

Stop and Search a Student or Apprentice Policy

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If you, or someone you know, would like this document in large print, audio, electronically or in Welsh, please contact:

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Gower College Swansea

Student Search Procedures

1. Introduction

- 1.1 The Education Act 1996 gives the Principal and authorised staff by the Principal the power to search students and apprentices enrolled at the College for any Prohibited items where there is reasonable grounds for suspicion that a person is in possession of such an item.
- 1.2 The Principal and Strategic Management Group (CMT) place the highest priority on the creation and promotion of a safe and secure environment for all students, apprentices and staff. To this end, CMT adopts a '**zero tolerance**' policy in relation to prohibited items listed.
- 1.3 The purpose of this policy is to outline where, when and by whom a learner or apprentice may be searched when there are reasonable grounds for suspecting that there is a prohibited item being carried by them.
- 1.4 This policy helps to mitigate that risk by identifying authorised personnel and identifying the procedure to be followed.

2. Definitions

- 2.1 An offensive weapon is anything made, adapted or intended for use as a weapon.
- 2.2 There is absolutely no situation in which the possession of such articles will be considered safe and acceptable unless they are being used in the course of a supervised lesson, work placement or by other authorised personnel during the course of their work.
- 2.3 Prohibited items identified by the College are:
 - Knives or weapons
 - Illegal Drugs/Psychoactive drug
 - Alcohol
 - Fireworks
 - Pornographic images
 - Stolen items
 - 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

3. Scope

- 3.1 All learners at the College including pupils from schools receiving some of their compulsory education at College and apprentices.
- 3.2 The College has made the decision that should a student or apprentice not consent to be searched then the student should be asked to leave the premises and the police informed by Exec. Only **with consent** searches will be carried out by members of authorised College staff.
- 3.3 **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, when the item is drugs, then the College policy for the disposal of drugs must be followed. (refer to Drugs and Alcohol policy)

4. Responsibilities and Conditions

- 4.1 Staff who undertake a search according to the law and who follow their employer's guidelines are protected by the law. **All Managers** will be authorised by the Principal to carry out these procedures.
- 4.2 Two members of staff must be present during a search of a student or apprentice or their possessions.

The search can include Lockers, bags and cars with the student or apprentice consent. Lockers can be searched without consent if there is strong suspicion that a prohibited item is stored in the locker.
- 4.3 For a search the "second person present" must be a member of the College staff, defined as any Lecturer, Assessor who works at the College or anyone who, by the authority of the Principal, has lawful control or charge of the students e.g. tutor, lecturer, assessors, etc.
- 4.4 On offsite educational visits, staff should normally rely on calling the police rather than seek to have a member of staff authorised to search on every visit where suspicion might arise.
- 4.5 While the law on the power to search does not explicitly prevent more than two persons being present at a search, only in exceptional circumstances should more staff be present than the two who must be present.

For example, searching a student or apprentice with particular Special Educational Needs might be helped by support from a further adult with expertise on the student's needs; or, where particular religious or cultural sensitivities might apply, an adult with knowledge of those aspects might help. Some searches might be helped by a parent's presence where that is practicable. A search can in principle be conducted with other persons present, though the student's or apprentice privacy and dignity should be safeguarded.

5. Related Documents

Student Disciplinary Policy
Complaints Policy
Drugs and Alcohol Policy

6. Welsh Language

Mae Coleg Gŵyr Abertawe yn ymrwymedig i hyrwyddo'r iaith Gymraeg, yn unol â Safonau'r Iaith Gymraeg a Mesur y Gymraeg (Cymru) 2011.

Gower College Swansea is committed to the promotion of the Welsh language, in accordance with the Welsh Language Standards and the Welsh Language (Wales) Measure 2011.

Appendix One

Search Procedures

1. Reasonable Suspicion (which allows a search to take place)

If authorised staff suspect a prohibited item is somewhere in the College or on an offsite educational visit, they can search any of their student or apprentice if they have reasonable grounds for suspecting that he, she, they have a prohibited item with them in their possessions. This is a legal standard and not a subjective one; the searcher must assess what constitutes, in each particular case, reasonable grounds for suspicion that a student may have a prohibited item with them in their possessions.

Suspicion should be based on facts relevant to the likelihood of finding a prohibited item. Reasonable suspicion will rarely be supported on the basis of personal factors alone, without reliable supporting intelligence or information about some specific behaviour by the student or apprentice, to be searched.

For example, a student, apprentice, race, age, appearance, or any isolated instance of misbehaviour in the distant past must not be used alone or in combination with each other as the reason for suspecting that student or apprentice. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of students or apprentices as more likely to be in possession of a weapon.

2. Options before a consent search

The college will only use the power of search if they have first exhausted other options:

- (a) Where staff suspect a student or apprentice is in possession of a prohibited item, they should seek to confirm or allay their suspicion by questioning the student;

Staff should use "talking down" techniques to calm the student or apprentice, and prevent or reduce any risk of their exchange escalating.

- (b) If questioning confirms suspicion, staff should ask the student, apprentice, to surrender the prohibited item, reminding them about College rules.
- (c) If suspicion remains and the student or apprentice does not surrender the prohibited item, staff should ask the student to consent to a search.

- (d) **If staff decide a search would not be safe or a student, apprentice refuses to be searched they ask the person to leave the premises and inform EXEC who will coordinate the response if the police are to be called.** The power to search is not a duty: it should only be used where it is judged safe to do so.

In particular, if it is believed that a student or apprentice is carrying a weapon and is likely to resist a search physically, staff should call the police rather than try to overcome him, her, them.

3. Extent of Search – Clothes and Possessions

The power to search on suspicion enables a personal search, involving removal of outer clothing and the student, apprentice, turning out their own 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.

The searcher can request the student, apprentice, removes outer clothing (e.g. a coat, jacket or pullover) If it is necessary for the search. If they refuse and staff still suspect a prohibited item is being carried, they should ask the suspected person to leave the premises and request EXEC advise the police. This option is always available: the College can stop the search at any point and request EXEC call the police instead. (Resisting a police search can be a criminal offence.)

Staff must not require a searched student to remove, and must not themselves remove, clothes beneath outerwear: e.g. trousers, skirt, sari, shirt, blouse, shalwar-kameeze (tunic and trousers), socks, tights. Nor should staff seek the voluntary removal of such clothes. Students, and apprentices volunteering to remove such clothes should be required **not to do so**. *Staff must be careful not to touch or hold a student indecently.*

3.1 Reasonable steps should be taken to preserve the dignity and privacy of any searched student, or apprentice:

- searching out of sight of other students, apprentices or staff passing by – though privacy may not always be possible, e.g. where staff decide to search a line of students, apprentices, waiting to board a coach.
- searchers should be sensitive to issues of race, culture or religion, e.g. where a student's customary head covering or other outer clothing has religious or cultural associations.
- Students, apprentices who are Sikhs might carry, as a religious duty, a ceremonial knife (kirpan). See appendix 1. Since this is legitimate item, staff should ask a Sikh student to declare it before being screened or searched in the same way as other legitimate metallic objects (e.g. keys or coins) should be declared.

4. After the Search

If no prohibited item is discovered by a search, the College can decide to take no further action, but should still:

- briefly record the outcome and provide a copy to the Learner Safeguarding and Welfare Manager
- inform the student's, apprentices, parent (if under 18) and they give consent
- inform the college's governing body annually of how many searches took place under the policy, and the results.

5. Records

Given that a the student or apprentice is holding a prohibited item on College premises, they could also be committing an offence, it is possible that the student, or apprentice will be arrested by the police, and that members of staff involved in the search will be called as witnesses in a criminal prosecution.

A written record will be kept of any occasion when a student is searched for any prohibited item.

The record should include:

- Name, date of birth, gender, ethnicity of every student searched
- Grounds of suspicion
- Date, time and place
- Who searched
- Who else was present
- What if any reasonable force was used, and if so why
- How the search began and progressed
- The students responses and how staff managed them (e.g. steps taken to calm the student)
- Outcomes and follow-up actions

As a College we will keep records to monitor who we stop and search to ensure we do not discriminate against any group. This data will be reported on in Learner Services and Support subcommittee on a termly basis.

6. Informing Parents: Complaints

The College is not required by law to inform a parent before a search or seek parental consent, but a parent might feel concerned about their child being searched.

The College should generally inform parents of students, apprentices, other than 18 year olds when their child has been searched, and offer an opportunity to discuss the matter. (Informing parents does require consent and is not a legal requirement). Any complaints will be dealt with through the complaints policy.

7. Data Protection

All written reports will be retained by the Learner Safeguarding and Welfare Manager for a period of three years.

Appendix Two

Staff with responsibility for conducting a Stop & Search on a student or apprentice

All Managers of the College are responsible for conducting a Stop & Search of a student, apprentice or client

Ensure appendix 1 Search Procedures are followed

The Stop & Search form in appendix 5 must always be completed and forwarded on to the Student Safeguarding & Welfare Manager

Appendix Three

Sikh: Wearing of the Kirpan

Introduction

This appendix is intended to provide advice regarding the wearing of the Kirpan.

Guru Gobind Singh, the founder of the Khalsa (brotherhood of Sikhs), instructed its members to wear five special signs to show that they were Sikhs. Known as the 'five Ks' these signs are: kesh (uncut hair), kangha (comb), Kara (steel wristband), Kaccha (shorts/underwear) and Kirpan. Each sign has a particular significance. A Khalsa is a baptised Sikh, male or female.

- **Kesh** is a symbol of spiritual strength and power and an acceptance of 'good will'.
- **Kangha** is a symbol of cleanliness and of well – ordered life.
- **Kara** is a symbol of strength, unity, equality and justice and is worn by everyone from a Sikh family.
- **Kachhera** is a symbol of high moral character, modesty and sexual morality
- **Kirpan** is a symbol of respect, justice and authority; it is a reminder that Sikhs are warriors.

The Kirpan is one of the 'five Ks' that Sikhs who have been initiated into the Khalsa by receiving Amrit (holy nectar) are expected to wear at all times.

The Kirpan is a symbol of respect, justice and authority; it is a reminder that Sikhs are warriors. However the Kirpan is never used for offensive purposes.

The word Kirpan comes from the word 'Kirpa' and 'aan'. Kirpan means act of kindness, a favour, and 'aan' means honour and self-respect. Thus for Sikhs the Kirpan symbolises hand of mercy. To call it a dagger or a knife is insulting to the article of faith as the functions of these items are very different from the Kirpan.

Background

Section four of the Offensive Weapons Act 1996 creates the offence of having an article with a blade or point (or offensive weapon) on school/college premises etc. Under section four, subsection (2), a person has a defence if the article in question is worn for religious reasons or as part of any national costumes.

We have to balance the responsibilities to ensure the health and safety of persons at College with the religious requirements of practising Sikhs.

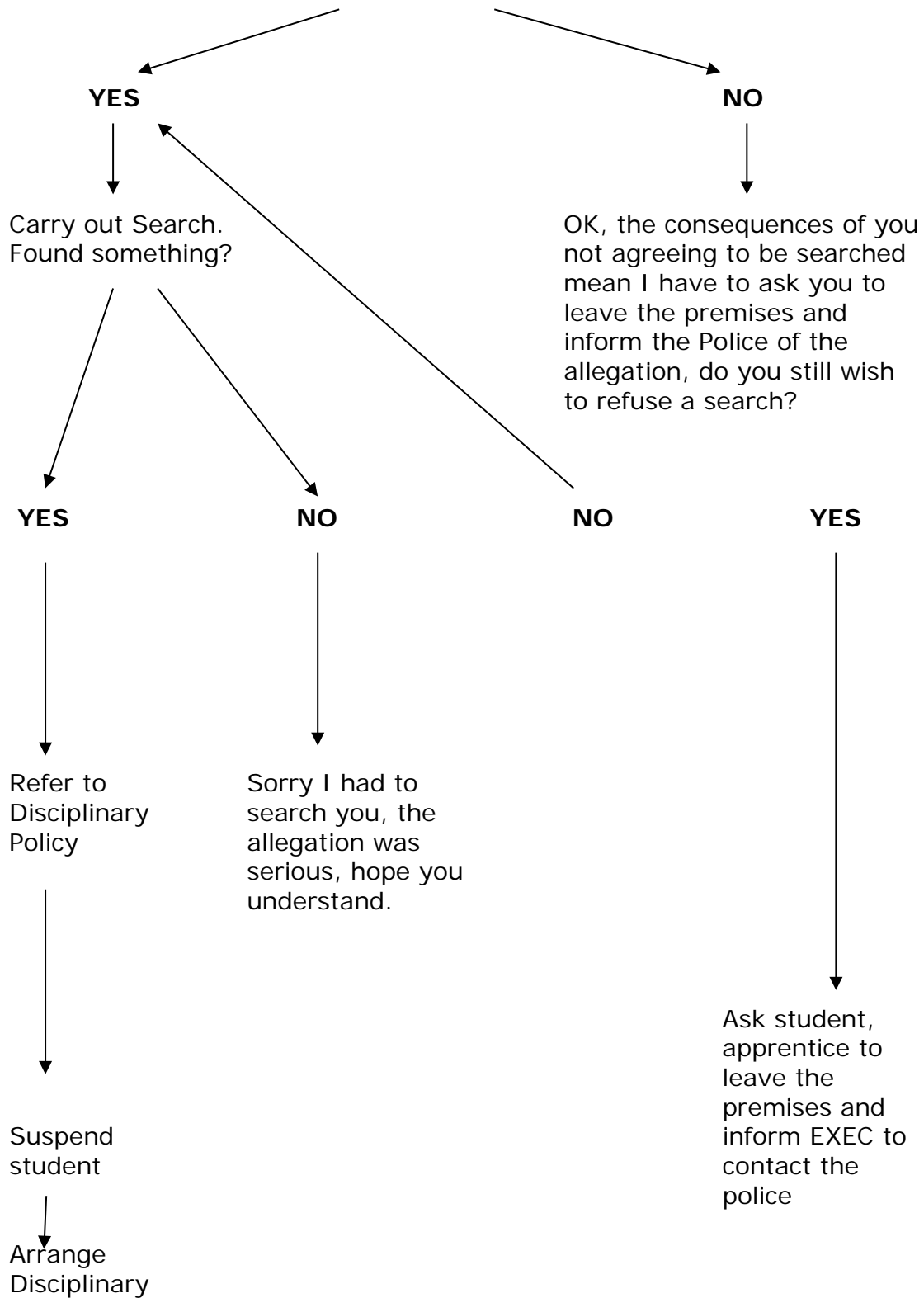
Guidelines

1. There should be no objection to the wearing of the 'five Ks', including the Kirpan.
2. Parents or religious leaders should be asked to authorise the wearing of the Kirpan by confirming that a young person has been initiated into the Khalsa by receiving Amrit and are therefore expected to wear the 'five Ks' at all times.
3. The Kirpan should not be more than six inches in length (including both blade and handle) and the blade should not exceed three inches in length; the Kirpan should always be sheathed and worn out of sight.
4. The Kirpan should never be unsheathed and should never be used as a weapon to threaten others. In either case the kirpan should constitute an offensive weapon within the law. Students, apprentice, would be subject to College's disciplinary procedures; this might include police involvement.
5. College staff will expect to remove the Kirpan from any student, apprentice, not wearing all five K's and to contact the student's parents at the earliest opportunity to discuss the situation with them.
6. In the event of serious or persistent breaches of the above conditions by a student or apprentice the College may refuse permission for the concerned to wear the Kirpan whilst at College.

Appendix Four

Example of how to approach a student, apprentice, search:

An allegation has been made that you are in possession of 'drugs/alcohol/fireworks etc', due to this allegation I need to search you/your bag/your locker. Is this OK?



Appendix Five

Record of Search must be completed every time a search is conducted and the record card given to the Learner Safeguarding and Welfare Manager for storage and reporting purposes.

Stop and Search a Student, apprentice or client Record of Incident	
Today's Date:	
Student, Apprentice, Name:	
Gender	
DOB	
Ethnicity: White/BAME	
Location	
Name of person who performed the search	
Name of person who witnessed the search	
Outline of any reasonable force used, and if so why	
Details of how the search began and progressed	
Note of person being searched responses and how staff managed them (e.g. steps taken to calm them)	
Outcomes and follow-up actions	