made, adapted or intended for use as a weapon)
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers, vapes (under 18s only)
- fireworks
- pornographic images
- nitrous gas
- 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, damage to the property of, any person
- any unlawful item

There is absolutely no situation in which the possession of prohibited items will be considered safe and acceptable unless they are being used in the course of a supervised lesson or by other authorised personnel during the course of their work.

4.1.2 **Screening** - This is where the College can require students to undergo screening by a walk-through or hand-held detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students. The College's statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening.

4.1.3 **Searching** - The Principal and any person authorised by the Principal, who are appropriately trained can search students without their consent for any prohibited item. The exception to this is students aged over 18 must consent to being searched for alcohol, tobacco products, fireworks or pornography. If a student refuses to be searched, the local SLT member will use their discretion and either call for Police assistance or suspend the student following normal College policies and procedures.

4.1.4 **Grounds for conducting a search** without consent are as follows:

- College staff can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item.
- The member of staff must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

- In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student's expectation of privacy increases as they get older. It is always in the interest of the member of staff, and of the college, to have a witness present wherever possible.
 - The statutory powers allow college staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where staff suspect a student of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.
 - Authorised College staff, in line with the CCTV policy, can view CCTV footage in order to make a decision as to whether to conduct a search for an item.
- 4.1.5 **Location of a search** - Searches without consent can only be carried out on the college premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on college trips or in training settings.
- 4.1.6 **Extent of the search (clothes, possessions, desks and lockers)** - The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means (i) clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear or (ii) clothing such as coats, hats, shoes, boots, gloves and scarves. 'Possessions' means any goods over which the student has or appears to have control - this includes desks, lockers and bags. A student's possessions can only be searched in the presence of the student 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.
- 4.1.7 The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which can only be carried out by a person with more extensive powers (e.g. a police officer).
- 4.1.8 **Lockers and desks** - The College is able to search lockers and similar storage facilities for any item provided the student agrees. The College can also make it a condition of having a locker that the student consents to have it searched for any item whether or not the student is present. If a student does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only where the member of staff has a reasonable belief that the student is in possession of a prohibited item.
- 4.1.9 **Use of force** - Reasonable force may be used by the person conducting a search for prohibited items or articles that have been or could be used to commit an offence or cause harm. Separate advice is available on the Department for Education website on teachers' power to use force in schools and this advice also applies to colleges. Web link: [DfE 'Use of reasonable force' - July 2013](#)

- 4.1.10 **Confiscation**, College staff can seize any prohibited item found as a result of a search. They can also seize any item, however found which they consider harmful or detrimental to College discipline.
- 4.1.11 **Confiscated alcohol, fireworks, tobacco and cigarette papers or vapes** must be disposed of and not returned to the student.
- 4.1.12 **Confiscated controlled drugs, stolen items, unlawful items, knives and other weapons** must be delivered to or collected by the Police as soon as reasonably practicable. Stolen items may be returned to the owner, if they can be identified. Low value stolen items such as pencil cases should not involve the Police.
- 4.1.13 **Confiscated pornographic images** should be disposed of unless there are reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to or collected by the Police as soon as reasonably practicable.
- 4.1.14 **Dealing with electronic devices** - Where the person conducting the search finds an electronic device that is prohibited by the College rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the Police. If an electronic device that is prohibited by the College rules has been seized and the member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the Police as soon as it is reasonably practicable.

5. Equality and Diversity

- 5.1 The College's commitment to equal opportunities and social inclusiveness is demonstrated through its determination that every learner receives the high quality learning experience which will bring him / her success.
- 5.2 The College will ensure that the Policy operates within the spirit and letter of the College Single Equality Scheme.
- 5.3 All stop and searches will be logged, recording the anonymised age, gender and ethnic profile of the people being searched. Data captured will be analysed to measure impact and ensure no discrimination or inequality is taking place. An annual report will be prepared and presented to Corporation on the previous year's stop and search activity.

6. Safeguarding

- 6.1 The College will ensure that its Stop and Search Policy promotes safeguarding of children and vulnerable adults in accordance with its Safeguarding Policy.

7. Related Documents

- Safeguarding Policy
- Student Disciplinary Policy and Procedure

- Behaviour Strategy
- Code of Conduct for Staff
- Code of Conduct for Students
- Health and Safety Policy
- Single Equality Scheme

8. Date for Next Review

8.1 The policy is to be reviewed on an annual basis, once approved and adopted by the College.

9. Policy Change History

Version	Date	Description of changes made	Changed by:
1	29.03.2022	First draft of new policy	Paul Morris
1.1	18.11.2022	Revised draft policy i) Advice on use of reasonable force ii) Review of related documents iii) Inclusion of EDI monitoring and reporting	Paul Morris
1.2	01.01.2023	Approved policy	Paul Morris
1.3	06.12.2023	4.1.3 Searching – addition of what to do in the event of a student refusing the search	Paul Morris
1.4	11.12.2023	4.1.1 and 4.1.11 included vapes	Paul Morris