



INTRODUCTION

The school is required to provide a safe physical and emotional environment for students. Safety at school is a basic expectation for students and staff, as well as being a prerequisite for student success and academic achievement.

Because Middleton Grange is a State Integrated School, the Board requires that our Special Character Policy guides all aspects of this policy.

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

This policy is implemented consistently with the *New Zealand Legislation Education and Training Act 2020 (Student Search, Surrender and Retention Guidelines)* and the *Ministry of Education's Digital Technology – Safe and Responsible Use in Schools* guidelines.

1. SEARCHING STUDENTS AND THEIR BELONGINGS

A search is an examination of a person or property for something that is hidden or in clear view on or about the student's person, or in any bag or other container under the student's control. A search may include situations where the teacher or authorised staff member requires:

- a) the student to remove any outer clothing, except where the student has no other clothing, or only underclothing, under that outer clothing;
- b) the student to remove any head covering, gloves, footwear, or socks;
- c) the student to surrender the bag or container.

It can also involve a student's 'correspondence' (written and electronic material) and any material stored on a computer or other electronic device.

Definitions (clarity & legality)

Item means any physical object to which the Education (Surrender, Retention, and Search) Guidelines apply.

Electronic material means data on a device (e.g., texts, images, files) or online (e.g., cloud accounts, social media).

Digital practice (what staff can and cannot do)

Staff may request targeted on-screen viewing of specific relevant content.

Staff must not: request or use passwords/biometrics; search through a device or access online accounts/cloud; or copy/extract data. If the student declines and serious harm is suspected, staff may secure the device, record reasonable grounds, and refer to Police.

When a search of property may occur

A search of property (e.g., bag, locker, desk, removed outer clothing) may occur where a staff member has reasonable grounds to believe a student has an item that is likely to:

- a) endanger the safety of any person; or
- b) detrimentally affect the learning environment.

A student's person is not to be searched; searches are conducted to give the greatest possible dignity and privacy.

School property (e.g., lockers/desks) may be searched at any time.

1.1 Who Will Conduct A Search?

All staff authorised by the Board to carry out searches must be notified in writing and must be acknowledged in writing by the authorised staff member. A current list of authorised staff will be available for inspection at the school office (and on request) and kept up to date by the Principal or delegate.

Guidelines

- a) The only staff to conduct a search are: Senior Leadership Team (SLT); 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;
- c) Other than in exceptional circumstances, the person conducting the search will be the same gender as the student. The 'exceptional circumstances' must be noted immediately following the search.
- d) The Privacy Officers (the Principal) will be informed of any search. They ~~S/he~~ will protect the student's right to privacy by ensuring confidentiality of their personal information and their right to access information held about them.
- e) The Board must ensure two records are made and kept:
 - i. Record of Retentions - every item or device retained for 2 school nights or longer (minimum particulars: date taken, student name, teacher/authorised staff member who took it); and
 - ii. Record of Searches - every search of a student's clothing, bags, or other containers (minimum particulars include date, student, staff; and, where applicable, why same-sex/witness requirements could not practicably be met). Both records must be kept for at least 7 years.

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 if they have reasonable grounds to believe that a student has an item that is harmful (poses an immediate threat to the physical or emotional safety of any person). Clothing **MUST NOT** be searched while the student is wearing it. If staff have reasonable grounds to believe a student is concealing an item on their person, staff may carry out a search of clothing and bags or other containers. Staff must not search the student's person. Implement immediate safety controls (e.g., move to a quiet, supervised space, separate involved students, maintain line of sight), contact parents/guardians, and contact the Police if the risk is serious or imminent.

Before that, the staff member **MUST**:

- a) Use reasonable professional judgement and common sense to form a belief that a student 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 with decency and sensitivity and in a manner that gives the student the greatest degree of dignity and privacy consistent with the purpose of the search.

- a) Unless impracticable, conduct the search away from other students.
- b) Where practicable and without compromising safety or evidence, attempt to contact parents/guardians¹ before a non-urgent search of property. Parent presence is not required and must not delay a search needed to address an immediate risk.
- c) Parents may be present as support people during a search conducted by staff. Parents may search their own property (e.g., vehicle, bag) at their discretion; in that case it is the parent's search, not the school's. The school will not direct or authorise parents to search a student's person or belongings.
- d) Explain to the student 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 student may at this time choose to produce the item of concern).
- e) Ask the student to produce/surrender the harmful item.
- f) Require the student to surrender the bag, container, or electronic device and any removed outer clothing; do not search the student's person.
- g) Search the removed ~~specified~~ outer clothing, bag ~~or~~ container, or electronic device.
- h) Do not use physical force other than in an emergency situation in order to defend yourself or others against immediate harm.
- i) Parent/guardian notification (after the search): Unless Police advise otherwise or there is an immediate safety risk, parents/guardians will be notified as soon as practicable and within the same school day, with a brief factual summary of the concern, the scope of any search, and any items retained or passed on.

2. RETENTION AS A RESULT OF A SEARCH

Students 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 1.1a above.

2.2 When Should Retention Apply?

When making a decision to ~~store~~ retain, return, pass on or dispose of a retained item or device, 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.)

¹ Parents/guardians means the student's legal parent(s) or guardian(s). For the purposes of communication and support, this term includes the student's primary caregiver; for international students it also includes the approved agent/homestay recorded with the school.

- a. If it is appropriate to return the item to the student from whom it was taken then it must be done as soon as practicable. It may be appropriate to pass on the item / or device to a parent / caregiver / guardian 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 / or 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. **Where practicable, a retained device should be powered off or set to flight mode before storage to prevent remote access and preserve information integrity.**
- 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 material by deleting it, the actual device cannot be disposed of. Any illegal or dangerous items / or devices will be handed over to the Police by the Associate Principal or delegate. **No item taken under the Act may be disposed of by sale.**

MIDDLETON GRANGE SCHOOL BOARD	
Board copy of the Policy to be signed by the Board Presiding Member	
Name	
Position	Presiding Member
Signed on behalf and with the authority of the Board	
Date	December 2025
Next Review	September 2028