

Search and Seizure Procedures

It is the responsibility of the School Board, including the Principal, to keep staff and students safe from harm. They must ensure that all staff members are trained to identify and manage unpredictable situations wherein a person may be intent on harm or be in the possession of harmful objects, items or illegal substances. The Board and Principal must also ensure that staff members are fully aware of the expectations, procedures and responsibilities in such high risk and unexpected situations.

The most important consideration always is the safety of staff and students,

From time to time staff members may have reason to believe that a person on the school grounds may be of risk to others or be in the possession of harmful or illegal items at school. This may include items held on a device.

The person in question is to be treated with respect and dignity and must have their rights upheld.

- People are not to be confronted in a public place unless the risk of harm to that person or others is immediate and at a high level.
- If the risk is immediate and high staff members may use 'reasonable force' in order to keep all students and staff members safe.
- If the person must be restrained for a length of time then there must be an allocated and trained person checking the vital signs (breathing, pulse) of the person being restrained. Checking must continue after restraint has ceased.
- Restraint causes trauma and the person being restrained must be cared for after the event • Those people doing the restraining must also be cared for and counselling offered

If the person is very aggressive, unable to be restrained or non-compliant the school will call the police (111) and may choose to either evacuate the area and/or follow 'lockdown procedures'.

- If the person is a student, after calling the police their whanau will also be contacted and the situation explained to them, including the fact that the police have been called. • When whanau arrive they must be given access to the person involved.
- They must also be given a summary of the incident to that point with the understanding that an investigation is not completed.
- A written summary of the entire incident, police referral number, the person undertaking the restraint or search and the items found must be kept on a permanent file. • All people involved must be offered opportunity to present their version of the incident (see incident reporting)
- The Principal must report to the Board all incidents involving restraint, search or seizure. • Objects or Items cannot be confiscated by school staff, but may be 'taken as evidence' by the police. The School must also report to the MOE and to the whanau as soon as possible after a restraint - see MOE Guidelines for Restraint and related reporting formats
[Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint](#)
- Items found in a search (e.g. harmful objects of items- knives, lighters etc.) must be returned to the caregivers – not to students

- If the caregivers do not want the item they must be disposed of securely

Only people delegated by the Board may undertake a search. This delegation is reviewed annually at the first meeting of the year. Delegated persons are:

The Principal: Pauline Cornwell

The Deputy Principal: Donna Young

The Associate Principals: Gareth Fletcher, Lynn Corderoy, Tracy Prout, Sanjeev Kumar and Nawinta Prasad

Caretaker: Craig Hooper

RTL Cluster Manager: Tamara Gersbach

- Searches may be undertaken by people with written delegated authority if a person is 'believed to be in the possession of or have concealed on or around their person' an object, item or substance that is illegal or could be of harm to another person. This could also include items on a device.
- These people may request another adult to act as an adult support person or witness. • The role of the support person is to act as a witness and to ensure the safety of the person being restrained or searched.
- Ideally, if the person being restrained or searched is a student, then they will have a selected support person present. This person may be the Social Worker in School (SWIS) a selected leader or staff member
- Searches may only include a person's property and outer clothing and must be undertaken in a private space, in the presence of another adult and by a person who is of the same gender, except in exceptional circumstances.

The safety of students and staff members is of paramount importance. All actions taken must make decisions first in regards to ensuring safety of others is maintained.

- If a staff member, who does not have delegated authority to search has 'reason to believe' at student is in the possession of or has concealed an object, item or substance they must contact the office urgently and request the urgent support of a school leader (see delegated list) and tell the office staff their understanding of the 'level or risk or immediate harm'.
- They must then choose whether to stay in the presence of the person or to remove themselves and others (i.e. students) from that person's presence (evacuate).
 - They must ensure that the office and others in their immediate vicinity understand the risks and their concerns.

Risk to students and staff must be diminished;

- By evacuation
- Restricting access
- In lockdown
- By calling for help
- By telling others

If the school or area of the school is in lockdown it must remain that way until the all clear is given by the Principal, or the person acting in the place of the Principal (e.g. Deputy Principal or

Assistant Principals)

Harmful and illegal items may include:

- Any illicit or prescription drugs
- Knife or blade
- Gun – whether real, replica or toy
- Harmful digital content; emails, texts, photos, video content
- Pornography or items with pornographic offensive content
- Fire lighting equipment – accelerant, lighter, fireworks or explosives
- Rope
- Alcohol
- Anything that can be used to sniff, ‘snort’ or use to ‘get high’
- Racist or derogatory items
- Stolen goods

If, during the process of search or seizure, it is disclosed that a law has been broken (e.g. alcohol has been supplied to minors, items have been stolen etc.) this must be reported to the police and a record of the notification to the police kept on the police file.

Incident reports are completed by the person managing the search or seizure, the assigned witness, the person who is the subject of the search, any eye witnesses.

The incident reports will be used as ‘evidence’ if any further action, such as a stand down or suspension, is required. In keeping with ‘privacy laws’ this must be explained to the people providing statements when they are deciding to provide that information.

Seclusion

Our school does not use ‘seclusion’ as a method of behaviour management. Students are never locked in a room alone.

- Students cannot be ‘forced’ to remain in a room or to follow instructions.
- They can only be restrained if they are about to harm themselves or somebody else.
- Non-compliance to reasonable instructions, destruction of property, absconding, disrespectful and or aggressive behaviours are not reasons to restrain a child, unless they are about to harm themselves or another person. These behaviours, however, may lead to ‘further consequences’ such as stand down or suspension.
- The Board and Principal needs to know that a student will be compliant and follow instructions that will reduce risk and escalate the responses required.

Restraint, search and seizure training is provided for all staff every ‘odd’ year. It is also initially covered during induction.

Training aligns to the MOE ‘Understanding and Responding to Behaviour Safely’:

<http://www.education.govt.nz/assets/Uploads/Guidance-for-New-Zealand-Schools-on-Behaviour-Mgmt-to-Minimise-Physical-....pdf>

All staff members are required to hold a current First Aid Certificate. The school maintains a record of these certificates and notifies the person when their certificate is about to expire. The school organises training for the person to attend. The person is expected to attend the training provided, if they cannot they must arrange to attend training at their own cost and in their own time.

The school pays support staff to attend First Aid Training and all support staff are required to maintain a First Aid Certificate.

First Aid Training for teachers is a 'requirement' and held as a call back day and offered every year. The cost of First Aid Training is paid by our school and is included in the PD Budget. A record of training is kept in personnel files and for the whole staff.

Pauline Cornwell, Principal