

## Health and Safety/Personnel Procedures Searches, surrender and retention of property

All students of Northland School have the right to be in a safe physical and emotional environment. Parents, students, staff and the community have a legitimate expectation that the school environment will be free from illegal and/or potentially harmful or injurious items. In order to achieve this, Northland School may, in accordance with the Education Act 1989, conduct searches and seize property.

### Guidelines

The Ministry of Education "*Guidelines for the surrender and retention of property and searches*" (January 2014) shall be followed. Where possible, Section 2 of the MOE Guidelines shall be reviewed (see next page) prior to undertaking a search, surrender or retention of property.

Searches are only permitted where there are **reasonable grounds to believe** that a particular student has an item (including items stored on an electronic device) that is **harmful**. Blanket searches and searches for non-harmful items are not permitted. It is also unlawful to search a student's person.

### Key points to consider

Is the item:

- Likely to endanger the safety of others?
- Likely to detrimentally affect the learning environment?
- Harmful (poses and immediate threat to the physical or emotional safety of any person)?

Only a reasonable belief that a student has something that is **harmful** allows a staff member to conduct a search.

The school will let the student know about expectations in relation to the surrender and retention of property and searches.

If an item is surrendered, staff may retain and/or dispose of it (following MoE guidelines pp 16 - 17) and the family contacted. In the great majority of cases retained items/devices would be returned either on the same day or in the short term. If a device (mobile phone etc) is surrendered, then this can be retained but not disposed of. This must be returned to the student or parent after a reasonable period (no more than 2 school nights).

If a student refuses to show or surrender an item that is believed to be harmful or detrimentally affect the learning environment or endanger the safety of others then:

- a search of appropriately removed clothing can be conducted **and**
- the family contacted.

The Board of Trustees has delegated the responsibility of any searching of property to the Principal and Associate Principals of whom any two are required to be present to carry out any search.

In cases of significant risk or suspected criminal activity the involvement of the police will be sought and the parents contacted.

In the event of any search or retention, the principal will:

- prepare a written report (see Appendix 2, Rule 10 of the MoE Guidelines)
- advise the Board advised in writing at its next meeting
- make a note in the school's SMS (Edge Pastoral)
- retain the information for 7 years.

