

SEARCH POLICY

POLICY REFERENCE NUMBER:	CLP75
VERSION NUMBER:	2
REPLACES SEPT DOCUMENT	SSOP 22 & CG75
REPLACES NEP DOCUMENT	CP5/Search/02/16
KEY CHANGES FROM PREVIOUS VERSION	An amalgamation of above P&P. Changed from CG75 to CLP75 after consultation
AUTHOR:	Trust LSMS & Secure Services Director
CONSULTATION GROUPS:	
IMPLEMENTATION DATE:	March 2018
AMENDMENT DATE(S):	February 2018; Sept 2018: Sept 2019 (Authors); September 2019
LAST REVIEW DATE:	November 2019
NEXT REVIEW DATE:	November 2022
APPROVAL BY HEALTH, SAFETY & SECURITY COMMITTEE:	October 2019
RATIFICATION BY QUALITY COMMITTEE:	November 2019
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POLICY SUMMARY
<p>The Mental Health Act Code of Practice (para.16.10) requires Trusts to have an operational policy on the searching of patients and their belongings. The Code states that the policy can extend to routine and random searching without cause, but only in exceptional circumstances; for example where dangerous, violent and criminal propensities of patients create a self-evident and pressing need for additional security.</p> <p>The Trust has a statutory duty to provide a safe and therapeutic environment for patients and staff and to protect the public. Routine searches are an essential and justifiable component of our security practices and are therefore included within this policy.</p>
The Trust monitors the implementation of and compliance with this policy in the following ways;
<p>This policy will be reviewed by the senior LSMS and will form part of the LSMS work plan under the policies section; this policy will be reviewed every 3 years unless there is reason to suspect it is no longer valid.</p>

Services	Applicable	Comments
Trustwide	✓	
Essex MH&LD		
CHS		

**The person responsible for monitoring and reviewing this policy is
The Executive Chief Finance and Resources Officer**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST
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Assurance Statement

<p>This Search Policy provides guidance and assurance on conducting searches on a ward or of service users, whilst ensuring that a therapeutic environment is maintained and the security of the ward or building and the safety of service users, staff, visitors, members of the public and contractors are kept paramount.</p>
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1.0 INTRODUCTION

The purpose of this policy is to support and safeguard staff and service users through the process of searching service users and/or service users or visitors property. This is necessary to provide a safe environment for staff, service users, visitors, members of the public and contractors and to fulfil a duty of care to all individuals who may be on Trust premises. This policy has been written with reference to the Mental Health Act (1983) The Mental Health Act Code of Practice (2015) The Human Rights Act (1998) and common law to enable the Trust to seek a balance between Human Rights and safety issues. The National Institute for Health and Clinical Excellence (NICE) recognises that the undertaking of necessary and lawful searches of both service users and visitors can make an important contribution to the effective management of aggression and violence. (NICE 2015, Violence and Aggression: Short Term Management in mental health, health and community settings).

Whilst the Trust fully respects the rights of individuals and their need for privacy (Article 8 of the *European Convention on Human Rights* (ECHR)) it also has a duty to safeguard service users, staff and visitors whilst on its premises, therefore there will be occasions when it becomes a necessity to search service users and visitors in order to minimise the risk of serious harm.

2.0 SCOPE

The scope of this Policy extends to those service users who are being cared for by the Trust and in Trust facilities. To ensure all clinical staff understand when searches may be appropriate or justified; and the procedures to be followed and the legal basis/authority for conducting searches under this policy.

Ensure EPUT staff act in accordance with the Mental Health Act Code of Practice and at all times act professionally, in good faith and for the benefit of service users, visitors, staff and the public. For the Trust to set the standard of practice for EPUT staff regarding the process and rationale for searching service users and visitors. This policy primarily relates to in-patient and residential services, adult services and the searching of service users/visitors.

CAMHS and Secure services have separate policies/procedures for the searching of their service users. This policy is supportive of and does not override local arrangements where additional standard operating procedures need to be followed. For instance, in secure settings, enhanced security should incorporate physical, procedural and relational security measures (Department of Health)

The policy does not address the searching of staff members, except where staff are suspected of bringing in a mobile phone where these are a prohibited item.

Staff should also consider the appropriateness of searching patients' post/parcels received whilst an in-patient and where this has been agreed, it should be documented within the patients' record as detailed in the search procedure.

3.0 SUMMARY

3.1 This policy takes into consideration the responsibility of the organisation to maintain a safe environment for the service users, staff, members of the public and contractors.

3.2 Many patients admitted to our service may have associated risks, either from themselves or from others. As part of the care package and treatment, patients can expect that any risks identified are managed effectively and sensitively at all times.

3.3 This policy governs the searches of patients, their possessions and any areas of Trust property or premises. It provides guidance relating to the searching of visitors in order to maintain the security of the Trust, its staff and its property.

3.4 Searching an individual or their property can be experienced as an intrusive procedure. However it is paramount that searches are undertaken to prevent serious harm or injury to the service user and staff. The Trust Search Procedures assist staff with identifying the type of searches to be carried out, prevention of harm and a suggested list of prohibited items. This policy guides staff in undertaking the search procedures with efficiency whilst minimising discomfort or distress to individuals and maintaining their dignity throughout the search.

3.5 Searches should only be carried out if the suspected item/s is dangerous or possession of it may compromise safety & security; the decision to search will be made following a suitable and sufficient risk assessment and where the decision to proceed is deemed reasonable. The safety and wellbeing of staff is paramount during these procedures and if there is cause for concern, then the ward Manager/Senior Nurse should be consulted.

3.6 This policy and procedure provides clear and concise guidance on searching service users, staff and visitors, ensuring respect and dignity is upheld at all times.

3.7 This policy and procedure also provides guidance on the use of specially trained drug detection dogs searching Trust premises and service users' property.

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3.8 This policy & procedure also provides guidance on the use of hand-held metal detectors for the purpose of searching service users and / or visitors whilst on Trust property.

3.9 The policy & procedure ensures all staff understands when searches are appropriate or justified and the legal basis to be followed when conducting those searches.

3.10 This policy and procedure provides staff with clear guidance as to their actions regarding search procedures and the rationale for the search to be conducted.

3.11 All managers and all staff involved in search procedures must have undertaken sufficient training in the requirements for searching.

3.12 All persons who are identified for searching must have had a suitable and sufficient risk assessment undertaken and approved prior to any search taking place.

3.13 This policy applies to both formal and informal patients / service users.

3.14 This Policy covers both routine and random searches, particularly in relation to service users whose risk assessment indicates a dangerous or violent history. *.All searching must conform to the guidelines as laid down in Chapter 8 of the Revised Code of Practice Mental Health Act 1983, 2015 Department of Health.*

3.15 The term "personal search" applies to searching of the body. Searching may include areas such as clothing, belongings, room and bed area and lockers (where appropriate). ***This policy does not include provision for intimate or cavity body searches.*** If there is serious concern that a service user has a prohibited item such as a weapon or substance which is believed to be concealed in a body orifice then the service user should be placed on enhanced observations. The team should explain to the service user the potential dangers of placing foreign objects in a body orifice.

If it is suspected or disclosed that the service user has concealed an item in a body orifice causing an imminent danger to the service user then staff should consider taking the patient to A&E. If there is an urgent risk, a search should be considered in consultation with the Service Manager & Consultant/Doctor. This search may only be conducted by trained in the personal search procedure and of the same gender as the service user and done as a last resort. If this type of search is carried out a risk assessment must be carried out and all decision making should be documented in the clinical records.

3.16 Searches must only be conducted when it is absolutely essential for the health, safety and welfare of the service user, fellow service users, staff or others. However, the level of any search undertaken must be judged a reasonable and proportionate response to the risk. *(see section 4.0 of the associated procedure)*

3.17 It should be a considered approach that all items be removed during a search unless it can be shown positively that an item might not cause harm to the service user, staff or other service users.

3.18 Stolen Property - It is important to remember that there is no lawful power available to hospital staff to search service users for stolen property. In this instance

consultation with the senior manager on site or the on call manager should be sought and if necessary the police should be informed.

3.19 It is not Trust policy to routinely carry out searches of service users and their belongings. Searches can however be carried out where there are reasonable grounds to do so. These can include where:

- Part of the admission procedure.
- When service users return from leave to ensure the security of premises and the safety of service users, staff and the public.
- The service user, visitor or staff member is believed to be carrying or concealing an item/s suspected to be dangerous or the possession of which may compromise the security, safety or wellbeing of staff, service users or members of the public.
- Staff believes there could be a significant risk to the service user or others and that the service user, visitor or staff member may have an article, which could cause such harm, including anything deemed dangerous, which has been adapted for the use to cause injury. These may include apparently innocent items e.g. spoon, comb, shoelaces etc.
- There is a suspicion that the service user, visitor or staff member could be concealing illicit substances upon their person.
- Previous incident whereby the service user, visitor or staff member has endeavoured/succeeded to conceal items deemed contraband when entering the area.
- When a visitor has brought property or other items for a service user to the ward.
- At any other times where concern for safety & security is raised

3.20 This clinical guideline may extend to the routine and random searching without cause, but only in exceptional circumstances, for example where the dangerous or violent criminal tendency of a service user creates a self-evident and pressing need for additional security.

3.21 Supports will be offered to all staff and service users involved in a search during and after the search has taken place.

This policy sets out the framework for undertaking searches of patients, regardless of whether they are detained or informal, their property and environments within Essex Partnership University NHS Foundation Trust (Trust). The document highlights the information staff are required to have before they can instigate a search and the documentation they need to complete when a search has been carried out. There is specific guidance in section 11.3 which must be followed regarding the searching of patients under the age of 18.

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- The Department of Health, revised Mental Health Act 1983: Code of Practice, hereafter known as the ‘Act’ and the ‘Code’: came into force 1st April 2015. There are five guiding principles that underpin the Act and therefore this policy. They should be considered when making all decisions in relation to care, support or treatment provided under the Act (Code of Practice). This includes the decision to undertake a search of a patient, their property and the environment.
- Least restrictive option and maximising independence
- Empowerment and involvement
- Respect and dignity
- Purpose and effectiveness, and
- Efficiency and equity.

- The Code states “Hospital Managers should ensure there is an operational policy on searching patients detained under the Mental Health Act and their visitors. When preparing this policy, hospital managers should consider the position of informal patients.” The chapter entitled ‘Privacy, Safety and Dignity’, deals with ‘access to telephones, the internet and the use of searches’ (Code of Practice). Importantly it provides the framework of considering the development of a therapeutic environment, maintaining patients’ dignity but at the same time maintaining safety.

- This policy confirms that staff need to consider potential Human Rights violations and highlights the four main Articles to be considered: -
 - Article 2 – Right to Life
 - Article 5 – Right to Liberty and Security
 - Article 8 – Right to Respect for Private and Family Life
 - Article 14 – Prohibition on Discrimination

- Please read section 10.1 for further information

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