



WEST THAMES COLLEGE

Policy on the use of Powers to Search Students

Lead	Approved By:	Date Approved:	Next Review Date:	Where Published:
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Policy on the use of powers to search students

There are rare occasions in college when evidence suggests that a student has been responsible for vandalism, theft or threats (either written, electronic, spoken or by action). In these circumstances it may be necessary to search the student.

1. Legislation

Colleges have been given powers by the Education Act 2011 (amending sections 85 AA, 85AB and 85AC of the Further and Higher Education Act 1992.) The powers are to screen students, even without suspicion and without their consent, and to search students with reasonable grounds for suspicion but without their consent for weapons, alcohol, illegal drugs, stolen property or any other item that may be used:

- (i) to commit an offence, or
- (ii) to cause personal injury to, or damage to the property of, any person.

The powers are subject to the following conditions:

- 1.1 they are exercised on the institution's premises or elsewhere where the member of staff has lawful control of the student (e.g. during a field trip.)
- 1.2 searches are undertaken or authorised by the principal, either generally or to deal with a specific incident;
- 1.3 the student can only be required to remove outer clothing, i.e. clothing not worn next to the skin or immediately over underwear, but the staff member can require the student to remove a hat, gloves, scarf or shoes;
- 1.4 the person conducting the search must be of the same sex as the student and may only carry out the search in the presence of another member of staff of the same sex as the student unless
 - a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
 - b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as the learner or in the presence of another member of staff (as the case may be).
- 1.5 The member of staff seizing anything found which they have reasonable grounds for suspecting is an article used in commission of an offence or to cause personal injury or damage to property must:
 - a) Hand the item to the police as soon as reasonably practicable, or
 - b) return the item to its owner, or
 - c) retain the item, or
 - d) dispose of the item.

In deciding what to do with an item under this subsection, the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State. Staff should take advice from their manager before handing back anything confiscated during a search. All confiscated items should be passed to the Security manager immediately for safe keeping. The Security Manager will be responsible for returning the item to the owner, disposal or passing on to the police.

- 1.6 If the item seized is an electronic device. The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so. Following an examination, if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so. Staff should seek advice before destroying data or files which may otherwise be useful as evidence.
- 1.7 Staff may use reasonable force to seize prohibited items described above found during a search. Force cannot be used to seize other items. If the staff member anticipates force may be required it may be advisable to call the police if it is feasible to postpone the search until they arrive.

2. Training and implementation

- 2.1 The use of powers of search will be used by staff in accordance with the legislation and guidance points above. Whenever possible the search of a different sex student by a member of staff will only be undertaken in the presence of a member of staff who is the same sex as the student.
- 2.2 All staff who will be authorised to undertake searches of students will be provided with training (this will need to cover a range of relevant issues including health and safety as well as the law).
- 2.3 Staff authorised to search will be:
 - Security Manager
 - Security Assistants
 - Executive Team
 - Curriculum Directors
 - Responsible Staff on off site visits

3. Insurance

- 3.1 All staff who will be authorised to undertake searches of students are covered by public liability insurance to meet any claim which may be made by a student arising from the exercise of such powers (although insurance will not provide cover in respect of conduct by a staff member which amounts to a criminal offence).

4. Use of Screening Devices

- 4.1 The College will co-operate with use of screening devices such as metal detectors on a random basis by local police or exceptionally screening students where there is a particular objective reason for suspecting an individual is carrying a weapon. Screening with appropriate sensitivity to any cultural or religious issues which may arise. For example, a student should be asked to declare if they legitimately have any items which would otherwise cause suspicion e.g. a kirpan, the ceremonial knife carried by Sikh males.

5. Notification, Recording and Monitoring

- 5.1 The use of these measures is brought to the attention of potential students and staff during the induction process, by use of the college website, prospectuses, student diaries and staff and student handbooks.
- 5.2 Whenever powers of search are used they will be recorded centrally and stored in the secure folder on the network drive. All search activities should be recorded within 12 hours of the search taking place.
- 5.3 The use of the powers of search will be monitored, with a report being made to the Safeguarding Group termly and to the college governing body at least annually and as soon as possible where they have been used to deal with any serious incident.

6. Consultation

- 6.1 Changes to this policy will be discussed with the students' union.

Last Reviewed: September 2025 Review period: Every 3 years
