



Surrender, Retention and Search Policy

Schools are required to provide a safe physical and emotional environment for students. School communities and the public expect schools to be free from drugs, weapons, alcohol and cyber bullying.

To achieve this standard, and ensure that the School is meeting its health and safety obligations, this policy sets out the School's powers to:

- require students to produce and surrender items;
- search students in certain (which may include requiring students to provide a bodily sample of urine in certain circumstance in accordance with the School's drug and alcohol testing procedure); and
- engage contractors to bring trained dogs into the School to search school property.

Although this policy applies generally to the surrender and retention of, and searching for, items that are harmful, likely to endanger safety or are likely to detrimentally affect the learning environment, the School has a particular concern about addressing the problem of the use and abuse of drugs, alcohol and tobacco by students.

Parents and students need to be aware that:

- students must comply with all school rules and policies and all instructions given by school staff;
- students cannot expect unfettered freedom in the school environment; and
- the School has a no tolerance policy in regard to the use, possession and supply of drugs, alcohol and tobacco by its students.
 - o "Drugs" means any illicit drug, and any medicine or mood altering product that has the potential for abuse and is not prescribed for legitimate therapeutic purpose by the student, or is not being used in compliance with any prescription.
 - o "Tobacco" includes cigarettes, electronic cigarettes and vaporisers.

It is intended that this policy will apply to the School's students while on school grounds, while taking part in any field trip or co-curricular activity organised by the School, while representing the School in any activity, or in any circumstance in which the student could reasonably be identified as a student of the School, including at School social events and outside of School hours. For the sake of clarity, this includes any representations of students on the internet.

Having a safe environment for students and staff is paramount and is the overriding consideration for the School and its staff members when applying this policy.

When can students be required by staff members to produce and surrender an item?

A staff member (which would normally be the Deputy Principal, Principal or Senior Manager that has been authorised by the Board of Governors) may require a student to produce, reveal and/or surrender

items if they have reasonable grounds to believe that the student has hidden, or has in clear view on or about their person, or in any bag or other container under the student's control, an item that is:

1. likely to endanger the safety of any person;
 - o This may include, but is not limited to, bullying texts, drugs, a compass or craft knife, alcohol and spray cans.
2. likely to detrimentally affect the learning environment;
 - o This is a very broad category that may include any item that disrupts the flow of teaching and learning has a detrimental effect on the learning environment. Examples may include items that are being used by students to brag or show off, a mobile phone if the noises from that phone cause distraction, a ruler or pen that is being tapped to distract others in the class and sports or musical equipment that is being used to annoy other students.
3. Harmful
 - o This is the most serious category, and can result in the staff member initiating a search for the item if it is not surrendered by the student. A harmful item is an item that a staff member has reasonable grounds to believe poses an immediate threat to the physical or emotional safety of any person. This may include, but is not limited to text messages, drugs, weapons, gang colours or insignia, pornography and sexually explicit photographs of a student.

NB: Should any staff member see a harmful weapon produced they would seize it immediately from the student, only in a safe manner, and contact a senior manager.

Searches of clothing, bags, and other containers

Staff members can initiate a search of a student's clothing, bags, or other containers if the staff member:

- has reasonable grounds to believe that a student has on or about their person, or in any bag or other container under the student's control, a harmful item (see above for information on what "harmful" means); and
- has required the student to produce and surrender the harmful item and the student has refused.

A search is an examination of a person or property for something that is hidden. A search may include a student being required to remove items of clothing or to empty out their pockets. It can also involve a student's 'correspondence' including written and electronic material (for example, in a diary, on a mobile phone or on a laptop).

Searches will always be carried out in a manner that gives the student the greatest degree of privacy and dignity consistent with the purpose of the search.

During a search, the staff member may require a student to:

- remove any outer clothing (such as a coat, jacket, jumper or cardigan);
 - o but note that a student will not be required to remove any clothing that will leave them with only underclothing on;
- remove any head covering, gloves, footwear or socks;
 - o but note that socks do not include tights or stockings;
- surrender a bag or other container.

Unless it is impracticable, the search:

- will be carried out by a staff member who is of the same sex as the student, and in the

- presence of the student and another staff member who is of the same sex as the student; and
- will not be conducted in the view of any person other than the person carrying out the search, the student and another staff member, unless the staff member has reasonable grounds to believe that each student has a harmful item.

Additionally, when conducting a search, staff members will:

- not search any student's person;
- not use physical force against a student (other than in an emergency situation where staff members are acting to defend themselves or others against imminent harm); and
- be alert to the relevant sensitivities when searching students from different nationalities.

The School also notes that:

- school property can be searched at any time, for any reason and in any way (including by using contractors and trained dogs). A school's property includes buildings, grounds and vehicles — as well as any locker, desk or other receptacle provided to students for storage purposes;
- if during the search for a harmful item, the staff member finds an item that is likely to detrimentally affect the learning environment or endanger safety, then the staff member may retain it and implement the procedures set out under this policy;
- the School will keep a record of the search; and
- the School will keep a list of all authorised staff members at the school who have the powers set out in this policy. This will be available at the school for inspection.

Once the staff member has obtained clothing, footwear or any bag or other container from a student, then the staff member may search it.

Whether an item is found or not, the clothing or footwear or bag or other belongings will be returned to the student immediately after the search. A photograph/s may be taken of the item and where it was found, as evidence of the nature of the search.

Retention, storage and/or disposal of items taken

If an item is surrendered by a student, or retained as a result of a search, the school will retain the item for a reasonable period of time and store it in an appropriate manner.

When deciding whether to return an item or device to a student or to pass it to another person or agency, the school will consider:

- the health and safety of people;
- the apparent value of the item or device concerned; and
- the person believed to be entitled to the possession of the item or device concerned.

In some situations it could be appropriate for the school to pass the item or device to another person (such as a parent or caregiver or the person believed to be entitled to possession of it), or to an agency. Agencies to which items may be passed include the Police, the Department of Internal Affairs (for certain types of pornography, for example), and the New Zealand Customs Service (for certain types of contraband, for example).

However, in the majority of situations, the item will be made available to the student as soon as practicable (i.e. it will be returned on the same day or retained in the short term only).

An item may be disposed of if a teacher or an authorised staff member considers it appropriate.

Disposal may include destruction, if appropriate. For some items, such as drug paraphernalia, the School will pass the item to the Police.

However:

- an electronic device will not be disposed of (although in some circumstances, it may be possible to dispose of an electronic item (such as a photo or text message) by deleting it); and
- items retained will not be sold by staff members or the School.

Responding to digital incidents

Staff members may require a student to produce and reveal a digital device where they have reasonable grounds to believe that the student has digital information stored on their digital device or other digital technology that is endangering the emotional or physical safety of other students or detrimentally affecting the learning environment.

Staff members can search for a specific item such as text, email, photo etc but the school cannot request a student's passwords and search their whole laptop/ phone/device looking for something that is nonspecific.

Digital information may comprise one or more of the following elements:

- text e.g. social media post, webpage, email;
- image e.g. digital photo uploaded to the internet;
- audio e.g. music track, voice recording; and
- video e.g. movie clip taken on a smartphone.

A digital device can include smartphones, iPads, laptops, cameras – devices that can be used to create, edit, communicate, copy or store or transfer digital information.

Staff members may ask the student to:

- reveal the item;
- delete the item (if appropriate);
- surrender the digital device on which the item is stored; and
- retain the surrendered digital device for a reasonable period (while the item is in their possession, they must take all reasonable care of the item and if the device is to be retained for overnight or a longer period, it must be placed in secure storage).

Staff must ensure that a record is made and kept of the digital device. They have up to 2 days to complete this record.

The record must show:

- the date on which the device was taken;
- name of the student from whom the item was taken; and
- name of the teacher or staff who took the device.

At the end of the retaining period, the staff member must return the digital device to either:

- the person the item belongs to; or
- pass it onto the student's parents/caregivers.

If a criminal offence has been suspected, the device may be passed directly to the Police. For example, in case of drug involvement, threatening to kill or do grievous bodily harm or criminal harassment.

(see [Student Digital Citizenship Agreement](#))

DISCIPLINARY OUTCOMES

The student may face disciplinary, or other consequences, if they:

- refuse to show or surrender an item that the School believes is likely to endanger safety or detrimentally affect the learning environment;
- are found with an item that is likely to endanger safety or detrimentally affect the learning environment;
- refuse to show or surrender an item that the School believes is harmful;
- are found with an item that is harmful;
- obstruct, or refuse to comply with, a search initiated by a staff member for a harmful item.

The School's usual disciplinary or behaviour management practices may apply. This may include (but is not limited to) a stand-down, suspension, or expulsion. (See [Discipline Guidelines](#))

Other consequences may include:

- Parent/guardian involvement.
- retention of the item;
- Police involvement; and

In general, the use or possession of drugs and/or alcohol at any time by a student may be considered gross misconduct by the student and may be grounds for disciplinary action, up to and including suspension or expulsion.

Schools can always act on good information. Staff members do not need to have recovered an item or catch a student red-handed in order to decide what to do. The School is entitled to rely on other evidence (circumstantial or witness statements) to take disciplinary action notwithstanding the student's denial and an absence of a search to recover the item. If a student is found with an item that is stolen, or illegal, the School may involve the Police.

If parents have any questions about this policy they should contact the Deputy Principal.

DRUG AND ALCOHOL TESTING

If, through the processes outlined in this policy and in any other circumstances, a student is found to be in possession of drugs the following may occur:

- the student's parents or guardians will be contacted;
- the student may be required to submit to an immediate drug test (urine testing).

If the student produces a positive drug test, in accordance with the school's testing procedure, the Principal may impose any disciplinary and rehabilitation measures that they deem reasonable. This may include:

- suspension or expulsion of the student;
- a requirement that the student take part in a rehabilitative program;
- a period of probation for the student, which may require on-going random drug testing of the student and any other conditions deemed necessary.

A failure by a student to cooperate with any disciplinary or rehabilitative measure put in place by the School may result in further action, including suspension or expulsion of the student.

Appendix:

[Student Digital Citizenship Agreement](#)

School [Discipline Guidelines](#)

Reviewed: June 2022