



POLICY: Rangitikei College Board

Search and Seizure of Prohibited Items Policy

Rationale

Rangitikei College endeavours to provide a safe physical and emotional environment for students and staff consistent with our school values of Respect, Endeavour, Aroha and Perseverance.

Whānau, students, staff and the public have a legitimate expectation that the school environment will be free from illegal and/or potentially harmful or injurious items.

This policy is to provide additional guidance in relation to the Ministry guidelines.

Guidelines

1. The Board of Trustees will comply with all relevant legislation and official guidelines relating to searches, surrender and the retention of property, noting especially *Guidelines for the surrender and retention of property and searches*, (Ministry of Education, January 2014).
2. Searches of student property and/or seizure of items will be carried out only by a member of the Senior Leadership Team or a dean unless there are exceptional circumstances. Searches required during off-site activities, without access to the SLT or a dean, need to be conducted at the discretion of the teacher-in-charge, and with reference to the spirit of this policy.
3. If an item is discovered that is illegal in the context it was found, or a compromises the safety of others (eg. tobacco, alcohol, vape equipment, knives, drugs), these must be immediately seized. Following the investigation and consequent disciplinary process, they should then be appropriately disposed of and should not be returned to the student or anyone else, be used for another purpose (eg. a knife for a school activity), or sold. Only the Principal can make exceptions to this.

This does NOT apply to items discovered that are against the school rules, but are not in themselves illegal (eg. an item of clothing that is non-uniform).

4. Electronic devices may be retained, but cannot be disposed of. However, they may be stored for a period of time and then returned or forwarded to an appropriate agency (eg, the Police). Note that vapes are not 'devices' under the Ministry guidelines.

Chairperson:

Date:

29-11-21

Next review date:

September 2024

ASSOCIATED PROCEDURES AND DOCUMENTS:

1. *Guidelines for the surrender and retention of property and searches*, (Ministry of Education, January 2014) [Guidelines for the surrender and retention of property and searches 2014](#)
2. Education and Training Act 2020, Sections 106-114 [Education & Training Act 2020 S106](#)

(NB: Procedures are developed as part of school management. The Board of Trustees will be informed of the development or revision of procedures derived from Board policies by the Principal. For some especially significant procedures, these will be presented to the Board in full)

Extract from *Guidelines for the surrender and retention of property and searches*, (Ministry of Education, January 2014) p.3

The legislation deals with three key types of items, covering things that are:

- likely to endanger the safety of others
- likely to detrimentally affect the learning environment
- harmful (poses an immediate threat to the physical or emotional safety of any person).

While all three allow a staff member to *require* students to produce, reveal, and surrender items in their possession, only a belief that a student has something that is *harmful* allows a staff member to conduct a search. It is for this reason that a robust investigation process is important since the more evidence you have the greater the justification for any search.

A staff member may require a student to reveal an item that is stored on an electronic device, and may require the device to be surrendered.

In each case staff must have reasonable grounds for their actions.

There is a difference between a device and an item. For the purposes of these guidelines, a device can be thought of as something electronic (for example, a mobile phone, a tablet or a computer). An item is everything else.

If an **item** is surrendered, staff may retain and/or dispose of it (if appropriate). If a **device** is surrendered, staff may retain it, but cannot dispose of it. Items and devices that are retained must be stored appropriately. After a reasonable period of retention, they must be returned to the student or passed to another person (such as a parent) or agency (such as the Police).

If a student refuses to show or surrender an item that is likely to endanger safety or detrimentally affect the learning environment, then the school's usual disciplinary or behaviour management practices may apply. This may include (but is not limited to) a stand-down or suspension.

If a student refuses to show or surrender an item that is harmful, then either a search can be conducted, or the school's usual disciplinary or behaviour management practices may apply.

To conduct a search for an item, staff must require the student to remove outer clothing, or surrender a bag or other belongings in which they suspect the item/device is.

Staff may not search clothing that the student is still wearing, nor may a student's person/body be searched. If, however you think a serious criminal offence has been or will be committed and drugs or weapons are involved, the Police should be notified. Police may have the power of search in such circumstances.

As above, if a student refuses to remove the outer clothing, or surrender a bag or other belongings, then the school's usual disciplinary or behaviour management practices may apply.

If the outer clothing is removed, or the bag or other belongings are surrendered, then staff can search them. If any one of the three types of items is found, then staff may retain it.

Whether or not an item is found, the clothing, bag, or other belongings must be returned immediately.

There is a clear distinction between school property and a student's property. A school can search any part of its own property (including its own digital property):

- at any time
- for any reason
- by any means (as long as it acts professionally and respects privacy).

Staff cannot require a group of students to produce, reveal and surrender items, or to remove outer clothing or surrender a bag or other belongings, as above, unless they have reasonable grounds to believe that *each* student has a relevant item. This means, in effect, the legislation does not permit blanket searches in any circumstances.