

Procedures for the Searching of Students and Confiscation of Property

Rationale:

The school is required to provide a safe physical and emotional environment for the students (NAG 5) and is required to comply with Legislation (NAG 5). Safety at school is a basic expectation of students as well as being a prerequisite for student success and achievement Royal Oak Intermediate deems the following unsafe items are prohibited:

- any weapon (imitation or real)
- Alcohol
- drugs, tobacco or illegal substance
- electronic medium that has been accessed for illegal or anti-social (e.g. bullying) behaviour
- cigarette lighter
- pornography

In conducting searches of students and property, the school will abide by the provisions of the following Acts:

Privacy Act 1993	Bill of Rights Act 1990
Principles: 2, 3, 4 & 11	Part 2 (21) Unreasonable search and seizure Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise.

Procedures

1. The staff will inform students, at least twice a year, in age appropriate manner that schools have the legal right to search and confiscate property.
2. A decision to search must be made fairly and on proper grounds, based on all the known facts in a consistent, transparent way. (i.e. past conduct alone, is not grounds for a search)
3. Prohibited items can be confiscated. The most straightforward method is for the staff member who believes there is a concealed item on the student's clothing or property to question the student.
4. Staff can ask the student to hand over the item.

A Search: The following guidelines apply

- A. The search will be conducted in the presence of the most senior staff member available by a staff member of same gender as the student and one other of a different gender (i.e. two staff members present).
- B. The search will take place in a discreet location, away from other pupils.
- C. No force can be used except in an emergency situation when a staff member acts to defend themselves.
- D. Consideration will be given to inviting the parent /caregiver to the school for the search. If the parent is not invited, the parent/ caregiver will be telephoned and provided with the required information.
- E. Staff do not need to seek student consent for a search before they instruct a student to co-operate. Explain to the student what you are looking for and why this is a risk to safety.
- F. The school can provide a support person for the student.
- G. Searches can only be conducted of outer clothing. Staff can ask for pockets to be emptied and can search a garment the student chooses to remove them.
- H. School bags can be searched by instructing the student to empty their bag
- I. The process can be slowed down to give the student time to consider their behaviour / choices.
- J. Confiscation of items may be permanent or to the end of the school day. (Perhaps returned to parents).
- K. Sometimes a relatively benign object (e.g. musical instrument or sports equipment) may have to be confiscated for a period if it has been used inappropriately.
- L. Counselling remains an option at any appropriate point in the proceedings

If a student refuses to follow instructions contact police and parents. If the school suspects illegal drugs are involved, arrange supervision of the student and call the police.

The school can invoke disciplinary measures, involving parent/guardians in instances of significant risk or criminal activity. Refer policy on Stand downs, Suspensions and Exclusions.

The school retains the option of calling the police to take appropriate action.

Disputed and "inappropriate" property

Staff can confiscate an item whose ownership is in dispute while an attempt is made to resolve the matter. Staff can also confiscate for the rest of school day inappropriate items that should not come to school. (E.g. toys, trading cards

Review History:

11/03/2014						
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