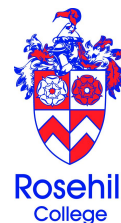


Surrender and Retention of Property and Searches Policy



Rationale

The College is committed to providing a safe physical and emotional environment for its students and staff. Rosehill College is usually a safe place, but from time to time a very small number of students may carry items that pose a risk to themselves or to others.

Surrender and retention of property and searches of students and their clothing and possessions are carried out under the Ministry of Education (MOE) Guidelines for the surrender and retention of property and searches. The rules are attached in the appendix.

The MOE Guidelines outline the following guiding principles 'to deal with situations where the safety of students, staff or the school is compromised'. A summary of these is as follows:

1. 'Parents, students and the public have a legitimate expectation that the school environment will be free from drugs, weapons, alcohol and cyber bullying.'
2. Schools 'must act reasonably, in good faith and in the least intrusive manner to achieve a safe environment'.
3. Students have rights under the New Zealand Bill of Rights Act from 'unreasonable search or seizure...'. When schools undertake searches or seizures they need to be able to 'justify their actions as reasonable and necessary to maintain a safe environment'.

Guidelines

1. The College will undertake the taking and retention of property and searches in accordance with the requirements of the law and the MOE's Guidelines.
2. Staff members may require students to produce, reveal and surrender items in their possession when they believe that students have something that is harmful.
3. Staff members may require students to reveal items stored on electronic devices, and may require the device to be surrendered.
4. If a student refuses to show or surrender an item that is likely to endanger others' safety or detrimentally affect the learning environment then the College's normal disciplinary practices may apply. If the situation warrants it the police may be asked to become involved.
5. The Senior Leadership Team will provide guidance and training to staff regarding how searches may be undertaken according to the law.
6. 'A search can be initiated only if a student refuses to produce or surrender a *harmful* (italics in the MOE Guidelines) item.
7. The law does not permit 'blanket searches'. That is, staff need reasonable grounds for suspicion involving individual students before undertaking any search.
8. Staff can always act on good information: that is, they do not need to recover an item causing concern or catch a student 'red handed' in order to decide upon a course of action.

9. Only teachers and authorised staff may carry out searches. Two staff members need to be present when searches are undertaken, and wherever possible at least one of them should be of the same sex as the student being searched. A student's request for a support person will be considered for suitability by Senior Leadership. Students' right to a degree of privacy will be respected when searches are undertaken. Searches of a student will involve their outer clothing only.
10. Items taken during a search may be disposed of where appropriate. Drug paraphernalia would be an example. Electronic devices may not be disposed of, regardless of the material that may be stored on them.
11. With regard to searches, the Board is required to have a written record of:
 - (a) The date of the search
 - (b) The name of the student
 - (c) The name of the staff member(s) who conducted the search
 - (d) An explanation if there was anything unusual about the search, for example if it was not possible to have a staff member of the same sex present as the student being searched

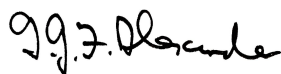
Such records are to be kept for at least seven years. Such records will be maintained by the Principal's Personal Assistant.

Staff authorised to conduct searches

1. All members of the SLT who are registered teachers.
2. All Heads of House

Other teaching staff and the Principal's Personal Assistant (Mrs Janet Herst) may be asked to witness searches as deemed necessary.

Signed for the Board of Trustees



Date reviewed - 13 August 2015