



# **Conducting a Search and Use of Physical Intervention Policy**

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## Document Quality Control

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## Contents

<a href="#">Conducting a Search</a>	3
<a href="#">1.0</a>	3
<a href="#">2.0</a>	3
<a href="#">3.0</a>	3
<a href="#">4.0</a>	4
<a href="#">5.0</a>	4
<a href="#">6.0</a>	5
<a href="#">7.0</a>	6
8.0 <a href="#">Physical Intervention</a>	7

# Conducting a Search

## 1.0 Introduction

- 1.1 This policy should be read in conjunction with the Safeguarding and Child Protection Policy, the Prevent Policy, Child on Child Abuse Policy, E-safety Policy, the Rewards and Sanctions Policy and the Substance Misuse Policy.
- 1.2 The following guidance has been used in the creation of this policy:
  - UKCIS Sharing Nudes and Semi Nudes: Advice for Education Settings working with Children and Young People
  - Reducing the need for Restraint and Restrictive Intervention 2019
  - The Equality and Human Rights Commission's Framework for Restraint
  - Use of Reasonable Force in Schools, July 2013
  - Safe and effective intervention – use of reasonable force and searching for weapons October 2010 (Guidance document no: 041/2010)
  - Education and Inspections Act 2006

## 2.0 Searches of a Student's Personal Property

- 2.1 The DfE (September 2016) suggests that, even where the possession of drugs is suspected, staff should not search personal property (such as a bag, or even a pencil case) without consent. If the student objects, (which they have the right to do) staff should either notify parents who may persuade the student/s to give consent or consider calling the police.
- 2.2 Just because the student cannot be contacted (for example, because they have gone home for the weekend) does not mean that staff have an excuse to search personal property. They should instead wait for the student to return so that their consent can be sought. If the situation is urgent (to use an extreme example: if the student is suspected of leaving a bomb in his bag) the best approach would be to call the police.
- 2.3 If a search of personal property is considered inappropriate where drugs are suspected, it would be more appropriate to ask the student/s to search their own property with staff members present.

## 3.0 Searches of College Property

- 3.1 When staff wish to search a student's lockable drawer or suchlike, the DfE guidance gives a checklist of factors to take into consideration before initiating a search of College property in order to address:
- 3.2 Whether or not the item under search is high risk - such as a knife or drugs; College property should only be searched if the search is legitimate and has a reasonable prospect of success and/or if leaving the search would result in a safeguarding or potential child protection incident.
- 3.3 The extent and nature of the search should be proportionate to the value of or "risk factor" of the item sought (even in the case of stolen property), otherwise there is a danger that it will be considered unreasonable and perhaps lead to a suspicion of an ulterior motive.

- 3.4 The extent of the search should also be proportionate to likelihood of the item being found. Consequently, to search all College property when it is most likely that the item will be found in the teaching block might be an unjustified invasion of the privacy of the other students. A wider search might, however, be justified if the item was particularly valuable or dangerous.
- 3.5 The conditions for conducting a search outlined in this policy have been met.
- 3.6 Having considered these factors and decided that a search is reasonable the College should seek the student's consent.
- 3.7 If consent is refused, and the matter is considered sufficiently serious, the Senior Houseparent/Houseparent may proceed notwithstanding the student's objections. If, however, the allegation is sufficiently serious to warrant this degree of searching, then the student's parents should be informed and/or the police called. At least one senior members of staff should always be present during any search and all searches must have two members of staff present.
- 3.8 Any search which involves forcible entry into College property (for example, breaking into locked storage) is necessarily a more drastic step. The Senior Houseparent/Houseparent should consider whether the end really justifies these means. Staff should think about the college Safeguarding and Child Protection Policy in these incidences.
- 3.9 In any event, searches must always stop short of personal belongings.
- 3.10 If possible, the student should be present during any search of College property used to store his belongings. This will hopefully reduce the chances of an allegation that the College "planted" any item which is otherwise difficult to explain.
- 3.11 **The search should always take place in the presence of an adult witness (with a senior staff member present) and a written record of the search should be made setting out the main details of the search, including the date, time, people present, the reason for the search and the outcome. (Please refer to the student consent form found within this policy).**

## 4.0 Victimisation

- 4.1 It is not necessary to search the belongings of every student in the college/boarding each time that an item goes missing or there is a suspicion of drug use. Indeed, the extent of the search must be proportionate to the value of the lost item or the danger involved.
- 4.2 Cardiff Sixth Form College, Cambridge treads a careful line to ensure that we have very good reasons for limiting our search to certain individuals. In particular, the college are aware of the risk that targeting the "usual suspects" could give rise to an allegation of bullying or victimisation and that targeting specific racial/gender groups could lead to a complaint of discrimination. All searches are therefore fully justified and logs are kept of all searches by the Senior Houseparent.

## **5.0 After the search**

- 5.1 The College always contacts the affected student's parents after any search, regardless of the outcome. A proper written record is kept.
- 5.2 If an illegal item is found as a result of the search (for example, drugs, a knife or a firearm) it should be handed to the police. In other cases, confiscated items should be returned to the student's parents, and should not be destroyed or kept by staff for their own use. If illicit materials are found, then these will be handed to the police.
- 5.3 In the event that there has been an allegation of inappropriate imagery on an electronic device in line with the college Safeguarding and Child Protection Policy and the UKCIS guidance on Sharing Nudes and Semi Nudes, staff will remove electronic devices and hand them straight to the police.

## **6.0 Do's and Don'ts**

### **6.1 DO...**

- 6.1.1 If College property is to be searched, consider whether the search is reasonable, legitimate and proportionate given what is at stake, and make sure that you have good grounds for targeting a specific student or group of students.
- 6.1.2 Balance the likelihood that an offence has been committed and the value or danger posed by the item sought against the risk of infringing students' privacy without just cause.
- 6.1.3 If a student refuses to consent to a search of his personal belongings, consider whether the matter is sufficiently serious to proceed (will this cause harm and/or significant harm to the student and or others), and then call their parents to see whether they can persuade them. If not, it may be appropriate to call the police.
- 6.1.4 Make sure that the search is witnessed by a second adult in a senior position and, ideally, the student themselves.
- 6.1.5 Notify the parents after the search has been carried out and keep a full written record.
- 6.1.6 Hand over any confiscated items to the student's parents or the police as appropriate and as noted in other college policies.

### **6.2 DON'T...**

- 1.1.1 Carry out a search of a student's person (which includes outer garments such as coats). Instead, ask him/her to turn out their pockets and, if you believe they present a danger, call their parents and/or the police.
- 1.1.2 Carry out a search of a student's personal belongings without their consent. If there is any danger, call the police.

## 2.0 Student Consent

In advance of conducting a search, it is useful to get a student to sign here:

I have read and understood this policy and consent to my room and belongings being searched:

The Senior Houseparent keeps records of all searches and the Deputy Head, Pastoral is always notified of any searches that have taken place.

Signature of student:

Date:

Signature of member of staff conducting the search:

Date:

Signature of Witness:

Date:

Where the search took place:

Why was the search initiated:

Details of the search that took place:

Outcome:

### **3.0 Use of Physical Intervention**

- 1.0 The following has been used for guidance:
  - 1.1 Safe and effective intervention – use of reasonable force and searching for weapons, October 2010 (Guidance document no: 041/2010)
  - 1.2 Reducing the need for Restraint and Restrictive Intervention 2019
  - 1.3 The Equality and Human Rights Commission’s Framework for Restraint
  - 1.4 Use of Reasonable Force in Schools, July 2013
  - 1.5 Section 93 of the Education and Inspections Act notes that all school staff are able to use such force as is reasonable in the circumstances to prevent a child or young person from doing or continuing to:
    - Commit any offence (or for a learner under the age of criminal responsibility, what would be an offence for an older learner)
    - Cause personal injury to, or damage to the college property of any person (including self-harm to the learner)
    - Prejudice the maintenance of good order and discipline at the school or among any learners receiving education at the school, whether during a teaching session or otherwise
  - 1.6 Any use of force by staff will be reasonable, proportionate and lawful and will always depend on the precise circumstances arising at the time. Reasonable force will only be used in accordance with guidance provided by the local government and only when immediately necessary and for the minimum time necessary to prevent a pupil from causing harm to themselves or another.
  - 1.7 Where restraint is used, this is always recorded in the Physical Intervention log kept by the Head of Boarding (Designated Safeguarding Lead) and all records are monitored by the Company Safeguarding Lead.
  - 1.8 Physical force will never be used as a punishment and will only be deemed necessary if a student poses an immediate risk of harm to himself or herself, another staff member or a fellow student student/s.



- 1.9 Training on the appropriate use of physical force will be held regularly for all staff, and accommodation staff have completed Educare training on the Use of Reasonable Force in Schools however the college recognises that the use of such methods would be a last resort only and would only be instigated in very specific and extreme circumstances, as outlined above. In instances where physical force has had to be used, staff involved will be given support. The college safeguarding team offers supervision and counsel for all members of staff, with the Deputy Head, Pastoral (Designated Safeguarding Lead) supporting academic staff, Heads of Houses, health and wellbeing staff, offer direct supervision to all boarding staff.