



Surrender and Retention of Property and Searches

Rationale

As part of our commitment to provide a safe physical and emotional environment for our school community, Kahurangi School is obliged to protect all members of the school community from dangerous items brought to school, and to respect the privacy and emotional safety of the individual. The school community, and the public, expects the school environment to be free of alcohol and drugs, weapons, and cyberbullying.

Guidelines

To provide this protection and meet expectations, the school:

- makes its community aware of which items are prohibited at school and the consequences of bringing such an item to school
- has guidelines around the surrender and retention of property, including digital devices, and the searching of students
- ensures that all staff members understand the guidelines and their authority to act within them
- ensures that searches are conducted according to the school guidelines and only by authorised staff members
- keeps a written record of searches.

The Surrender and Retention and Searches legislation applies at school, and at all school events and school supervised situations, such as Education Outside the Classroom (EOTC) events.

1. Retention of Property

In most cases, surrendered items are available for collection at the end of the day. Depending on the item and the circumstances, items may be retained for a period or disposed of. Reasonable care is taken of retained items and details are kept of any item retained for two or more school nights. Details include the date, name of student, name of staff member, and any other relevant details.

Depending on the situation, further action may be taken, including behaviour management, counselling, contact with parents, and/or contact with the police.

2. Surrender and Retention of Digital Devices

The school fosters a positive culture of safe and responsible use of digital devices through the Digital Technology and Cybersafety policy and use agreements. We encourage students to be confident, capable, and responsible in their use of digital technology. Inappropriate use is dealt with as appropriate through the behaviour management plan and or surrender and retention guidelines.

Surrender and retention applies to items and devices that are:

- likely to endanger safety. Depending on the circumstances, this category could include images, social media posts, texts, audio, video, etc.
- likely to detrimentally affect the learning environment

This is anything that disrupts the flow of teaching and learning. It may include any item or device, that while harmless in itself, is used in an annoying or attention seeking (and therefore disruptive) way.

- harmful

Any item deemed to pose an immediate threat to a person's physical or emotional safety is harmful. **This is the only category that may warrant a search.**

The focus must be on the inappropriate behaviour i.e., causing disruption in the class, or compromising the safety of an individual, rather than on the technology itself. The school's cyber safety agreements and behaviour management plans set out what is acceptable and the consequences of inappropriate behaviour. Incidents involving digital devices are managed with due respect for the student's safety and privacy, and the integrity of the device and contents.

In the case of disruption of the learning environment, teachers and authorised staff can ask the student to show them the item, and/or to delete it; may ask the student to put the device away, or surrender the device to be retained for a reasonable period. If the student refuses to cooperate, they are managed through the school's behaviour management plan. Due to the nature of digital technology, items can be quickly and easily shared, and difficult to delete. Teachers can ask the student about the source of the item and whether it has been shared, etc., as this will help determine the action taken.

The same applies in the case of an item that is likely to endanger safety, and there are extra factors to consider, such as the emotional impact on the people affected; whether the item has been, or could be, shared or stored; the nature of the item, and maturity and age of the students involved. The school may contact Netsafe for advice, and will contact the police if a criminal offence is suspected, for example, drug involvement, threats to kill or assault, etc.

Staff cannot ask students to download or reveal what is on another digital device, such as a social media site, or storage system. Staff cannot search the student's device contents or online accounts, or ask for the student's password for the device.

Staff cannot search a device. The New Zealand Police have the ability and authority to search a digital device and must be contacted if a search is deemed necessary.

If a criminal offence has occurred or is suspected, the device is passed to the New Zealand Police as soon as possible.

Retained digital devices are stored securely and appropriately.

- If it has the capability, the device is turned off and locked when it is given by the student.

A record is kept including details of the incident, and the device.

The device is returned at the end of the retention period to the student, or their whānau, as appropriate.

3. Searches

A search is not mandatory; the school may manage the issue through the behaviour management plan including suspension procedures.

A search can only be undertaken for an item considered harmful i.e., an item that poses an immediate threat to the physical or emotional safety of any person. Note: Schools may not search the content of a student's digital device.

Searches can only be conducted by authorised staff at the school, and only if they have reasonable grounds to suspect a student's possession of a harmful item.

The student must be given the opportunity to surrender or reveal the item before a search is conducted.

If the student denies possession of the item, or refuses to surrender or reveal it, there may be grounds for a search of the student's outer clothing and/or school bag, or other property. Note: schools are entitled to search school property at any time, and that includes desks, lockers, and receptacles provided to students for storage.

The student's rights to privacy must be considered and protected, and they have the right to not be subjected to an unreasonable search.

A search may involve emptying pockets, removing outer items of clothing, searching bags, desks or lockers, and also searching "correspondence" such as a diary.

- Searches are carried out in a fair and safe way, considering the circumstances and the characteristics of the student.
- Force is not used, except in an emergency situation to defend against immediate harm.
- Searches take place in an appropriate location with appropriate people present. Unless impracticable, students are searched by a person of the same gender.
- Searches relate to the individual student i.e., not everyone in a class. If a group of students is suspected of possessing dangerous items, call the police for advice.
- Whānau are contacted if a search takes place.
- If highly dangerous or illegal items are suspected, contact the police and keep the student and the belongings in a safe place under supervision until the police arrive. Note that the police do not search on the school's behalf, if they have grounds for a search they do it according to police procedure.
- Written records are kept of all searches.

4. Records of Searches

A written record is kept of all searches. It includes details such as the date, name of student, name of the authorised person who conducted the search, and any other relevant details. Details are also kept of any item/device retained for two or more school nights.

The records are kept for a minimum period of seven years.

Legislation

- Education Act 1989
- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993
- Privacy Act 1993

Resources

In writing this policy we referred to;

- Ministry of Education: Surrender and retention of property and searches – guidelines

Date approved by the Board | 1 July 2020

A handwritten signature in blue ink, appearing to read 'Cathryn', with a stylized, cursive script.

Cathryn Curran-Tietjens | Board Chairperson