

SEARCH, SEIZURE AND CONFISCATION POLICY

NAG 5

UNDERLYING PRINCIPLES:

1. The Board of Trustees regards students as full participants in society, with human rights entitlements that are common to all people as well as special rights and responsibilities attendant upon their status as children and young people and the special vulnerability which accompanies that status.
2. The Board of Trustees will ensure that the school's policies and practices promote the well-being, human dignity and rights of students in accordance with the provisions of the 1990 New Zealand Bill of Rights Act and the Articles of the 1989 United Nations Convention on the Rights of the Child.
3. Any search and/or seizure and/or confiscation must be able to be justified as reasonable in the circumstances. The following will be taken into account in determining whether the search and/or seizure is reasonable or not.
 - Consideration of the grounds for commencement of the search and/or seizure and/or confiscation.
 - The extent of the interference with or invasion of privacy.

PURPOSE:

The purpose of this policy is to support the maintaining of an environment which is safe to all of our community members. The policy actions will enable the recovery of stolen property, the detection of illegal weapons or substances, articles related to cyber bullying or to assist in any situation reasonably believed to compromise the physical or emotional safety of students, staff or the school.

POLICY:

1. Reasonable grounds means that a student has an item that is likely to endanger safety, or is likely to detrimentally affect the learning area, or is harmful.
2. A student may be searched when matters of inappropriate material, stolen property, illegal substances, and items not permitted at school or weapons are involved.
3. Our staff must seek permission from the student for a search. This permission must be clearly asked for and positively given. If a student refuses, parents or caregivers should be contacted to seek permission. Usual school disciplinary or behaviour management practices (including stand down and suspension) may be applied.
4. In searching a student's bag, electronic device or other property these procedures should be adhered to:
 - a. The search should, as far as is possible and safe, be conducted in a private space.
 - b. Students must be told the reason for the search.
 - c. Students must be asked if there are any embarrassing items or information in their possession and be treated respectfully with regard to those items, especially if they are not related to the purpose of the search.
 - d. Students should be given the opportunity to produce the material being searched for.
 - e. Two staff should be present.
 - f. Male staff should not search a female student's property.
 - g. Female staff should not search a male student's property.

- h. The contents of any bag, or other property are to be treated carefully and with respect.
 - i. Staff may impound items of personal property belonging to students on the clear understanding to the students that the items will be returned to them at the end of the day or to their parents/caregivers as soon as they can collect them. Banned or dangerous items will not be returned to students without parents/caregivers' consent.
5. If it is necessary to search the clothing being worn by a student the following additional procedures should be adhered to:
 - a. Only outer clothing should be searched.
 - b. The student must not be patted down.
 - c. The student should be asked to remove the items of clothing to be searched.
 - d. The student may turn out his/her own pockets etc. and if necessary should pat down his/her own clothing.
 - e. Any items of clothing are to be cared for and treated with respect.
 - f. Only items which are illegal or not permitted in school or whose ownership is in dispute may be retained.
 6. If it becomes necessary to search the person or clothing being worn more directly then parents/caregivers must be contacted and approval sought, or the police contacted and involved.
 7. If you begin a search and it becomes unsafe to continue (for example a student refusing to comply to reasonable requests or becoming agitated), stop.
 - a. Ensure the student and the belongings in question are under supervision in a safe place, and contact the parents and/or the Police. It is then up to the parents and/or Police to decide what action to take.
 - b. If you begin a search and the student takes the item and runs away, consider your options. It may not be wise to run after the student. If a student seeks to obstruct a search you may:
 - i) contact the Police if you believe there is an immediate threat to safety and/or
 - ii) contact the parent or guardian of the student, alert them to the circumstances and follow the usual school disciplinary processes.
 8. If the situation is a class-based instance of missing property, the class may be held pending a resolution. In this circumstance, a Dean or Senior Leadership Team member should be contacted immediately. The guidelines for any potential search are those outlined above.
 9. Whole class searches are not permitted. Where a small group is involved in a situation a search must be justified using the criteria above.
 10. Non-regulation clothing and/or jewellery may be confiscated and handed in to the Student Centre. These items may be collected by the student(s) at the end of the week (or following Friday if confiscated on a Friday) or returned directly to their parent/caregiver on request.
 11. The same procedure applies to student property which is banned at school or which is being used in a way that compromises an orderly educational environment. The exception to this is if the health and safety of people may be compromised, in which case appropriate agencies may be involved.
 12. All reasonable care will be taken to ensure the safe-keeping of confiscated items while in the possession of the school. However, such items are brought at the owner's risk and the school cannot accept liability for loss or damage.
 13. Special procedures apply to the use of electronic devices - see Student Personal Electronic Devices Policy.

This policy should be read in conjunction with the Long Bay College Policies on Cybersafety, Images, A Respectful School, Student Personal Electronic Devices and is consistent with the requirements of the Privacy Act, 1993.

New/Reviewed	Tabled	Adopted	Signed
First Draft 12/10/00 Second Draft 31/1/01 Third Draft 16/2/01 Fourth Draft	16/3/01	3/4/01	By John Brockliss, Board Chairperson
7/05	1/8/05	6/9/05	By Andrew Stewart, Board Chairperson
24/8/07	5/10/07	6/11/07	By Richard Griffin, Board Chairperson
20/10/09, amendments to Sub Committee 16/3/10		6/4/10	By Richard Griffin, Board Chairperson
15/5/12 to Sub Committee	5/6/12	7/8/12	By Rob Gosling, Board Chairperson
October 2014	4/11/14	2/12/14	By Robyn van der Sande, Board Chairperson
5/12/17	6/3/18	6/3/18	By Robyn van der Sande, Board Chairperson