



LYNFIELD COLLEGE

SURRENDER AND RETENTION OF PROPERTY AND SEARCHES POLICY

*To be read in conjunction with the Surrender and Retention of Property
and Searches Procedures Chart and Rules*

RATIONALE

National Achievement Guideline (NAG 5): 'Each board of trustees is required to:

- (a) provide a safe physical and emotional environment for students;*
- (b) promote health food and nutrition for all students; and*
- (c) comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees'.*

PURPOSE

This policy and its associated procedures are intended to assist the Lynfield College Board of Trustees and their staff when the surrender and retention of property from students is contemplated.

Further information is available at: <http://www.education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/searching-and-removing-student-property/>

FUNDAMENTAL PRINCIPLES

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 must therefore be given primacy when applying the guidelines. This is clearly established through the National Administration Guideline 5 and other legislation.

Principle 2: Parents, students and the public will have a legitimate expectation that the school environment will be free from drugs, weapons, alcohol and cyberbullying. 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.

Note: The College's usual disciplinary or behaviour management practices apply at any time. New Zealand Police involvement applies at any time. An action taken under the legislation may or may not involve the Police.

Signed on behalf of the Lynfield College Board of Trustees:

Chairperson Date