

# Search, Surrender and Retention

## Guidelines

Hauturu School will ensure all required searches, and / or the requiring of surrendering of items or devices, will be conducted by authorized staff in line with Guidelines for the surrender and retention of property and searches document provided by the Ministry of Education, and in compliance with the Education Act. This policy outlines only details surrounding search, surrender, and retention of items and devices.

## Guiding Principles

This policy is written based on the four guiding principles listed below:

**Principle 1:** All schools are required to provide a safe physical and emotional environment for students and staff. A safe environment for students and staff is of paramount importance and therefore must be given primacy when applying the guidelines. National Administration Guideline 5 and other legislation clearly establish this.

**Principle 2:** Parents, students and the public will have a legitimate expectation that the school environment will be free from drugs, weapons, alcohol and cyber bullying. They will expect schools to develop a written policy and procedure on surrender and retention and to advise them accordingly. Schools must be mindful of these expectations.

**Principle 3:** Parliament has given new powers and clarified the law in relation to searches and retaining student property. In exercising these powers, schools must act reasonably, in good faith and in the least intrusive manner to achieve a safe environment.

**Principle 4:** Students are protected under Section 21 of the New Zealand Bill of Rights Act 1990, which states "Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property or correspondence or otherwise". This section does not prohibit searches or seizure of student property but schools must be able to justify their actions as reasonable and necessary to maintain a safe environment.

## Board Expectations:

- All staff will be made aware of, and familiar with the current laws and guidelines surrounding search, surrender and retention, and will adhere to them.
- Only Teaching Staff are authorized to conduct searches or require an item to be surrendered and retained. Any other staff member who may be required to perform a search, or who may need to request an item be surrendered must have prior written approval from the board, and return a written acknowledgement to the board confirming they understand the current laws and guidelines.
- Any items surrendered must be stored appropriately for return or disposal after a reasonable period of retention. Any devices surrendered must be recorded and stored appropriately for return after a reasonable period of retention. Devices may not be disposed of.
- A centralised written record for searches must be created and retained.
- In all cases where an item surrendered is of an illegal nature and would remain illegal whilst under the control of the school (eg drugs) Police will be engaged.

**Supporting Documents** <http://www.minedu.govt.nz/Boards/SupportForBoards/SurrenderAndRetentionOfPropertyAndSearches.aspx>  
<http://www.minedu.govt.nz/~media/MinEdu/Files/Boards/Support/Guidelines.pdf>  
<http://www.minedu.govt.nz/~media/MinEdu/Files/Boards/Support/>

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