



SECURE ACCOMMODATION NETWORK

Good Practice Guidance

- Title:** The Physical Searching of Young People in Secure Children's Homes (England and Wales).
- Purpose:** To enable Secure Children's Homes to produce their own internal policy and practice guidance, which is consistent with a child centred care ethos and ethical practices within Secure Children's Homes across England and Wales.
- Date:** Friday 17 March 2005

1. INTRODUCTION

- 1.1 There is no written authorisation or guidance from the Commission for Social Care Inspection, the Youth Justice Board or any other government agency with regard to personal searches of young people resident within Secure Children's Homes.
- 1.2 This Practice Guidance has been written by the Secure Accommodation Network and is designed to offer practical guidance and advice to individual Secure Children's Homes to enable them to produce their own internal procedures around the physical searching of young people and encourage a more consistent working practice across the secure estate (Secure Children's Homes).

2. DEFINITION

- 2.1 Personal searches include any procedure, which involves a physical or visual examination of a young person.

3.0 REASON FOR CARRYING OUT PERSONAL SEARCHES

- 3.1 A personal search is undertaken to ensure that prohibited or controlled items are not in the possession of a young person and to help the management of the safety of the young people and staff within the Secure Children's Home.

Refer also to:-

The Children Act Guidance and Regulations – Volume 4 Residential Care Chapter 1.91 ix

Human Rights Act 1998

YJB Generic Specification (Jan 2004) Section 7.2.2

4.0 INSTIGATION OF A SEARCH

4.1 The following should be considered before any decision to search a young person is made-

- *The young person's history and current circumstances.*
- *Any ongoing situation within the Secure Children's Home*
- *The degree of assessed risk.*

4.2 Secure Children's Homes should work under the principles of "Duty of Care".

4.3 Secure Children's Homes personnel carry out personal searches because of their duty to care for all young people and staff within the Secure Children's Homes. If personal searches did not take place and an injury resulted from contraband being brought into the Secure Children's Homes then a case of negligence could be brought.

4.4 In order to succeed in a case of negligence three areas need to be proved:-

- *That a duty of care exists*
- *That the duty of care was breached and*
- *That damage flows, from the breach of duty to care.*

5.0 AGREED PRINCIPLES

5.1 Personal searches include any procedure involving a physical or visual examination of a young person.

5.2 The level of searching of young people should not exceed what is necessary and proportionate to deal with the actual situation. It is important that the least intrusive level of search should be the first option unless there is good reason to use the more invasive search.

5.3 The searching of a young person should never be carried out as a punishment, sanction or as a behavioural control.

5.4 A young person should be fully informed of the individual Secure Children's Homes Personal Search policy and have an understanding as to why a search is being carried out.

5.5 A young person should not be forcibly searched, if a young person refuses to be searched then the individual Secure Children's Homes risk management procedures should be followed in managing situation.

Refer also to:-

Individual Secure Children's Homes Risk Assessment policy and guidance.

Individual Secure Children's Homes Personal Search Procedures

Refer also to:-

- 5.6 When carrying out personal searches staff should take into account the privacy, dignity and feelings of the individual young person
- 5.7 When searching staff should take full account of child protection principles and reflect the need to balance security with the welfare of the child.
- 6.0 LEVELS OF PERSONAL SEARCHES
- 6.1 Dependant on individual Secure Children's Homes policy and procedures staff may be required to carry out up to five different types of personal search.
- Level 1 –
A request that requires no contact with the young person, or removal of clothing e.g. emptying pockets.
- Level 2 –
Minimal contact with no request to remove clothing, e.g. hand held metal detector.
- Level 3 –
a) Increased contact with the young person e.g. a Pat Search ("Pat" searches are similar to those normally carried out at a football ground or airport.
b) Young person asked to remove their clothing and asked to wear something else, e.g. dressing gown, whilst their own clothes are searched.
- Level 4 –
The young person will be asked to remove their clothes and a visual search of their body will be made, no physical contact will be made with the young person.
- Level 5 –
This will be an intimate search and must be carried out by an appropriately qualified person.
- 6.2 It is up to the individual Secure Children's Home to decide what levels of searches they carry out and the names that they give the individual searches.
- 7.0 GOOD PRACTICE RECOMMENDATIONS
- 7.1 Individual Secure Children's Home should have a process to ensure young people are kept informed of when and how searches are carried out.

*The Children Act
Guidance and
Regulations –
Volume 4
Residential Care
Chapter 1.91 ix*

*YJB Generic
Specification (Jan
2004) Section
7.2.2ii*

