

DOCUMENT DETAILS

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Summary	The purpose of this document is to set out the policy for Nottingham College Stop and Search

DOCUMENT CONTROL

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CONTENTS

1. INTRODUCTION	3
2. OBJECTIVE	3
3. RESPONSIBILITIES	3
4. DEFINITIONS.....	4
5. POLICY STATEMENT	4
6. GOOD PRACTICE.....	4
7. PROACTIVE PREVENTATIVE MEASURES.....	4
8. LEGAL DUTIES AND COMPLIANCE.....	5
9. GROUNDS FOR A SEARCH	6
10. COLLEGE PROCESS	6
11. SEIZING ITEMS FOUND.....	7
12. ELECTRONIC DEVICES.....	8
13. RECORDS	8
14. REFERENCES	8
15. MEASURES	9

1. INTRODUCTION

Nottingham College seeks to ensure, as far as reasonably practicable, the security and safety of all students, staff, other workers and visitors and contractors, whilst within or situated on College premises. The College expects all students, members of staff, agency workers, visitors and contractors assist the Security Team to ensure the success of the Policy.

2. OBJECTIVE

The objective of this Policy is to explain powers held by Nottingham College in terms of the Searching of students, to ensure a consistent approach and promote a safe and healthy teaching and learning environment.

3. RESPONSIBILITIES

Responsibility for security rests with all students, staff (including contractors and agency workers) and with visitors to the College. Within this overall responsibility, some particular elements are defined as below:

3.1. Senior Leadership Team

The Senior Leadership Team of the College should ensure that support and resources are available to staff for the implementation of the Search Policy. Necessary measures to improve security and reduce risk should receive priority consideration.

3.2. Security Manager

The Security Manager is responsible for the overall development and planning of the Security Policies and procedures, day-to-day organisation and supervision of the Security Team. Where appropriate, specific training to achieve acceptable standards of operation should be supported and prioritised.

3.3. Security Coordinators

3.4. The Security Coordinators are responsible for the day-to-day supervision of the Security Team. Security Coordinators ensure that Policies and Procedures are adhered to.

The Security Team are responsible for the effective operation and enforcement of the Security Policies and Procedures.

3.5. Heads of Faculties and Departments

Heads of Faculties and Departments have a pivotal role in promoting security alongside safety within their areas. It is recognised that Heads will wish to delegate responsibility for the routine involved in these tasks to nominated individuals within their department but overall responsibility for security matters will remain with the Head of Department.

3.6. All Staff

All staff, including those with a contract of work; temporary, agency, voluntary or ad-hoc basis, must ensure that they are familiar with and follow the procedures in the College Search Policy. Staff should report all activity, suspected or real, of a criminal nature, unacceptable behaviour, or any suspicious activity immediately to the Security Team. They must cooperate with requests from the Security Team in relation to all security procedures.

3.7. All Students

All students have a responsibility to ensure they give due consideration to security issues and must follow security procedures.

3.8. All Visitors

All visitors, including conference delegates and event attendees, have a responsibility to give due consideration to security issues. Visitors must follow instructions from the Security Team or from their host department.

4. DEFINITIONS

For the purposes of this policy, words and phrases are explained within the body of the document.

5. POLICY STATEMENT

The College will:

- Comply with all legal and statutory duties.
- Take a preventative approach in crime reduction.
- Plan, implement, monitor and review policies and procedures to ensure the maximum is done to maintain a safe College environment.

6. GOOD PRACTICE

Nottingham College prides itself in a friendly, work-driven atmosphere where support exists for both staff and students at many levels. At the same time, the College meets challenging behaviour in a firm manner, making full use of disciplinary procedures so that this positive atmosphere can be maintained.

The College promotes a safe and healthy environment for teaching and learning in many ways. In terms of the Search Policy, the College will take the following steps as best practice:

- Staff receive regular training in managing challenging behaviour and further or specific training can be requested by contacting the Organisational Development Team.
- The College tutorial programme and Emotional and Behaviour Difficulty work will be used to get across the message prohibited items and College search powers.

7. PROACTIVE PREVENTATIVE MEASURES

- Suspicions of anyone possessing a prohibited item should be reported immediately to the Security Team.
- Any prohibited item found on College premises should be immediately reported to the Security Team.
- The College works closely and cooperates fully with local Police.
- Random searches are organised per campus as a deterrent for carrying prohibited items; these are organised and approved by the Security Manager in line with College processes outlined below.

8. LEGAL DUTIES AND COMPLIANCE

Section 89 of the Education and Inspections Act 2006 requires that banned items under the College rules must be determined and publicised. This Act also requires that the College Behaviour Policy be issued to staff, parents and students at least annually. This is done through Student Inductions, the Tutorial Framework and information is available on College Portals.

Section 3 of the Health and Safety at Work Act etc. 1974 gives Employers a duty to manage the safety of staff, students and visitors. The Search Policy aims to support this duty.

Under Article 8 of the European Convention of Human Rights, students have a right of respect to their private life. In this context, this means that students have the right to expect a reasonable level of personal privacy. This Article is not absolute and any interference by the College i.e. a search of their person or possessions must be justified and proportionate.

Section 85AA of the Further and Higher Education Act 1992 gives colleges the power of search where there are reasonable grounds to believe the student is in possession of prohibited items. Prohibited items include:

- Knives or weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers for those under 18.
- Fireworks for those under 18.
- Pornographic images with a child content¹ or of an extreme nature.
- Any article that the member of staff reasonably suspects has been, or is likely to be used to:
 - Commit an offence.
 - Cause personal injury to, or damage to the property of, any person (including the student).
- Items banned and identified under the College rules.

¹ Child content in this context is defined as those under the age of 18

Section 91 of the Education and Inspections Act 2006 gives College staff the power to confiscate, retain or dispose of student property as a disciplinary penalty, where reasonable to do so.

9. GROUNDS FOR A SEARCH

In order for a search to be carried out, reasonable grounds must be proven. The member of staff requesting the search must establish reasonable grounds based upon the individual circumstances of the case. CCTV can be used to aid this decision and whether to conduct a search.

10. COLLEGE PROCESS

Where a search is carried out, the search will:

- Be authorised by the CEO. This Policy delegates this power from the CEO to the Security Manager; any search of a student, their possessions or lockers, carried out by Nottingham College staff must be in the knowledge and with the permission of the Security Manager.
- Take place on College premises (or elsewhere the staff member has lawful control i.e. a trip).
- Be in the presence of the student and staff witness if possessions or lockers are being searched. This element can be negated if there is a risk of serious harm to a person if the search is not conducted immediately and where it is not practical to have the student or staff witness present.
- Be with consent from the student wherever possible. Where consent is withheld, the search must be deemed as reasonably necessary in the circumstances to look for prohibited items.
- Take place in a secure and confidential area on College property or where the student is within lawful control of the College.
- Be carried out by a trained member of the College Security team and in the presence of a member of the College Operational Leadership Team (OLT). The Security team member conducting the search, and, if possible, the OLT member should be the same sex as the student. Where there is concern for the safety of the student, or others, this requirement may be negated.
- Where the search of a student is authorised, the search must take necessary steps to respect religious considerations i.e. a female Muslim student wearing a hijab should only be searched in the presence of female staff in a private area.
- Only use physical restraint in searches for illegal items and where reasonable, necessary and proportionate given the circumstances of the case; physical restraint must not be used to search for items banned under College rules.
- Only request the removal of outer clothing i.e. not immediately being worn over underwear.

Where prohibited items are found and the student is under 18 or a vulnerable adult, parents will be informed.

The following must also be considered:

- Where physical restraint is anticipated prior to the search taking place, the Police will be called and no action will be taken until the Police arrive.
- Where a dangerous or threatening situation arises, all staff and students will be evacuated from the immediate vicinity and College management called to support the incident. The Security team will dial 999 immediately. If possible, the student will be kept in their current location until the Police arrive. If the student attempts to escape with the prohibited item, no attempt will be made to apprehend the individual.

11. SEIZING ITEMS FOUND

The member of staff carrying out the search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Where the following items are found, the member of staff should retain the item and responsibly dispose of it:

- Alcohol.
- Tobacco or papers (under 18's).
- Substances that could be harmful or detrimental to good order and discipline.
- Fireworks.
- Items banned by the College rules.

Where the following items are found, the Police should be informed and the item delivered to them as soon as possible:

- Knives or dangerous weapons.
- Illegal or suspected illegal drugs.
- Stolen items.
- Pornographic images of an illegal nature i.e. child or extreme content.
- Electronic devices containing data or files that are evidence of a criminal offence.
- Any item used to commit an offence or to cause personal injury or damage to property.

12. ELECTRONIC DEVICES

Where an electronic device is found and is reasonably suspected to have been used to commit an offence, cause personal injury or damage to property, the data or files may be examined.

Where the data or files are evidence of an offence, the device must be given to the Police without deletion.

Where the data or files are evidence of a breach of College discipline, the data or files may be evidence and therefore the device may be retained for investigative purposes.

13. RECORDS

A record of the search must be kept as best practice. It is the responsibility of the staff carrying out the search to record the following information via the electronic security incident reporting system

- Time, date and location of search.
- Reasons for the search being requested, suspicions and where these arose from.
- Who authorised the search.
- Who carried out the search and which OLT member was present.
- Whether the student gave consent for the search. Where consent is given, a written record of consent should be uploaded and attached to the report. Where consent was withheld, justification for the search being carried out.
- Any other relevant information, photographs or documents to be uploaded and attached to the report.
- Where the Police are called, the incident or crime number and investigating officers name/number.
- Any prohibited items found and the response given by the student.
- Whether reasonable force was used with justification for use.
- If parents are informed, the name of the parent, how they are informed, by whom and any response.

14. REFERENCES

This Policy has been developed in accordance with and under the guidance of the:

- Section 89 of the Education and Inspections Act 2006.
- Section 3 of the Health and Safety at Work Act etc. 1974.
- Under Article 8 of the European Convention of Human Rights.
- Section 85AA of the Further and Higher Education Act 1992.
- Section 91 of the Education and Inspections Act 2006.
- Searching, Screening and Confiscation. Advice for head teachers, school staff and governing bodies - January 2018.

15. MEASURES

The effectiveness and compliance of the policy will be monitored and measured in a variety of ways. These will include:

- Regular reporting to the Safeguarding Network.
- Regular reporting to the Health & Safety Committee.
- Individual training and development records.