



### CM11 – POLICY ON SURRENDER AND RETENTION OF SEARCHES

#### Rationale

All schools are required to provide a safe physical and emotional environment for their staff and students. Parliament has given new powers and clarified the law in relation to searches and retaining student property. In exercising these powers, the school must act reasonably, in good faith and in the least intrusive manner to achieve a safe environment. Schools must be able to justify their actions as reasonable and necessary to maintain that safe environment.

#### Principles

The legislation deals with three key types of items covering things that are:

- Likely to endanger the safety of others
- Likely to be detrimentally affect the learning environment
- Pose a harmful threat to physical and emotional safety for any reason

All three of the above allow a staff member to require a student to produce, reveal or surrender items in their possession.

1. Students are protected under Section 21 of the New Zealand Bill of rights Act 1990 which states “everyone has the right to be secure against unreasonable search or seizure, whether a person or person, property or correspondence or otherwise”. This section does not prohibit searches or seizure of student property but schools must justify their actions as reasonable and necessary to maintain a safe environment.
2. The new powers now available must be used reasonably and in good faith.
3. There is an expectation that the school is free from drugs, weapons, alcohol and all forms of bullying and is therefore providing a safe environment.
4. That there are procedures in place to deal with retention and storage of items that are surrendered to or confiscated by staff.
5. The Board of Trustees will identify and notify authorised staff other than teachers who can carry out searches.
6. The usual disciplinary or behaviour management policies are adopted if there is a refusal by a student to comply with any reasonable request regarding surrender of property or consent to a search.
7. Information about what are the expectations in relation to surrender and retention of property and searches needs to be communicated to students and parents.
8. This board policy is supported by procedures developed by school management.



## ST BEDE'S COLLEGE BOARD OF TRUSTEES – POLICIES

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### Regulations / Legislation

Crimes Act 1961

Privacy Act 1993

New Zealand Bill of Rights 1990

Human Rights Act 1993

Education Act 1989 Sections 15 and 17

### School Procedures that relate to this policy

Name of Procedure	Author	Date	Faculty or Dept
School Surrender and Retention of Property and Searches procedures 2014	Management	Annual Update	Senior Management

Date approved	18 May 2015	Responsibility	Community
Review Period	Annual	Date last reviewed	May 2015