



NAG 5

The Surrender and Retention of Property and Searches Policy

Rationale

The Board of Trustees of Paparang School is required to provide a safe physical and emotional environment for students and staff to ensure staff and students are protected from cyberbullying, items/substances which might be harmful, (such as those prohibited items as outlined in the school guidelines) or items that are forbidden by law to be taken to school, (such as alcohol, drugs and weapons). Other examples of items and devices which may be surrendered and retained are cell phones, electronic storage devices, gaming devices, magazines and music devices if they are likely to endanger safety or likely to detrimentally affect the learning environment or if they contain objectionable or harmful material such as scenes of violence, bullying text messages, images, inappropriate language or pornography.

Staff and Students are protected under Section 21 of the New Zealand Bill of Rights Act 1990, which states that "everyone has the right to be secure against unreasonable search or seizure, whether of person, property or correspondence or otherwise". This does not prohibit searches or seizure of student property but the school must be able to justify their actions as reasonable and necessary to maintain a safe environment.

The legislation in the Education Act 1989 deals with three types of items, covering things that are:

- likely to endanger the safety of others
- likely to detrimentally affect the learning environment
- harmful (poses an immediate threat to the physical or emotional safety of any person)

There can be no definitive way of dealing with each and every scenario and the Senior Leadership Team will be required to look to their own experience and judgement in dealing with individual cases.

Definition of key terms:

Senior Leadership Team (SLT) – Principal, Deputy Principal, Assistant Principal

Authorised staff member (SM) – classroom teacher

Harmful – Poses an immediate threat to the physical or emotional safety of any person (a higher test than "likely to endanger safety"). This criterion must be met before a search can be undertaken. Harmful items may include firearms, text messages, drugs, weapons, gang colours or insignia, and sexually explicit photographs of a student

Device – can be considered something electronic (mobile phone, a tablet or a computer). If a device is surrendered an authorised staff member can retain it but not disposed of it

Item – an item is everything else. If an item is surrendered an authorised staff member can retain it, and if deemed appropriate by the Principal or Deputy Principal dispose of it

School property – buildings, grounds and vehicles – as well as any locker, desk or other receptacle provided to students for storage purposes
Student property – property that a student has in their possession

Student property – property that a student has in their possession

Guidelines

1. An authorised staff member may require items and/or devices to be produced, revealed, and surrendered if an authorised staff member reasonably believes the item may cause harm or be detrimental to the learning environment or endanger the safety of others.
2. Groups of students cannot be required to produce, reveal, and surrender items, unless there is reasonable belief that each student has a relevant item.
3. Blanket searches are not permitted. Searching would be viewed as a last resort and other avenues are to be pursued first and foremost.
4. The search of a device, student's outer clothing or container can only be carried out by a member of the SLT.
5. Searches may only be carried out if there is a belief that a student has something that is harmful.
6. If a personal or property search is conducted every attempt will be made to protect the individual's dignity and mana.
7. When an authorised staff member retains an item or device from a student, it must be stored in a place where it is unlikely to be stolen, lost or damaged.
8. For security reasons, the item or device may be given to the office staff or Principal with the student's name, authorised staff member's name and date of surrender and retention to hold for collection. A record of the retention must be kept for seven years.
9. The authorised staff member must either return the item or device the same day, by 3.05pm. The SLT may decide that an item should be disposed of rather than returned.
10. A search of a school locker or lockers and its contents may be conducted at any time, for any reason and by any means by SLT only as long as the SLT acts professionally and respects privacy. Consent from a student is not required.
11. A search of bags outside an assembly or locked in changing rooms or classrooms is not permitted.
12. A personal search of a student is not to be conducted. A search of removed outer clothing (includes coat, jacket, jumper, or cardigan. Other clothing that can be required to be removed includes head covering, gloves, footwear and socks (except tights and stockings)) can be conducted by SLT only.
13. A search may include an examination of pockets, bags or containers found in bags or pockets and written or electronic material.
14. In most cases consent from the student should be sought before a search is conducted. In the absence of consent, a search may still be conducted but the police should be called to be present.

15. A search of a student's outer clothing or belongings should include a witness who is the same gender as the student. Where possible the search should be conducted by SLT member of the same gender.
16. The search process should be terminated immediately if there are any concerns for the safety of the staff members conducting the search.
17. Searches must be conducted in a way that protects the dignity and privacy of the individual and away from other students.
18. The Board must keep a written record of all searches for a minimum of seven years. The written record must include the date of the search, the name of the student, the name of the staff member who conducted the search, if applicable, an explanation of why any of the "if practicable" requirements could not be fulfilled (re sex of person searching, presence of second staff member of same gender as student, presence of student) any other details that are specified by the Board.
19. If a student seeks to obstruct a search by SLT then contact with the Police should be made if there is perceived to be an immediate threat to safety.
20. Refusal to submit to a search or to producing, revealing and/or surrendering an item or device could be grounds for disciplinary action. The school's usual disciplinary or behaviour management practices will be used.
21. At the earliest possible point parents should be contacted to inform them of the search and the results.

Approved: August 2016

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