



Right to search	
Reference: GN17	Effective date: 1 June 2012
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Last revised 16 May 2022	Revision date: May 2024

Introduction

Although the majority of the organisation's employees are loyal and trustworthy it is a regrettable reality that occasionally an employee is dishonest or acts in a way that is in contravention of organisation policy. The organisation has the right to request a search of employees in certain situations. Searches are deemed a proportional method of protecting the organisation's business interests, for example by reducing theft, the unauthorised removal of organisation property or information and reduce the risk of inappropriate or illegal items, such as weapons, drugs or alcohol, from being brought onto organisation premises.

Policy

All searches will be undertaken in a manner consistent with the process below to ensure fairness, reasonableness and proportionality, however the organisation recognises that each individual situation is different and therefore the process below is a guideline only and the organisation may vary or skip steps if deemed appropriate. The organisation may also search visitors to the premises provided they have read and agreed to the terms of this policy. Searches may be held upon entry to or exit from the organisation's premises or at any time while an employee or visitor remains on the organisation's premises.

Searching specific employees

Should the organisation hold a reasonable belief that an employee has committed or is to commit a breach of organisation policy it will consider whether a search is an appropriate and proportionate method of establishing evidence of the suspected offence. Consideration should be given to whether:

- ◆ The employee has been seen by a senior manager in possession of a prohibited item;
- ◆ Reliable intelligence has been received by a third party that the employee is carrying, has used or is using a prohibited item;
- ◆ The employee has admitted possession of a prohibited item;
- ◆ Whether the individual has been searched before and the reasons why;
- ◆ Whether other individuals are or have been searched for similar reasons.

Random searches

The organisation may from time-to-time instigate random searches of employees within the business to ensure that organisation Policy is being complied with and reduce thefts. The selection of employees will be random and anonymous to ensure fairness.

Extent of search

The type of search must be proportionate and may include the search of any article in that person's possession. This could include bags, cases, clothing or vehicles.

The Search Process

All searches must be authorised by a senior manager prior to commencement. This may be individual authorisation or a general communication that random searches will be taking place during a time period or until further notice. The senior manager should specify the individual that will undertake the search (the 'search officer'). The search officer shall invite the employee or visitor, in a discrete manner to avoid undue embarrassment, into a private room that is out of the view of other people in the building. The search officer must at all times have a suitable witness present, such as the employee's line manager. The search officer must explain the following to the individual prior to any search:

- ◆ That a search has been authorised by a senior manager;



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- ◆ The reason(s) for the search;
- ◆ The extent of the search, eg bags, clothing, vehicles;
- ◆ That they have the right to refuse the search but that unreasonable refusal may result in disciplinary action;
- ◆ That they have the right to reasonably request the presence of a work colleague as an independent witness;
- ◆ That they are free to leave should they so wish at any time during the search but that should their leaving be unreasonable they may be subject to disciplinary action or the matter disclosed to the police;
- ◆ That they will be asked to sign an authority to search form and notified that unreasonable refusal may result in disciplinary action

The individual should be given a reasonable time to consider their response. The search officer may ask that some or all of the baggage being carried is opened and may request that items are removed by the owner for further inspection. The extent of the search should be proportional to the reason(s) for the search. The search officer should not handle any items until they have been removed from the baggage.

The search officer may ask that the individual remove items such as coats, jackets, jumpers, pullovers, wraps, cardigans, headgear, scarves, gloves, footwear, etc or empty pockets as is reasonable in the circumstances. The officer must be mindful of any possible religious, sexual or racial sensitivities possessed by the individual.

In some limited circumstances it may be reasonable for the search officer to perform a body search or 'pat down' an individual where it is proportionate to the aim of the search and reasonable in the circumstances. Specific authority by a senior manager must be obtained prior to this and the employee must be asked for their consent before any physical contact is made. Such searches should be made by the same sex only and witness must be present. This does not require the removal of a basic level of clothing and does not require contact with intimate parts of the body. The officer should communicate where they are if not in sight of the individual.

Searches may also be conducted of the employee's workspace and this will be done as discreetly as possible.

Should any unauthorised organisation property or prohibited items be found a record will be made on the form and any comments made by the individual noted. They will be asked to sign the form at the conclusion of the search to state that it is an accurate reflection of the search undertaken.

The search officer will then disclose the report to the employee's line manager and forward a copy to the authorising senior manager for review. Should unauthorised organisation property or prohibited items be found disciplinary action will be considered and the employee notified. Depending on the individual circumstances disciplinary action could be considered up to and including dismissal without notice. The organisation reserves the right to disclose relevant information to the police or other relevant authorities or organisations. The organisation will keep a record of all searches undertaken that will be reviewed from time to time to ensure fairness in the use of searches.



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Appendix A - Consent Form

I [insert name]

consent to undergoing a search of my property by [insert name]

Date

Signed

Notes of search

[insert any items found and a description of the extent of the search undertaken].

Comments of employee searched



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Search Officer

Witness