

Searching Children / Bedrooms Policy

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Regulations and Standards:

The Children's Homes (England) Regulations 2015:

- Regulation 6 - The quality and purpose of care standard.
- Regulation 21 - Privacy and access.

Relevant Policies:

'Positive Behaviour Support Policy'

'Emergency Services Policy'

'Risk Taking and Assessments Policy'

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1. Searching:

Bedrooms should not be generally entered without the child's permission. Where it may be necessary to conduct a room search, this should take place after the child has been informed or permission given.

It may be appropriate to conduct a search of a child or a child's belongings, including the searching of a child's bedroom, if there is reasonable cause to believe that the child has concealed weapons, illegal drugs other items, which may place the child or others at risk of



injury. The decision to search a child's room may only be made by staff after they have consulted with the most senior member of staff on duty and / or on call. The only exception to this is where the situation is so critical that the search demands an immediate response.

It is important to remember that as responsible staff, we have a responsibility to ensure that HND Children's Care LTD ensure children are living in clean, well maintained, and safe conditions, and therefore, staff should be conscientious in regularly checking children's bedrooms (this is different to a room search) for cleanliness and safety.

Encouragement and education should be provided to allow these checks and to maintain their bedrooms to a clean and safe standard.

Where situations arise where children's bedrooms and personal spaces are unsafe due to cleanliness or maintenance issues for example; home's staff and managers should ensure that appropriate actions are taken to remedy and prevent future occurrences.

1.1 Searches with Co-operation

If there is a suspicion that weapons, illegal drugs other items are concealed, staff should try to obtain them with the child's co-operation. Before conducting such a search, staff should consult their own supervisor / manager and the child's social worker. Two staff should be present during the search, one of which should ideally be the same gender as the child, and the child should be present.

If the child does not co-operate, or is unlikely to, it may be appropriate to conduct a search without co-operation or without the knowledge of the child. The power to search without consent enables a 'personal search', involving removal of outer garments and searching of pockets, but not an intimate search going further than that, which only a person with more extensive powers e.g., a Police Officer, can do. If weapons or any dangerous or offensive items are found, they must be seized and passed to the manager.

When a decision has been made to carry out a search, the manager or other responsible staff must ensure:

- That the primary principle to search is based on reasonable grounds that failure not to carry out the search would put at risk the welfare of the child, other young people, staff, and any others.
- That the grounds and reasons for searching be explained to the young person
- That staff can evidence their reasons for carrying out a search which will include what discussions took place and why the decision was made to the search. That this decision is as far as possible made by the home manager and or senior staff
- That the full circumstances, grounds, and outcome for the search are all fully recorded, duly signed by those engaged in the search.
- That the child's social worker is advised of the event and is provided with a full report concerning the event.
- Two staff must be present, one of whom should ideally be the same gender as the child,

and the child if possible.

- If there is a risk that the searching of the child may escalate the situation e.g., lead to violence or injury to the child, staff or others, staff should contain the situation as best they can and consult the home's manager or a supervisor before proceeding; and consideration given to asking for Police assistance.
- The power to search without consent enables a 'personal search', involving removal of outer garments and searching of pockets, but not an intimate search going further than that, which only a person with more extensive powers e.g., a Police Officer, can do.
- When conducting searches, reasonable precautions must be taken to protect against possible sharp or dangerous objects that may be concealed.
- If weapons or any dangerous or offensive items are found, they must be seized and passed to the manager.
- The child should be given the opportunity to open their door and 'hand over' any items themselves unless this would put at risk the safety of the child, other children, and staff.
- That two staff preferably female and male undertake any search wherever possible. In any case two staff should be present during the search, and the child should be present.
- That staff carry out the search in a sensitive manner avoiding any embarrassment in respect to going through a child's personal possessions, drawers, wardrobe etc.
- That the child is advised that they can make a complaint and or representation if they are dissatisfied with staff actions and reasons.
- That staff record that they have advised the child that they can make a complaint and or representation.

1.2 Searches without Co-operation or without the knowledge of the child:

If the child does not co-operate, or is likely not to, a search may be undertaken without the child's co-operation or knowledge.

Unless there are exceptional circumstances, the manager and child's social worker must be consulted and come to a decision about the actions that may be taken and, in some circumstances, it may be appropriate to consult the Responsible Individual also.

When coming to a decision on the actions that will be taken, the manager/social worker(s) must take account of the following:

- Two staff must be present, one of whom, where possible, must be the same gender as the child, and the child if possible.
- Only outer garments may be searched. More intimate searches may only be conducted by the Police or with the authorisation of the Court.
- When conducting searches, reasonable precautions must be taken to protect against possible sharp or dangerous objects that may be concealed.
- If weapons or any dangerous or offensive items are found, they must be confiscated and passed to the Manager/Supervising social worker or child's Social Worker.

Exceptional Circumstances:

If there is an immediate risk of Injury or Damage to Property, staff 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 or consent. However, staff must only take such actions if it is safe to do so and their actions comply with the provisions / procedures set out in the Physical Interventions Procedure. If there is a risk that an offence may be committed, the Police must be called (See: 'The Police Procedure')

2. Confiscating Items:

Any items that are seized or removed by staff should be passed to the home's manager, even if they are owned by a child. The home's manager should record the matter and, if items are confiscated, they must be kept securely until the child leaves or the manager considers that they should be returned to the child e.g., where a child demonstrates s/he is able to use a mobile phone safely. The manager must provide the child with a receipt for the confiscated item(s).

If the items are thought to be a weapon, they should be passed to the Police. Where staff find controlled drugs, the home's manager should contact and seek advice from the Police; other substances not believed to be controlled drugs e.g., so called 'legal highs', should be confiscated, passed to the home's manager, recorded, and destroyed. If items are thought to be stolen, they must be delivered to the Police unless there is a good reason not to do so (see below) – in which case the stolen item should be returned to the owner. These stolen items may be retained or disposed of if returning them to their owner is not practicable. Re passing weapons or other items to the Police. Home's managers should have a good reason not to pass items to the Police and should take account of the following:

- Where the manager is unsure as to the legal status of a substance and has reason to believe it may be a controlled drug, they should treat it as such.
- With regard to stolen items, it would not be reasonable or desirable to involve the Police in dealing with low value items. However, the manager may judge it appropriate to contact the police if the items are valuable (iPads / laptops) or illegal (alcohol / fireworks).
- Disposing of alcohol does not include returning it to the child. It should be disposed of appropriately.

3. Notifications and Management Review:

There are different notification procedures for searches concluded with and without children's co-operation.

3.1 With Children's Co-operation:



Searches undertaken with the child's co-operation, where no force is used, must be notified to the manager at the first opportunity; the manager will decide whether to inform the relevant social worker.

3.2 Without Children's Co-operation:

Searches conducted without the child's co-operation, where a level of force has been used, is an Incident and must be notified to the manager and relevant parties within 24 hours or as soon as practicable thereafter. Furthermore, staff **MUST** seek authorisation from an on-call manager wherever this is reasonable and appropriate to do so.

If appropriate, i.e., if the child's parents have parental responsibility; then they must be informed also.

Depending on the seriousness of the Incident, other people / agencies may have to be notified, see 'Delegated Authorities and Notifiable Events Procedure'.

4. Recording:

The manager will review every room search that takes place; make comment and or recommendations in addition to ensuring that:

- Searches are recorded in the daily log and the child's file.
- An incident report is produced with details as listed below:
 - The time and date of the search
 - The reason or suspicions which led to the need to conduct the search.
 - Who conducted the search and whether the child or others were present?
 - Whether the child cooperated
 - What was found, and whether items found were retained / confiscated.
 - If items were retained / confiscated, where they were stored.

END.