

**POLICY 5.3: SURRENDER AND RETENTION****RATIONALE:**

To ensure that the school environment is a safe and secure learning place, and in order to do this we must, at various times, check that students are not in possession of illicit items, including illegal drugs, alcohol, cigarettes, pornography, weapons, or stolen property, or other items that could be harmful.

Touchstones: Truth, Family, Scholarship, Joy.

Document Link: Strategic Plan Section A (Goal A and B); Section B1 (all goals).

New Guidelines issued January 2014 by the Secretary for Education under section 139AAI of the Education Act 1989 -

<http://www.education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/searching-and-removing-student-property/>

**PURPOSE:**

The purpose of this policy is to provide a fair and dignified process for searching personal belongings to ensure a safe and secure learning environment for students and staff and encourage improved student achievement.

**GUIDELINES:**

1. Searches may be carried out if a teacher/authorised staff member has belief on reasonable grounds that a student has an item that is likely to endanger safety, likely to detrimentally affect the learning environment or be harmful, and if the student refuses to surrender the harmful item.
2. If a teacher can justify that searching an electronic device is required for safety purposes or to effectively manage students' learning then they may do so; however, they must have reasonable cause for doing so and any search or seizure must be performed in good faith.
3. Teachers/authorised staff member are being granted these powers in order to be able to manage their students and keep them safe in school or at school-related events (such as sports days). Situations that require the use of surrender and retention powers outside of school should be handled by the Police.
4. All searches will be carried out in a manner that ensures the dignity of the student is protected, and will be in accordance with the following process:

**PROCEDURE:**

1. Refer to attached "Summary Chart" guidelines for Surrender & Retention of property and searches.
2. Students must be present at all times during a search of their personal property.
3. If an illicit item is found on the student, or in the student's bag or locker, the teacher may retain the item pending the appropriate inquiry or disciplinary process.
4. If a student does not agree to the search being carried out, the student will be asked to go to the office of the Director of Pastoral Care, or in their absence, a member of Senior Leadership Team (SLT).
5. The student will then have the opportunity to ask any questions that they have in relation to the search, and the student's parents will be telephoned. The student will be supervised at the office of the Director of Pastoral Care (or in their absence, a member of SLT) until the arrival of a parent or guardian.
6. Following the arrival of the parent or guardian, the student will again be asked to empty their pockets, or to open their bag or locker for inspection. If the student maintains that they will not agree to the search being carried out, such refusal will be dealt with as a disciplinary matter.
7. If a parent or guardian is not available to attend the school, a school counsellor or similar will be asked to attend in support of the student. If the student maintains that they will not agree to the search being carried out, such refusal will be dealt with as a disciplinary matter.