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**Introduction**

Habbibi know that the majority of their employees are loyal and trustworthy, however, we do realise that it is a regrettable reality that occasionally some employees are dishonest and/or act in a way that is in contravention of organisation’s policies. 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.

This Policy only relates to the stopping and searching of those working within the organisation. Therefore, this policy applies to all temporary workers, full and part-time employees, workers, agency workers and contractors. The Policy does not address any search that might be required in relation to customers or other visitors to the organisation.

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.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

**Searching specific employees**

Should Habbibi hold a reasonable belief that an individual working within the organisation 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 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;
* The employee has been seen taking property that belongs to the organisation
* Reliable intelligence has been received by a third party that the employee has been seen taking property that belongs to the organisation;
* Whether the individual has been searched before and the reasons why;
* Whether other individuals are or have been searched for similar reasons.
* Is the search a reasonable response to the information that they have

**Random searches**

The organisation may from time-to-time instigate random searches of individuals working within the organisation to ensure that organisation Policy is being complied with and reduce theft. The selection of individuals 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 individual's possession. This could include bags, cases, clothing or vehicles.

**Refusing to allow a search**

An individual working for the organisation can refuse to allow a search to take place. If an individual working for the organisation does refuse to allow a Senior Manager, Area Manager, General Manager, Deputy Manager or Assistant Manager to carry out a search they will be asked to give a reason for the refusal. This will be noted down by the manager who will then contact the HR Team for further advice.

If the refusal relates to a concern about the team member who is carrying out the search (for example, because they are of the opposite gender) then another team member of the opposite gender may be asked to carry out the search. Refusal to allow a search to continue once any concerns have been addressed may result in disciplinary action.

**Action to be taken if irregularity is discovered**

If the individual being searched is found to be bringing in or taking away from Habbibi something which is thought to be against the rules, policies and procedures of the organisation, the individual will be asked to wait whilst the HR Team is contacted.

Bringing banned items into our premises (e.g., drugs, knives – these examples are not exhaustive) could result in disciplinary action being taken including summary dismissal.

Taking items from our premises without permission (e.g., company documents, company property, food items, culinary items – these examples are not exhaustive) could result in disciplinary action being taken including summary dismissal.

In such cases Habbibi reserve the right to suspend the individual on full pay whilst further investigations are carried out.

**Frequency of searches**

There is no limitation on the number of occasions on which an individual can be searched.

**Recording of searches**

The team member carrying out the search will be required to make a note in the stop and search record of every search that is carried out. The following information will be logged:

* Date of search;
* Time of search;
* Individual searched (name and department);
* Items searched (e.g., vehicle, bag); and
* Any action taken. The search record must be signed by both the team member carrying out the search and the individual who was searched.

**Complaints about the search process**

Any complaints about the search process should be addressed to the HR department.

**Stop and Search Procedure**

The Individual

The searching of those who work at Habbibi will only be carried out by Senior Managers, Area Managers, General Managers, Deputy Managers and Assistant Managers. They will outline the following prior to any search being carried out:

* explain the reason for the search (i.e., random search);
* that a written record will be kept of the stop and search process being undertaken;
* the searches carried out will not be of an intimate nature and therefore it should not usually be necessary for searches to be carried out by someone of the same gender as the individual being searched;
* the individual being searched may request that the search is undertaken by a person of the same gender. This should be explained and the individual requests this before the search commences;
* a non-intimate search covers a variety of types of searches i.e., physical property being searched such as lockers, drawers, bags, exterior clothing being worn by or belonging to the team member (pockets of coats, jeans etc);
* the individual being searched has the right to request that a colleague is present during the search. This should be explained and requested by the individual before the search commences;
* the individual owning the property being searched will usually be present during the search. It is only in exceptional situations that this will not be the case, and such searches must be authorised by a senior manager of Habbibi.
* the individual being searched has the right to refuse the search but that unreasonable refusal may result in disciplinary action; and
* the individual being searched is 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;

Coats, jackets and Bags

Habbibi reserve the right to search the Coats, jackets and bags of any individual working in the organisation as they enter or leave the organisation’s premises. If it is intended to carry out a search, following the process above, the individual who owns the property being searched will be asked to come to a private room. The individual will be asked to empty their coat, jacket and bag or will be asked to give it to the person carrying out the search for them to look and search inside.

Vehicles

Habbibi reserves the right to search any vehicles as they enter or leave the organisation’s premises. The team member, a Senior Managers, Area Managers, General Managers, Deputy Manager or Assistant Manager, carrying out the search will outline the following prior to any search being carried out:

* if it is intended that a vehicle is searched, the team member carrying out the search will indicate to the driver that they wish to conduct a search;
* the driver will be requested to drive to a safe place where other traffic is not obstructed;
* the driver will be requested to turn off the engine and leave the vehicle;
* explain the reason for the search;
* that a written record will be kept of stop and search proceedings;
* the driver whose car is being searched has the right to request that a colleague is present during the search. This should be explained and requested by the driver before the search commences;
* the driver of the vehicle being searched will usually be present during the search.