

N7 SEARCH AND RESTRAINT OF STUDENTS

Purpose and scope

- 7.1 This section of the Consolidated Academic Policies and Regulations (CAPR) explains when a student may be searched or restrained by a College staff member; and how the College safeguards students' interests in such situations.
- 7.2 These regulations apply to all current students of the College, and to any concern or allegation of misconduct raised on or after 1 June 2017 regardless of the date of the event giving rise to the concern.
- 7.3 These regulations do not apply in the following circumstances:
- A student is not fully 'under lawful control' of the College. (i.e., on College premises during opening hours or on an authorised College trip). If a student is on placement or outside a fully organised activity of the College, the College will normally use the procedures appropriate to the location the student is in.
 - A member of the police or other authorised law enforcement agency is present. If so, the College will defer to their instructions or recommended course of action.

Definitions

- 7.4 'Search' means examining a student's possessions, property or person to discover proof of guilt or otherwise regarding a disciplinary concern.
- 7.5 'Restraint' means intentionally restricting a person's voluntary movement or behaviour. In this context, 'behaviour' means not only planned or purposeful actions, but unconscious, accidental or reflex actions.
- 7.6 'Minimum necessary force' means using no more force than the incident warrants. For example, blocking a student's path or standing between students, taking a student's arm when leading them away from a classroom or situation, or physically holding back a student who may be hurting someone or causing serious damage to property.

Introduction

Overview

- 7.7 It is important that the College ensures the safety and wellbeing of all its members in general, and may want to ensure the safety and wellbeing of certain members specifically, where they consider this necessary.
- 7.8 In an emergency, the College may search or restrain a student if such action is considered necessary according to the principles outlined below.
- 7.9 The College will not use search or restraint as a penalty. These may be used only to help protect the coherence or safety of College life or the wellbeing of its members. Also, search or restraint will be used only if the staff member decides reasonable requests are inadequate for this purpose.

Principles

- 7.10 Staff members may conduct a search only if they reasonably suspect that a student has committed or may commit a serious breach of discipline, including:
- a) possessing an offensive weapon;
 - b) possessing illegal substances ;
 - c) possessing a mobile phone suspected of containing images or text damaging to other students or staff;
 - d) possessing stolen goods; or
 - e) causing or intending to cause physical harm to self or others.
- 7.11 Minimum reasonable force may be used to:
- a) remove a disruptive student from the classroom if they have failed to follow an instruction to do so;
 - b) prevent a student behaving in a way that disrupts a College event, trip or visit;
 - c) prevent a student attacking a staff member or other student or to stop a fight; or
 - d) restrain a student at risk of harming themselves or causing damage to College property.
- 7.12 No member may be restrained to further an investigation (i.e. to enable other staff members or the police to attend an incident).

Circumstances in which the police should be contacted

- 7.13 A staff member may request the police be contacted immediately if a student:
- a) seems to have a quantity of illegal drugs that leads the staff member to believe they may be supplying others;
 - b) has an offensive weapon;
 - c) has stolen property;
 - d) has inflicted serious harm on another person such that the staff member feels the incident cannot be contained 'in house';
 - e) discloses serious criminal misconduct or involvement in a criminal enterprise.

Procedures

Overview

- 7.14 There are three (3) phases in the search or restraint of a student:
- a) Phase 1: Starting a search or restraint
 - b) Phase 2: Conducting a search or restraint
 - c) Phase 3: After a search or restraint

Phase 1: Starting a search or restraint

- 7.15 Before any search, the staff member should, if reasonable in the circumstances:
- a) seek to gain the student's consent to search;
 - b) seek authorisation from a Senior Officer of the College;
 - c) remind the student that it is a criminal offence to possess a knife or other offensive weapon or controlled drugs on College property, and that penalties can be severe.
- 7.16 Before any restraint, the staff member should, if reasonable in the circumstance, ask the student clearly and loudly to stop what they are doing.

Phase 2: Conducting a search or restraint

- 7.17 Any staff member searching a student should be of the same sex as the student. At least one (1) other staff member, preferably a Senior Officer, should be present.
- 7.18 Proper consideration should be given to the ethnic heritage and religion of the student, if this is known. If possible, a staff member of the same ethnicity or religion should be present during the search and their advice sought.
- 7.19 The student should be informed that a search is about to be conducted, and why.
- 7.20 Only the student's outer clothing may be searched. Pockets or bags may not be searched but staff may request the student to empty bags and turn out pockets.
- 7.21 Only members of the security team have a legal power to use restraint on members of the academic community, and may only do so using minimum necessary force.

Phase 3: After a search or restraint

- 7.22 In all cases of search or restraint, the incident should be recorded using the incident log (available at reception). This should include details of those present, the reason for the search or restraint, what was said and the outcome.
- 7.23 If a staff member takes possession of an offensive weapon or suspected illegal drugs or stolen goods, they must:
- a) seal the substance, weapon or article in a plastic bag (available at reception) and label it;
 - b) store the bag in a secure place;
 - c) notify a Senior Officer, if not present, without delay.
- 7.24 If an electronic device is seized because it is reasonably believed that it may do harm, then its data or files may be examined (and erased if not required for evidence) if the Senior Officer thinks there is a good reason to do so.
- 7.25 In serious interventions where it is alleged that injury has been caused, a fuller report of the incident should include written and signed accounts from all those involved, including the student, and passed to a Senior Officer. This may be crucial if any allegation is made later against a staff member.

Advice and support

- 7.26 Advice for students on search and restraint, and the associated lower-level College rules, is available from the Estates and Security Team (security.gf@gsm london.ac.uk for Greenford and security.gw@gsm london.ac.uk for Greenwich) or the Office of Student Complaints, Appeals and Regulation (oscar@gsm london.ac.uk). More complex queries may be referred to appropriate individuals.
- 7.27 Advice for staff on search and restraint is available from their nominated Academic Policy Partner.
- 7.28 If any staff development needs are identified, they may be discussed with members of the Staff and Educational Development Team.

Fees

- 7.29 No additional fees or charges are associated with these regulations.
- 7.30 The College is not liable for financial or other consequences arising from action under these regulations.

Legal and regulatory context

- 7.31 These regulations about the search and restraint of students have had regard to many of the principles outlined in common law on the restraint and search of individuals by people who are not members of the police force.
- 7.32 The regulations have also had regard to the principles outlined in *Revill v Newbery [1996] QB 567* about using reasonable force.
- 7.33 The College may not be bound by the principles in paragraphs 7.31 and 7.32 and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

- 7.34 If the student does not consent to the search, then:
- a) the student should normally be escorted from the premises and, if necessary, the police should be called if a criminal offence has been or is likely to have been committed. Further disciplinary action must then be taken in line with the appropriate regulations;
 - b) although 'reasonable force may be applied', the policy is to avoid using any degree of force unless a Senior Officer decides this is immediately essential to protect people from injury or harm.
- 7.35 If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 7.36 Each year, the College must receive a report (from the incident log) that enables them to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 7.37 The annual report must include statistical data on the number of searches or restraints of students; the outcomes, Departments and programmes from which they originate; the

length of the process; and the equality characteristics (including sex, disability and ethnicity) of those searched or restrained.

- 7.38 Every three (3) years, the College must review these regulations to ensure that:
- a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;
 - b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
 - c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

Responsible Officer: Head of Estates and Facilities

Approved by: Board of Directors and Academic Board

Version: 1.0

Date: 01/06/2017

Monitoring and Review Body: Academic Regulations and Awards Committee

Effective From: 01/06/2017

Next Scheduled Review: March 2019

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