

## John Paul College Policy

# 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.

### Document Link:

Ministry of Education Appendix 2 Education Amendment Bill 2012 – Surrender And Retention

<http://www.minedu.govt.nz/theMinistry/PublicationsAndResources/RIS/EducationAmendmentBill2012.aspx>

## 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 for 'good cause' i.e reasonable grounds to carry out the search.
- 2 If a teacher can justify that surrendering 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 and consistent with the New Zealand Bill of Rights Act. It is not permitted to search the contents of an electronic device.
- 3 Teachers 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 search and seizure powers outside of school should be handled by the Police.
- 4 The policy will not prevent any urgent search of a student (body searches are not permitted) or their bag or locker, or seizure of property, where it is required to prevent harm to the student or other people, or to prevent damage to property.

Any items that are retained will be stored by the school with reasonable care but the school shall not be liable to the student for any loss of items unless negligence is established.

- 5 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. For the physical and legal protection of the staff member conducting the search another staff member should be present during the search.

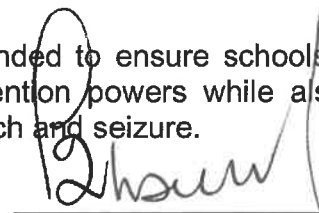
## PROCEDURE

- 1 Students may be asked at any time by a teacher, to empty out their pockets, or to open their bag or locker for inspection where reasonable suspicion is established.
- 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 Deputy Principal Student Management or 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 by 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. The Police may be contacted to conduct the search.
- 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.

## CONCLUSION

This policy is intended to ensure schools are enabled to provide a safe through the surrender and retention powers while also preserving the rights of students against unreasonable search and seizure.

Ratified by Board



Signed for B.O.T Chair

27.06.2016

Date

Next Review

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Signed for B.O.T

2019