



## INTRODUCTION

The school is required to provide a safe physical and emotional environment for pupils. Safety at school is a basic expectation for pupils and staff, as well as being a prerequisite for pupil success and academic achievement. As a State Integrated School, the Board of Trustees requires that all aspects of this policy be guided by the Special Character Policy.

The school's guidelines will be available to pupils and the wider school community.

For full guidelines see the Ministry of Education circular: *Guidelines for the Surrender and Retention of Property and Searches (January 2014)*

## 1. SEARCHING PUPILS AND THEIR BELONGINGS

A search is an examination of a person or property for something that is hidden. A search may include situations where a person is required to remove items of clothing or to empty out his or her pockets. It can also involve a pupil's 'correspondence' – written and electronic material (eg: diary, mobile phone or on a lap top) rather than the diary or device itself.

Searches can only be conducted for an item that is considered harmful, (an item is defined as everything excluding an electronic device but includes the digital information (item) stored on that device, such as a text message or email. If that information (item) is harmful and the pupil does not willingly surrender it, then the staff member has the option of conducting a search for that device.) Searches cannot be conducted for an item that is likely to endanger safety only, or an item that is likely to detrimentally affect the learning environment. A pupil's person cannot be searched. A school's property, including lockers and desks can be searched at any time.

### 1.1 Who Will Conduct A Search?

All staff authorised by the Board of Trustees (BOT) to carry out searches must be notified in writing and must be acknowledged in writing by the authorised staff member.

#### Guidelines

- a. The only staff to conduct a search are: Senior Leadership Team (SLT); Director of International College, Assistant Director International College, Assistant Heads of Schools (AHOS); Learning Team Leaders (LTL) Y1-8 and Deans Y9-13. All authorised staff will be trained by the delegated Associate Principal and will be provided with the guidelines and policy documents.'
- b. All searches will be conducted by two people, one of whom must be SLT or AHOS.
- c. Other than in exceptional circumstances, the person conducting the search will be the same gender as the pupil. The 'exceptional circumstances' must be noted immediately following the search.
- d. The Privacy Officers (the Principal) will be informed of any search. S/he will protect pupils' right to privacy by ensuring confidentiality of their personal information and their right to access information held about them.
- e. The BOT must have a written record of all searches including the date of the search, names of pupil, names of staff members who conducted the search and, if applicable, an explanation.

## **1.2 When Will A Search Be Conducted?**

*Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise. (NZ Bill of Rights Act 1990).*

Staff (as defined in 1.1a above) should only consider conducting a search upon forming a belief on reasonable grounds that a pupil has an item that is harmful (poses an immediate threat to the physical or emotional safety of any person). A search beyond the outermost layers of clothing a pupil may be wearing cannot be a reasonable search in the school context. Clothing **MUST NOT** be searched while the pupil is wearing it. If staff believe a pupil is concealing on their person an item that is harmful and the pupil denies possessing the item, then a search may be considered. Before that, the staff member **MUST**:

- a. Use reasonable professional judgement and common sense to form a belief that a pupil has something that is harmful.
- b. Consider if the search is appropriate in the circumstances.

## **1.3 How Should A Search Be Conducted?**

A search should be carried out in a manner that gives the pupil the greatest degree of dignity and privacy.

- a. Unless impracticable, conduct the search away from other pupils.
- b. While it is not legally required, call the pupil's parents / legal guardians to inform them about a situation before any action is taken, unless safety is compromised, and ask them to be present at the search should they wish.
- c. Parents are able to assist with searches, in which case it becomes the parent's search, not the school's.
- d. Explain to the pupil what you are looking for, why you believe there is risk to safety and why you think that the item is likely to be found (the pupil may at this time choose to produce the item of concern).
- e. Ask the pupil to produce, surrender the harmful item.
- f. Require the pupil to remove specified clothing and / or surrender the bag or container.
- g. Search the removed specified clothing, bag or container.
- h. Do not use physical force other than in an emergency situation in order to defend yourself or others against immediate harm.

## **2. RETENTION AS A RESULT OF A SEARCH**

Pupils may willingly surrender items during a search or items can be retained during the search process. In both cases the first decision by a staff member is whether the item is retained, or retained and passed on, or disposed of.

### **2.1 Who Can Carry Out A Retention?**

See Section 1.1 above.

## 2.2 When Should Retention Apply?

When making a decision to store, return, pass on or dispose of a retained item or the Health and Safety of people, apparent value of any item or device, and the person believed to be entitled to the possession must be taken into consideration. (Retaining an item should not be used as a form of punishment.)

- a. If it is appropriate to return the item to the pupil from whom it was taken then it must be done as soon as practicable. It may be appropriate to pass on the item / device to a parent / caregiver or an agency. Stolen property should be returned to its rightful owner. High value items should be passed on to the Police.
- b. If the item / device is to be retained overnight or longer it must be handed over to the Associate Principal or delegate, and held in secure storage (locked and unable to be accessed without authority.) Reasonable care must be taken of the item.
- c. An item may be disposed of if an authorised staff member considers it appropriate. Disposal may include destruction. While it may be possible to dispose of an electronic item by deleting it, the actual device cannot be disposed of. Any illegal or dangerous items / devices will be handed over to the Police by the Associate Principal or delegate.

<b>BOARD OF TRUSTEES</b>	
Board copy of the Policy to be signed by the Board Chairperson	
<b>Name</b>	
<b>Position</b>	Board Chair
<b>Signed</b> on behalf and with the authority of the Board	Original signed
<b>Date</b>	September 2018