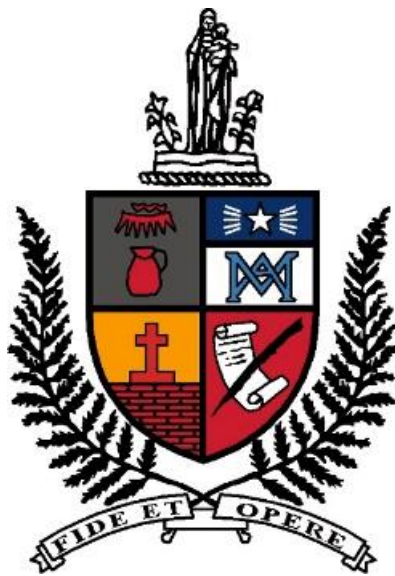


St Bede's College



CM11 – POLICY ON SURRENDER AND
RETENTION OF PROPERTY AND SEARCHES



CM11 – POLICY ON SURRENDER AND RETENTION OF PROPERTY AND SEARCHES

Rationale

All schools are required to provide a safe physical and emotional environment for their staff and students in relation to searches and retaining student property. 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 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 of the 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. Any action undertaken must be reasonable 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.



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)
Search and Surveillance Act 2014
Crimes Amendment Act 2015
Vulnerable Children's Act 2014

School Procedures that Relate to this Policy

See pages 11 – 12 Behaviour Policies and Procedures

Name of Procedure	Author	Date	Faculty or Department
School Surrender and Retention of Property and Searches Procedures	Management	Annual update	Senior Management

DATE APPROVED: 18 July 2016	RESPONSIBILITY: Community
REVIEW PERIOD: Annually	DATE LAST REVIEWED: October 2020