

1.13.8 Searches and Confiscations Policy

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Regulations and Standards

England

- [Regulation 6: The quality and purpose of care standard](#)
- [Guide to the quality and purpose of care standard](#)
- [Regulation 7: The children's wishes and feelings standard](#)
- [Guide to the children's wishes and feelings standard](#)

Wales

- [Social Services and Well-being \(Wales\) Act 2014](#)
- Regulation 25: Respect and sensitivity
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/25/made>
- Regulation 59: Records
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/59/made>

1. Aims and Objectives

- To provide guidance to staff and young people on when it may be necessary to conduct searches of rooms, property and possession;
 - To ensure that searches are only carried out in accordance with this policy and where there are clear grounds to do so;
 - To ensure that staff balance the individual's right to privacy with their responsibility to safeguard and promote the welfare of the young people and their care;
 - To ensure that when a search is undertaken it is accurately recorded and young people have the opportunity to add their own comments to the record.
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2. Room Searches

Room searches are only to be made when:

- There are reasonable grounds to believe a young person's welfare or safety is/may be compromised;
- or
- Another person's welfare or safety may be compromised;
- or
- There are concerns about criminal activity.

These grounds include concerns about:

- Self-Harm/Suicide;
- Use of Drugs/Alcohol/Solvents;
- Concealed weapons;
- Concealed stolen property;
- Age inappropriate sexually explicit materials;
- Young people who are missing or who may be harbouring unauthorised people.

Room searches are to be thorough and conducted with the degree of rigor necessary to ensure that the cause for concern has been properly investigated.

3. Procedure

- If a member of staff has reasonable cause to believe that the grounds for conducting a search are met they are to seek the permission of the Manager or the most senior member of staff on duty to conduct the search;
- Consideration is to be given to informing the young person whose room is to be searched that a search is to take place. Staff need to balance the young person "right to know" with the implications for conducting the search safely and effectively. If it is decided that the young person will not be informed, the reason for this decision is to be recorded;
- The member of staff with concerns along with a colleague will then conduct the room search. If there is only one member of staff on duty then they are to contact the on-call manager for advice;
- When a search is undertaken staff are to treat the young person's property with respect and the room is to be left as it was found, having removed any harmful, illegal or stolen articles;
- Following the search, if the young person was not present, he/she is to be informed of the reasons the search took place and its outcome;
- The most senior member of staff undertaking the search will make an accurate record of the search; including the grounds for the search being done, the date and time it occurred and the outcome. This record will be made in the Young Person's file and the home's daily log. The

young person whose room was searched must be shown the record and invited to add their own comments if they wish.

4. Missing from Home Searches

If a young person is believed to be missing their room is to be searched in line with the **Absent Missing Children/Young People Policy**. Staff are to also search the rest of the building including other young people's rooms. Ideally staff should seek permission/consent to undertake such searches but if consent is withheld the search is to proceed anyway (being the least - worst option in terms of risk management). The young person whose room is being searched has the right to witness the search to ensure it is properly confined to looking for the missing person.

If the young person is not found and the police are informed they may wish to conduct their own search. The same procedure for seeking consent and dealing with dissent (above) should be followed.

5. Personal Searches

If staff believe that a young person is in possession of drugs/alcohol/solvents; a concealed weapon or stolen property, they may ask the young person to surrender the objects and/or request that they turn out the contents of their pockets or person.

If the young person refuses to cooperate (or if the young person cooperates but it is felt they are still in possession of the objects in question), under no circumstance are staff to attempt to undertake an intimate body search. Only outer garments may be searched. More intimate searches may only be conducted by the Police or with the authorisation of the Court;

Exceptional Circumstances

If there is an immediate risk of Injury or Significant Damage to Property, staff/carers may take what actions they deem to be appropriate to protect themselves or others. As a last resort, this can include the use of physical intervention in order to search a child, and the entering of a child's bedroom without their knowledge. However, staff/carers must only take such actions if it is safe to do so and their actions comply with the provisions/procedures set out in **Managing Behaviours Policy**. If there is a risk that an offence may be committed, the Police must be called (See: **Offending and Anti-Social Behaviour – Guidance on when to Involve the Police Procedure**)

It is not permissible to detain a young person to await the arrival of the Police.

Items may be permanently confiscated from the possession of the young person/their room if these items are deemed to be dangerous/unsafe, illegal or unacceptable items. For example;

- Alcohol & drugs;
- Pornographic material;
- Weapons;
- Penknives/Stanley knives;
- Substances often "abused" i.e. nail varnish, glue, and butane gas)

- Games/DVDs if not age appropriate for the child who's room they are found in..

All such items must be safely destroyed or disposed of and will not be returned to the young person.

Such items must either:

- If appropriate, be returned to the owner or, if stolen, passed to the Police;
- Destroyed;
- Returned to the young person on leaving;
- Given to the child's Social Worker or another responsible adult.

The Manager should approve any such disposal and ensure they are recorded accordingly.

If an item is suspected to have been "criminally" obtained then the Police may be informed and their advice sought, only after consultation with the Manager/senior on call.

Please note that money cannot be permanently confiscated, unless it is proven to be stolen.

If the young person is found to be in possession of stolen property then the police should be informed.

6. Notification

Following a room search or a personal search undertaken by the police, Bryn Melyn Care will inform the young person's Social Worker, person's with parental responsibility and others who "need to know" of the reasons for the search being made and the outcome.

Revision History

Date last updated: May 2020

Date of next review: May 2021

Date of release: December 2018

End