



DERBY COLLEGE GROUP POLICY

PROCEDURE

Searching, Screening and Confiscation Procedure

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Procedure Originator:	Team Manager – Student Engagement

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POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS

1. Introduction

Overview

The College also has a duty of care to ensure the health, safety and welfare of all who participate or are involved with its activities.

The Education Act 2011 further amended the Further and Higher Education Act 1992 and subsequent Acts regarding the screening and searching of students for prohibited items. There is, therefore, a need for Derby College to put in place a policy and procedure that empowers staff to act in situations in which they believe a student may be in possession of a prohibited item. This policy and supporting procedures have been produced to ensure that all staff at the College are aware of the procedures that need to be followed to ensure that searches of students are conducted in accordance with the latest powers delegated to Further Education by the Government.

Derby College has the power to carry out without consent searches of students within this procedure. The guidance covers the power of Colleges to screen students for prohibited items without suspicion and the statutory power to search students without consent when there are reasonable grounds for suspecting that the student has a prohibited item on them. This procedure should be followed when conducting both with consent and without consent searches.

It is also important to note that, under [section 8 of the Misuse of Drugs Act 1971](#), it is an offence for an occupier of or individual concerned in the management of a premise to knowingly permit:

- the production of a controlled drug or psychoactive substance,
- supply of a controlled drug or psychoactive substance,
- preparation of opium for smoking and/or
- the smoking of cannabis, resin or prepared opium.

Therefore we, as employees of Derby College, are required to report incidents when we witness or become aware of any activities related to the above and takes steps to deter and prevent activities. This will, when appropriate, involve the invocation of the Derby College Disciplinary Procedure and, also when appropriate, involve contacting the Police.

Intent

The desire to maintain Derby College as an open environment to which staff, students and other members of the community have access brings with it potential dangers. The increasing prevalence of dangerous and offensive items such as weapons, and illegal substances within society in general impacts on the College, as well as it being a criminal offence to have a knife or offensive weapon in College, as is the possession of controlled drugs, the penalties for possession of which can be severe.

The main way to persuade students not to carry prohibited items, especially weapons, drugs and alcohol is to educate, especially with regards to resolving conflict without the use of weapons. Education will form part of the College's tutorial framework and will include the dangers and the illegality of carrying weapons and drugs, and the penalties that may be imposed if the law is broken.

Scope

The power to search on suspicion and without consent enables a personal search involving removal of outer clothing and a 'pat down' including the searching of pockets; but it does not include an intimate search. An intimate search can only be carried out by a Police Officer. Clothes beneath outer wear must not be removed. The privacy and dignity of the student should, as far as possible, be preserved.

Authorised persons have the power to search any goods which the student has or appears to have control of, including bags and lockers on College premises or elsewhere where the member of staff has lawful control or charge of the student.

Related Legislation (if applicable)

- [Misuse of Drugs Act 1971](#)
- [Criminal Justice Act 1988](#)
- [Further and Higher Education Act 1992](#)
- [Education Act 2011](#)
- [Psychoactive Substances Act 2016](#)
- [Searching, Screening and Confiscation - Advice for Headteachers, school staff and governing bodies January 2018](#)

2. Procedures

Definitions (specific to procedures if applicable)

“Authorised Persons” are persons authorised by the Chief Executive to carry out stop and searches including, for example Campus Operations Managers, security personnel, residential services staff, the Environmental Compliance Manager and Team Manager – Student Engagement.

“Controlled Drug”. The Crown Prosecution Service (CPS) defines a “Controlled Drugs” as drugs:

“specified as being of Class A, B or C, as set out in Parts I, II or III of Schedule 2 to the <Misuse of Drugs> Act.” ([CPS website](#))

A list of currently controlled medicines and drugs can be found here: <https://www.gov.uk/government/publications/controlled-drugs-list--2>

“Psychoactive Substance”. The World Health Organisation (WHO) defines a psychoactive substance as:

“substances that, when taken in or administered into one's system, affect mental processes, e.g. cognition or affect.” ([WHO website](#))

THC oil is a psychoactive substance and therefore is judged to be inappropriate for consumption or presence on a College site, even when contained in legal and non-controlled products (non-medicines) due to its effect on cognition and mental processes as defined by the WHO above. If found on a College site items containing THC oil can be confiscated and anyone found in possession can be Timed Out as per the Disciplinary Procedure, if deemed to be appropriate and purposeful (mitigating risk, allowing for investigation and/or creating a learning opportunity).

CBD oil is not deemed to be a psychoactive substance, as per the WHO's [Critical Review Report](#), and does not appear to have any significant effects, positive or negative, on the people who use it; it is primarily a muscle relaxant. However, many of the “over-the counter” products that contain it are not required to have the rigorous tests that medicines are and are not regulated, leading to the amount present and the ingredients included in combination with it also being unregulated and untested. Because of the above, DCG categorises CBD oil with alcohol, as legal (for 18+) but inappropriate on a College site and therefore is a prohibited item.

For the purpose of this Procedure, “Controlled Drug” and “Psychoactive substance” are synonymous and will both be referred to as “Controlled Drug” from this point forward.

“Offensive Weapon” refers to an item that has the sole intention of harming another individual i.e. a blade, knife, blunt instrument, firearm etc.

“Outer clothing” is that clothing which is not worn next to the skin or immediately over a garment that is being worn as underwear, but does include hats, shoes, boots, gloves and scarves.

“Premises” when used in the context of this document refer to any Derby College Group building or site.

“Prohibited Item” is anything that is illegal or deemed to be unsuitable to be brought onto a College site. This includes:

- Knives and weapons
- Controlled Drugs and Psychoactive Substances as defined by the [Misuse of Substances Act 1971](#) and [Psychoactive Substances Act 2016](#), including vape oils and any other products containing any other substance listed in the above acts
- Products containing TBC (Tetrahydrocannabinol) oil and/or CBD (Cannabidiol) oil (see “Psychoactive substances for further clarity)
- Stolen items
- Alcohol*
- Tobacco and cigarette papers*
- Fireworks*
- Pornographic images*
- Any article that a member of staff reasonably suspects has been, or is likely to be used:
 - To commit an offence
 - To cause personal injury to, or damage to the property of, any person (including the student).

NB: A without consent search cannot be conducted on a student who is 18 years of age or older for any item marked with an ‘*’.

“Random screening” is screening undertaken on an occasional basis for a randomly selected group or students to act as a deterrent.

“Reasonable in the circumstances” means using force to prevent harm, further harm or, when absolutely necessary, to retain an individual, but no more force than is necessary to fulfil these aims.

“Screening (no contact or low contact screening)” is undertaken using a hand-held metal detector which is a no contact or low contact method.

“Search Kit” is the equipment that is stored at every reception for conducting a screen and search. These kits include a hand-held metal detector, evidence bags, permanent marker, sharps gloves, a guidance sheet for screening, searching, confiscation and storage of finds and copies of relevant forms.

“Weapon” can refer to any item or object, whatever its primary purpose, that has been used, is suspected to have been used or suspected to have the intended use to harm another individual.

“With consent search” is where consent is given by the student or individual to be searched by an authorised person.

“Without consent search” is where the College uses its statutory power to search where there are reasonable grounds for suspecting that a student has a prohibited item in their possession. The power to search also applies where there are reasonable grounds to suspect that a student is in innocent possession of a prohibited item. An authorised person exercising this power may use such force as is reasonable in the circumstances for exercising the power. The College will only use the power of a without consent search if all other options have been exhausted.

Stages of Searching, Screening and Confiscation process

Stage 1: Suspicion

On first suspicion, an appropriate person can be contacted, who will arrange for a search to be carried out. If an employee is unsure of their suspicion, they should first seek the advice of a colleague or manager to confirm their suspicion. Once a suspicion is certain or confirmed an appropriate employee should be contacted in the following order to organise a screen and search:

- Student Experience and Progression Coach Coordinator for site
- Team Manager Student Engagement
- Head of Behaviour for Learning
- Facilities and Site Services Manager
- Site Reception

N.B attempts should be made to contact the relevant employees in the above order, not moving through the list until a thorough attempt has been made to contact the highest priority employee.

The person organising the screen and search will give the available details to an authorised person who will then collect the search and screen kit from the site reception, identify a person to act as witness and then follow the relevant actions to carry out the screen and search (see Section 4 for guidance).

The Chief Executive can require students to undergo screening and/or searching for weapons and other prohibited items without suspicion as part of the College's ongoing commitment to a safe, healthy and supportive environment.

Stage 2: Questioning

Where staff suspect a student is carrying a prohibited item they can seek to allay their concerns by first questioning the student.

If questioning a student confirms the suspicion that a prohibited item is being carried the student will be asked to surrender it. Staff should remind the student of the key points of the College Code of Conduct, and the law.

Stage 3: Consent

Stage 3.1 Requesting Consent

If the above have been tried and it is still felt that the student is carrying a prohibited item, the staff member may ask the student to consent to a search. In a with consent search, the statutory constraints on a without consent search do not apply, but the College will follow them.

Stage 3.2 If Consent is Refused

If suspicion remains and the student does not surrender the item, a without consent search will be conducted. Likewise, the Police should always be called when it is felt that the situation is unsafe, such as undue violence is threatened.

If a student refuses to be screened the Head of the Campus (or nominated deputy) may refuse to have the student on the College site or on an off-site educational visit, with the refusal being dealt with as a disciplinary matter.

Stage 4: Screening and Searching

Searches on suspicion and without consent may start with screening as the detection of a possible prohibited item may encourage the student to agree to a search or surrender the object.

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The person conducting the search must be the same sex as the student being searched. A second adult must always be present during a search who should also be of the same sex as the student, if it is reasonably practicable to do so.

However, a search can be conducted by a person of the opposite sex to the student where the searcher reasonably believes that there is a risk that serious harm will be caused to the student if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Stage 5: Recording Keeping

It is important to remember that a student with a prohibited item on College premises may be breaking the law and consequently there may be legal proceedings that follow, therefore it is important that a record is kept of all incidents where searches are undertaken.

In the case of a without consent search based on suspicion or a 'with consent' search where something is found this record should include:

- Name, sex, ethnicity of every student searched
- Grounds of suspicion
- Time and place
- Who searched
- Who else was present
- The use of any reasonable force and why it was used
- How the search began and progressed
- The student's responses and how staff managed them
- Outcomes and follow up actions

Stage 6: Confiscation of 'finds'

A person carrying out the search may seize any of the following:

- Anything which that person has reasonable grounds for suspecting is a prohibited item
- Any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence

These may include:

- **Alcohol:** May be retained and disposed of, together with its container.
- **Controlled drugs:** If the quantity found gives the searcher reason to believe that the person being searched may be selling the drugs to others the police should be called immediately. However, if the quantity found gives the searcher reason to believe that it is for personal use only, the searcher may dispose of it accordingly and record that the confiscated items have been disposed of. (If disposing of a confiscated item this should be undertaken in front of a witness.) Staff may seize substances that they believe may be a controlled drug.

When determining whether there is good reason to dispose of a controlled drug or to return a stolen item to its owner, retain or dispose of it, the searcher must have regard to any guidance issued by the Secretary of State. (Staff who have undergone search training have received guidance on this.)

- **Stolen property:** Must be delivered to a police constable as soon as is reasonably practicable if a theft has been reported to them. However, it may be returned to its owner (or, if returning it to its owner is not practicable), retained or disposed of if the

searcher thinks that there is a good reason to do so once an investigation has taken place.

- **Offensive weapons:** An article to which [section 139a of the Criminal Justice Act 1988](#) applies (knives or blades, etc) or an offensive weapon must be delivered to a police constable as soon as reasonably practicable. (If offensive weapons are found contact the police for further advice.)
- **Electronic devices:** Any data or files on a device can be examined or erased if the member of staff reasonably suspects that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or to break College policy and codes of conduct.

If inappropriate material is found on a device it is up to the lead search officer to decide whether they should delete the material, retain it as evidence or whether the material is of such seriousness that it requires the involvement of the police.

Staff are protected in law from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

Stage 7: Safe storage of 'finds'

Where a prohibited item is found within the process, item(s) should be stored and recorded safely and consistently on every site.

At the point of confiscation, the item(s) should be put into an "Evidence Bag" and on this bag should be written student ID number and name, date, time, description of item and location of search. These bags will be available in every search and screen kit on every site.

Confiscated item(s) should be stored in a designated place on the site where it was confiscated and recorded as being stored by two members of staff: the individual who has confiscated the item; and a key holder for where it is stored (in most cases this will be the Facilities Management Supervisor or their designate). The record of the items stored - the **Confiscated Item Storage Form** (see [Appendices](#) of this document) - within the receptacle should be locked in the receptacle with the confiscated items.

To store these finds, an Authorised Person should contact the Facilities Management Supervisor for the site and make arrangements for the above actions to take place.

Wherever possible any confiscated item(s) should only be retained for a maximum of 10 days, after which all investigative and disciplinary processes should be completed. Once the item(s) are no longer necessary for investigative or evidence purpose they should either be returned to their owner, if appropriate, or safely disposed of, as per this procedure.

If a decision is appealed, an item can be stored for a longer period than the maximum 10 day, indefinitely until a satisfactory conclusion is reached.

Stage 8: Disposal of 'finds'

When an item is no longer required for investigation or evidence, and it is not appropriate for the item to be returned to their owners, it will need to be disposed of safely and responsibly. This should be witnessed by two people and recorded on a **Confiscated Item Disposal Form** (see appendix) which will need to be stored securely in the receptacle. The date of disposal (or return) should also be logged on the **Confiscated Item Storage Form** (see appendix).

Non-Search 'Finds'

Prohibited items may also be found by any employee outside of searching and screening procedures. If a prohibited item is found where it can be clearly linked to an individual or group, then this individual or group should be searched for further items following the processes above.

If a prohibited item is found and cannot be directly linked to an individual or group (i.e. it is found in a location where no one is present or can be identified as having been in the area prior to find) this should be reported to the Team Manager Student Engagement or Facilities and Site Services Manager to record and store. These finds will be recorded on an online form.

This information will be used to identify any “hotspots” or areas of concern for awareness and/or further investigation.

Responsibility (positions and specific responsibilities)

Authorised Person

An appropriately trained person who is responsible for:

- conducting a search or screen
- recording the details of a search
- confiscating prohibited items as necessary
- safe disposal of confiscated items and/or
- working with a receptacle key holder to store and record a prohibited item.

An Authorised Person can also be a Receptacle Key Holder, however they cannot perform both roles simultaneously.

Facilities Management Supervisor

The Facilities Management Supervisor is the person on each site who has access to a site-based receptacle where confiscated items are stored. They, with an authorised person, are responsible for the safe storage and recording of confiscated items.

A Facilities Management Supervisor can also be an authorised person, however they cannot perform both roles independently i.e. if they have been the authorised person conducting the search, they will require another person to witness the storage of finds.

3. Training

As part of the College’s duty of care it is the responsibility of the Chief Executive to ensure that all staff are given appropriate training and guidance before being authorised to conduct searches. Training should be undertaken by a competent and qualified trainer. No member of staff will conduct any form of search unless they have received the appropriate training.

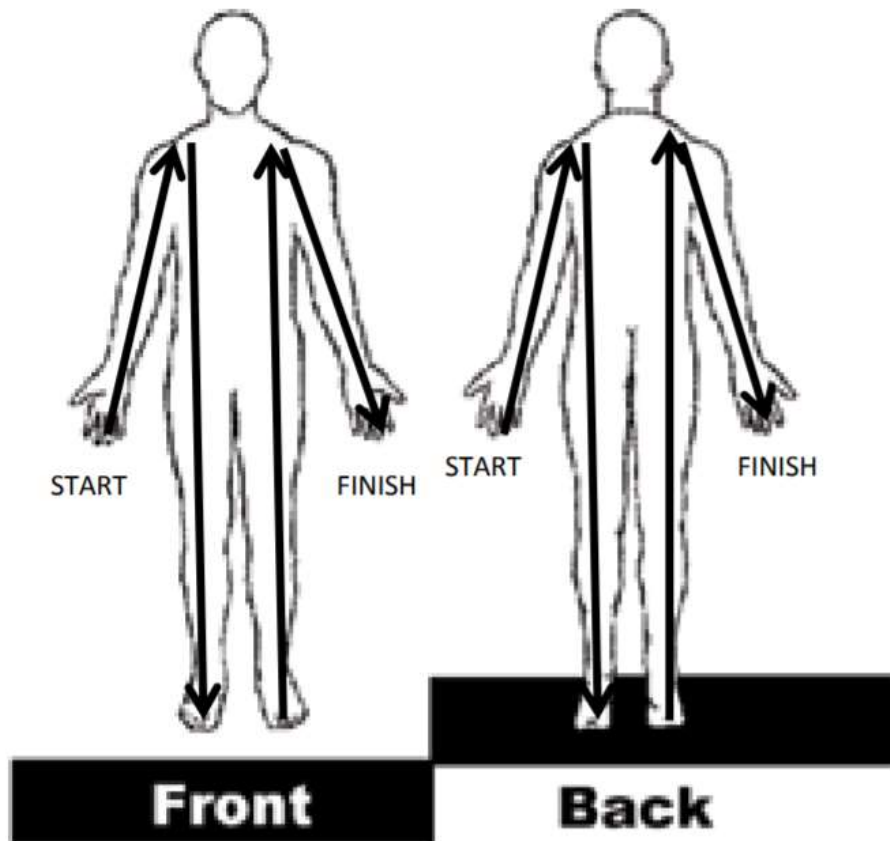
Guidelines

Screening/Searching Procedure for authorised persons

On receipt of instructions and details re: screen and search, an Authorised person will:

1. Identify appropriate employee to accompany as witness of screen and search.
2. Collect Search Kit from site reception and check all necessary items are present.
3. Identify a suitable location that is discreet and safe to conduct the screen and search.
4. If student is not already awaiting the screen and search, arrangements should be made for the student to be collected from their location and for them to be transported to the location identified in step 3 as discretely as possible.
5. On arrival in the search location, identify yourself to the student and explain why the screen and search is taking place. They may dispute the reasons for this suspicion but simply state that we are conducting the search based on the information available and that if no prohibited item is found and if they do not pose a risk of harm to anyone (including themselves) then nothing else will happen.
6. Ask the student if there is anything in their possession that they should not have and if they say "yes" ask them to hand these over immediately before continuing to step 7. through steps. If they say "no", continue to step 7.
7. Ask the student to remove all the contents from their pockets and place them on a table or in a tray.
8. Bulky outdoor clothing should be removed and bags should be placed to one side, out of reach, but within view of the student.
9. Inform the student that you will now start the screen and search. If the student gives consent, continue to step 11.
10. If the student refuses, please explain that we have a legal right to search anyone on our premises as per the Education Act 2011. If they continue to refuse then do not use reasonable force to search but explain that if they continue with their refusal then the Police will be called and explain that they have more powers and rights to search than we do. Reasonable force can be used to detain the student, however if there is any risk of harm to the student, other students or employees, then the student should be allowed to leave the room, but be escorted from site, informed that they will be timed out and that a Student Engagement Review will be organised which may lead to disciplinary action.
11. If/when consent is given, ask the student to stand as in Figure 1 and use a hand-held metal detector as indicated in Figure 1.
12. Investigate any alarm, asking the student to remove any items found during the screening. For your own safety, do not put your hands in pockets where you cannot see what is present.
13. Proceed with a body search, particularly if there is reasonable suspicion, padding your hands on the student's outer-clothing, as per your training, to ascertain if any items are present. Avoid uncovered and sensitive areas.
14. Search items on the table or in the tray, any bags (see separate guideline) and/or outdoor clothing.
15. Return goods to the student other than those that have been confiscated because they are prohibited items.
16. If prohibited items have been found, seal each item separately in an evidence bag, recording information on the bag with the permanent marker and complete "Search Record" making sure that all relevant parties sign the form.
17. If all steps of these guidelines have been followed and prohibited items have not been found, please contact the person who organised the search for what to do next e.g. student returning to class, search of other individuals or groups etc.

Figure 1



Searching Bags

1. Ask the student if there is anything in the bag which they should not have or may cause injury.
2. Take each item out of the bag one at a time and search it, placing it in a tray or receptacle nearby, within view of the student.
3. When everything has been emptied out of the bag, carefully search the bag itself.
4. Check all internal and external pockets and compartments, internal base, exterior and straps.
5. Invite the student to return the items to their bag, other than those that have been confiscated because they are prohibited items.

Storage of Finds (see Stage 7 of Operating Procedure for further information)

If prohibited items are found an authorised person will:

1. Seal items separately in an evidence bag and record all information as per the search and screen guidelines.
2. Contact the Facilities Management Supervisor for the site.
3. Witness the items being securely stored.
4. Complete a Confiscated Item Storage Record.
5. Send Search Record and Confiscated Item Storage Record to Team Manager Student Engagement.

1 Appendices

Contents

- Search Record Form
- Witness Statement
- Confiscated Item Storage Record
- Confiscated Item Disposal Record

Search Record

Name of Student:	Student Number:
Sex:	Ethnicity:
Date of birth:	Contact details:

Grounds of suspicion:

Date and time of search:	Location:
Person undertaking the search:	Others present:

Reasonable force used: Yes / No

If Yes, why was it used?

Search details:

Items seized:

I confirm that the above items were found in my possession.

Student's signature

Evidence Bag Reference No.:

Outcome/Follow up action:

Signature of Authorised Person:

Date:

Actions completed and signed off:
(Team Manager Student Engagement)

Witness Statement

Statement of:

Age if under 18: (If over 18 insert 'Over 18')

Occupation:

Telephone/Mobile number:

Email address:

Home address:

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: _____

Date: _____

Signature:

Witness Statement – continuation page

Signature:

Confiscated Item Disposal Record

Item to be disposed of:

Evidence Bag Reference No.

Date item confiscated:

Date item disposed of:

How was the item disposed of? (Brief details)

Where was the item disposed?

Who was present?

Name	Title	Organisation
(Authorised Person)		Derby College
(Witness)		

Signature of Authorised Person:

Signature of Witness: