

SURRENDER & RETENTION OF PROPERTY SEARCHES POLICY

School Vision: Developing the Character of God - Academic Excellence

RATIONALE

The purpose of this procedure is to establish guidelines for implementing legislation that covers contingencies that are:

- Likely to endanger the safety of others
- Likely to detrimentally affect the learning environment
- Likely to be harmful or an immediate threat to the physical or emotional
- safety of any person.
 - The Board has responsibilities to ensure the health and safety of school employees, students and visitors to the school.
 - The Board understands that effective teaching cannot take place in an unsafe environment.
 - The Board will set expectations about what students can and cannot bring to the school environment.

GUIDELINES

1. The school will always be free to apply its usual disciplinary and behaviour management procedures at any time. The school may stand-down or suspend a student if they do not co-operate in revealing or surrendering an item/device or surrenders a harmful item.
2. A clear distinction is made between school property and a student's property. The school management (and/or teachers) can search any part of the school's own property – including its own digital property at any time, for any reason and by any means.
3. Any search must be carried out by school management, teachers and authorised staff only. These staff must be fixed term or permanent employees and not contractors to the Board. Board members who are not authorised as staff members, MOE Commissioners and Limited Statutory Managers cannot be authorised.
4. The names and positions held by authorised staff must be made available for inspection at the school.
5. Any search must be done in a professional manner and respects the privacy of the individual.
6. Staff cannot require a group of students in a “blanket search” to produce, reveal and surrender items or to remove clothing or surrender bags/belongings. This can only be done if there is reasonable grounds/evidence to believe that each student has a relevant item.
7. The Police are permitted to carry out any of their lawful search functions including bringing a trained dog to the school to search the school property only.

8. An action taken under this legislation may or may not involve disciplinary action and may or may not involve the Police.

9. The school can choose to use a range of disciplinary measures and may involve parents or caregivers.

10. Reference to:

“Guidelines for Principals/Boards on Stand-downs, Suspensions, and Expulsions” and “Guidelines for the Surrender and Retention of Property and Searches” especially refer to the Summary Action Chart (p.9) needs to be followed when deciding on a course of action.

11. The Principal will be the school’s Privacy Officer and in his/her absence the Deputy Principal. The Privacy Officer will ensure confidentiality of personal information except to the extent that disclosure to Police or parents/caregivers is necessary for safety purposes.

12. The Board will ensure that all confidential management tasks are carried out by appropriate and authorised staff. The Board will need to monitor the implementation of all aspects of the appropriate legislation as part of its self-review process.

The Board’s Implementation of the Relevant NZ Legislation

The Board will be bound by the following relevant NZ Human Rights Legislation:

NZ Bill of Rights Act – prohibits unreasonable search and seizure

The Human Rights Act – protects people from discrimination or unfair treatment because of the prohibited grounds such as : age, race, colour or disability

Privacy Act – applies to personal information held about students by schools, including information that leads to a decision to conduct a search.

Guidelines for Positive Practices:

Ensure designated staff are supported by the Board and will be able to access appropriate training and upskilling as necessary

Use fair and reasonable investigation strategies that may involve others

Involve parents/caregivers when possible

Continually promote a positive and healthy school climate where expectations of behaviour are made clear and respected on a regular basis

Be sure to act on good information and ensure there is a belief that on reasonable grounds a certain situation exists

Establish and publish clear guidelines on expectations that are age appropriate about what students can and cannot bring to school.

Make these known from time to time through the usual outward communication channels.

Quality systems are put in place to support the smooth running of the school in regard to confidential retention of written records and storage of items.

CONCLUSION

In carrying out the intentions and guidelines of this procedure, the Board will be assured of being responsible for a safe physical and emotional environment for students and staff.

FORMULATED BY: Rotorua Seventh-Day Adventist School Board of Trustees

APPROVED: Board Chair, Maraea Van Gent _____

BOT REVIEWED: March 2019