



## **Salford Foundation Limited**

### **NCS Search and Confiscation Policy**

**NCS / Salford Foundation** fully recognises its role in the Safety and Welfare of children and its responsibilities to promote such welfare.

This Policy applies to all participants. Care and consideration will be given to the age of the child when following the guidance in this policy.

This policy shall apply to all staff, volunteers and contractors paid and unpaid working with NCS and Salford Foundation. The basis of this policy has been derived from the DFE guidelines which apply to schools however they equally apply to other educational establishments.

As all rooms are the property and in the control of NCS search protocols also apply to rooms in addition to individuals and possessions.

NCS and Salford Foundation recognise the duty to make reasonable adjustments for disabled children and those with Special Educational Needs (SEN) under the Equality Act 2010.

#### **Search With Consent**

- 1) Staff can search a participant for any item if the pupil agrees. The age of the participant will be taken into account when considering consent.
- 2) If the staff require that it is enough for the participant to turn out his or her pockets or if the member of staff can look in the bag or locker of the participant then written consent will not be required by the child for this purpose.
- 3) There is clear notification to parents of what items are banned in the programme.
- 4) If a member of staff has reasonable knowledge to suspect a participant has a banned item in his or her possession, they can instruct the participant to turn out his or her pockets and conduct a search of the participants bag and/or locker. If the participant refuses then the staff may take appropriate action as outlined in the NCS agreement which could result in Exclusion from NCS and parents being contacted.
- 5) An appropriate sanction will depend upon the facts and circumstances of each individual matter.

#### **Search Without Consent**

- 1) The Course supervisor will have power to search a participant where they have reasonable grounds to suspect that the participant may have a prohibited item or items. Prohibited Items are:
  - Knives, weapons or bladed articles
  - Alcohol
  - Prohibited psychoactive substances
  - Illegal Drugs
  - Fireworks
  - Explosives

- Pornographic Material.
- Any item which a member of staff reasonably suspects has been, or is likely to be used in the commission of an offence, or to cause injury to, or damage to property or any person (including the participant themselves).
- The supervisor conducting the search will be of the same sex as the participant and there will be a witness present who will also be a staff member present during the search (also of the same sex as the participant if possible).
- There will be an exception to this rule so that staff can carry out an immediate search if that staff member believes there is a serious and immediate risk and it is not practicable to summon another staff member or supervisor.

### **Establishing Grounds for a Search**

- 1) Staff can only undertake a search if they have reasonable grounds for suspecting that a participant may have in their possession a prohibited item. The staff member must decide in each individual case what constitutes reasonable grounds for suspicion examples may be that the staff member has heard other participants talking about it or notices a participant behaving in a particular way which causes the staff member to be suspicious.
- 2) In exceptional circumstances of the necessity to conduct a search of the opposite sex or in the absence of a witness then the staff must bear in mind the expectation of the participants privacy increases as they get older.
- 3) A search will still be held as valid and appropriate even where at a later time the prohibited item may not be found to be prohibited, illegal or stolen.
- 4) Staff can view CCTV where it is available in order to establish and make a decision whether to search for an item or items.
- 5) Searches can be carried out anywhere when it is reasonably expected that the participant is under the supervision of the NCS/ Salford Foundation.

### **Confiscation**

- 1) Staff can seize and retain and thereafter dispose of or surrender to the police any prohibited item found as a result of a search.
- 2) They can also seize any item which they consider to be harmful to the NCS or Salford Foundation programme or participants.

### **Dealing With Electronic Devices**

- 1) Where a member of staff finds and has reason to believe that there may be data on the device which is prohibited or offensive in nature the files and the data and images on the device may be examined by the manager on site. In addition the manager on site may erase the data if they believe there is good reason to do so.
- 2) The manager on site must have regard to the fact that there has to be "good reason" that meaning there has to be a reasonable belief that the material will or could be used to cause harm or undermine the expectations of behaviour and disrupt the programme.
- 3) If the inappropriate material found on the device is found to be prohibited or offensive it will be the decision of the manager on site to delete, retain or hand the material over to the police.

### **Guidance for a Search**

- 1) The person conducting the search may not require that the participant remove any clothing other than outer clothing.
- 2) Outer Clothing means clothing that is not worn next to the skin or immediately over a garment which is being worn as underwear but outer clothing does mean hats, shoes, training shoes, boots, gloves and scarves.
- 3) Possessions means any goods over which the participant has or appears to have control including lockers and bags.
- 4) A participant's possessions can only be searched in the presence of the participant and another member of staff, except where there is a serious risk that harm would be caused to a person if the search is not conducted immediately and it is not practicable to summon another staff member.
- 5) A search without consent of the participant enables a personal search with the requirement of removal of outer clothing and searching of pockets but going no further than that a person with more extensive powers (e.g. a police officer) may go further than that.

### **Informing Parents**

- 1) There is no requirement to inform parents prior to a search being undertaken.
- 2) Parents are informed and sign the Parental Consent Form as part of the consent to search.
- 3) Parents will be informed if the matter is sufficiently serious that it could cause harm to the participant other participants or the programme.
- 4) If a parent makes a complaint, then the complaints procedure will be followed.

### **Record Keeping**

- 1) A record will be made of incidents on a record/incident form.
- 2) A record will be kept in relation to any prohibited items recovered or found on a participant or in their possessions or belongings.

### **NCS / Salford Foundation Safeguarding Officers**

NCS/Salford Foundation: John Damen – Operations Manager  
Salford Foundation: Maggie Langhorn – Operations Manager

They can be contacted at:

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Our Compliments and Complaints Policy can be obtained via emailing  
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