



PTS Learner Search Process

Each learner at PTS will have completed the PTS learner induction, during this induction they will be made aware of our search policy and process, they will also read and agree to adhere to our code of conduct. PTS will display posters and information around the centre regarding the Zero Tolerance Zone and Prohibited Items.

Parents/carers will also be informed of this policy/process through the learner consent form, our attendance & behaviour policy is also held on the PTS website and can be shared upon request.

The PTS senior managers will designate staff who will have the authorisation to conduct a search of a learner. Only designated staff can conduct the search, there should always be another member of staff present for the duration of the search (the member of staff observing the search does not need to hold this designation) When carrying out a search, the staff member should be the same sex* as the learner who is being searched.

*There is an exception to this rule if this would cause a delay that would put the learner or others at risk of harm. The designated staff are as follows:

Kate Whereat – Designated Safeguarding Lead (F)

Jane Trehearne – Deputy Designated Safeguarding Lead (F)

Zoe Price - Deputy Designated Safeguarding Lead (F)

Paul Tyler – Youth Contract Manager and Data Protection Officer (M)

Tom Bee – Safeguarding Representative & Tutor (M)

A search can only be carried out by the staff listed above.

PTS designated staff have the power to conduct a search of a learner for the following reasons:

- If there is a suspicion that they are carrying a prohibited item
- An agreed control measure as part of a young person's risk assessment
- As part of random search

A prohibited item is:

- knives or weapons
- alcohol
- illegal drugs / legal highs / non-prescribed medication
- stolen items
- fireworks
- pornographic/indecent images
- any article that the member of staff reasonably suspects has been, or is likely to be, used:
 - to commit an offence, or to cause personal injury to,
 - or damage to the property of, any person (including the learner):

Before a search

Before any search takes place, the member of staff conducting the search should explain to the learner why they are being searched, how and where the search is going to take place

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and give them the opportunity to ask any questions. The designated member of staff should always seek the consent of the learner before conducting a search. If the learner is not willing to consent with the search, the member of staff should consider why this is. Reasons might include:

- they are in possession of a prohibited item
- they do not understand the instruction
- they are unaware of what a search may involve
- they have had a previous distressing experience of being searched

(please note all designated staff have undertaken ‘Carrying out a Lawful and Safe Search’ training)

Searching without consent

- If the learner doesn’t provide consent, the search cannot go ahead, the learner will be asked to leave site and our disciplinary process will be followed. If the suspicion is about an illegal item, the designated safeguarding lead will report to the police through their intel reporting system.

Searching with consent

PTS designated staff have the right to search a learner with their consent for any item, including items that are not illegal but are banned by PTS.

- PTS do not need written consent for this, it is enough that the designated staff member asks the learner for verbal consent to search
- PTS should make sure the learners are fully aware of what items are prohibited

Location of the search

The designated staff member and the staff member supporting the search should make every effort for the search to take place in a private area, where the learner’s dignity and privacy is respected.

The designated staff member should never conduct a search in a private room without another member of staff present. The room for the search should have CCTV.

PTS can only search learners whilst on PTS premises or when out in the community as part of a trip/external activity. The law only applies in England.

The extent of the search

A member of staff may search a learners outer clothing, pockets and possessions. The member of staff conducting the search must not request the learner to remove any clothing other than outer clothing. ‘Outer clothing’ means any item of clothing that is not worn wholly next to the skin or immediately over a garment that is being worn as underwear. Hats, scarves, shoes and gloves should be removed. A learner’s possessions can only be searched in the presence of the learner and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

After the search

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PTS have the power to seize and confiscate items as a disciplinary measure, as circumscribed in section 91 of the Education and Inspections Act 2006. This enables PTS to confiscate, retain and dispose of the item, where reasonable to do so.

Where any item is deemed to be an offensive weapon, illegal substance, indecent image or evidence in relation to an offence, arrangements will be made to hand over to the police. If the designated staff member finds alcohol this should be confiscated and not returned to the learner. If an item is banned by PTS but is not illegal, the designated staff member should use their judgement as to whether it is safe and appropriate to return the item to the learner when they leave site at the end of their timetabled sessions.

Dealing with electronic devices

- Where the designated staff member finds an electronic device that is prohibited by PTS or they reasonably suspect has been or is likely to be used to commit an offence, cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the Police. This power applies to all education providers and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'with consent' search and is prohibited by PTS rules or is reasonably suspected of being, or being likely to be, used to commit an offence, cause personal injury or damage to property.
- In determining a 'good reason' to examine or erase the data or files, the designated staff member should reasonably suspect that the data or file on the device in question has been, or could be used to cause harm others, to disrupt teaching or break PTS rules.
- If an electronic device that is prohibited by PTS rules has been seized and the designated member of staff has reasonable grounds to suspect that it contains evidence in relation to an offence, they must give the device to the Police as soon as it is reasonably practical. Material on the device that is suspected to be evidence relevant to an offence, or that is a pornographic image of a child or an extreme pornographic image, should not be shared or deleted prior to giving the device to the Police
- If the designated staff member does not find any material that they suspect is evidence in relation to an offence and decides not to give the device to the Police, they can decide whether it is appropriate to delete any files or data from the device or to retain the device as evidence of a breach of PTS discipline.

Making a record of the search and reporting to parents/carers

- Although there is no law to state that a record of the search should be kept, PTS will apply best practice and complete a PTS Search Record Form. This should include the staff members present, the time of the search, the location and the outcome of the search, it will be signed by all parties. The learner should keep a copy for their records and the form should be uploaded to CPOMS
- PTS are not required to inform parents/carers prior to the search taking place or to seek consent to search the learner.
- Following the search, if the learner is under 18, PTS will inform the parents/carer by phone and a copy of the PTS Search Record Form will be made available.
- Any complaints relating to the search will be dealt with through the PTS complaints policy.

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