



# MARIST CATHOLIC SCHOOL

## PROCEDURE: Surrender and Retention of Property & Searches

As part of our commitment to provide a safe physical and emotional environment for our school community, Marist Catholic School is obliged to protect all members of the school community from dangerous items brought to school, and to respect the privacy and emotional safety of the individual. The school community, and the public, expects the school environment to be free of alcohol and drugs, weapons, and cyberbullying.

To provide this protection and meet expectations, the school:

- makes its community aware of which items are prohibited at school and the consequences of bringing such an item to school
- has guidelines around the surrender and retention of property, including digital devices, and the searching of students
- ensures that all staff members understand the guidelines and their authority to act within them
- ensures that searches are conducted according to the school guidelines and only by authorised staff members
- keeps a [written record of searches](#).

The Surrender and Retention and Searches legislation applies at school, and at all school events and school supervised situations, such as [Education Outside the Classroom \(EOTC\)](#) events.

### Surrender and Retention of Property

Surrender and retention applies to items and devices that are:

- likely to endanger safety  
*Depending on the circumstances, this category could include scissors, spray cans, sharp objects, drugs, or any ordinary items used in an aggressive or inappropriate way, for example, a pencil case swung at another student.*  
*In the case of digital devices, it is stored or displayed digital information that could endanger emotional or physical safety. This information could be emails, texts, social media posts, digital photos uploaded to the internet, or music or video clips.*
- likely to detrimentally affect the learning environment  
*This is anything that disrupts the flow of teaching and learning. It may include any item or device, that while harmless in itself, is used in an annoying or attention seeking (and therefore disruptive) way, such as:*
  - *items that students have been told not to bring to school, for example, trading cards, toys, etc.*
  - *ordinary items used inappropriately, such as pens being continually clicked on and off deliberately*
  - *information (as above) on a digital device*
  - *items with disputed ownership.*
- harmful  
*Any item deemed to pose an immediate threat to a person's physical or emotional safety is harmful. This includes the prohibited items below. This is the only category that may warrant a search.*

At Marist Catholic School the following items are prohibited:

- items, such as:
  - knives and other weapons
  - alcohol, cigarettes, drugs and other substances
  - cigarette lighters and matches
  - vaporisers (vapes) and vaping products
  - pornographic or offensive material
- devices, such as cellphones, laptops, or other electronic devices used inappropriately. (See our digital technology and cybersafety section.)

Students may be unaware of a problem with the item or their behaviour and may require an explanation of the problem and possible consequences. Staff members must use their judgement in deciding whether to ask a student to surrender an item, or to invoke the school or class behaviour management plan instead.

If a student refuses to surrender an item, the behaviour management plan applies.

*If a staff member believes or has reasonable grounds to suspect that a student has a harmful item in their possession, the staff member requires the student to surrender or reveal the item. If the student denies possession of the item or refuses to surrender it, there may be grounds for a search of the student's outer clothing and/or school bag, desk, or other property. Any search is conducted according to the school's search guidelines and only by an authorised staff member.*

### **Searches**

A search is not mandatory; the school may manage the issue through the behaviour management plan including suspension procedures.

A search can only be undertaken for an item considered harmful, i.e., an item that poses an immediate threat to the physical or emotional safety of any person. Note: Schools may not search the content of a student's digital device. See [Surrender and Retention of Digital Devices](#).

Searches can only be conducted by authorised staff members at the school, and only if they have reasonable grounds to suspect a student's possession of a harmful item.

The student must be given the opportunity to surrender or reveal the item before a search is conducted.

If the student denies possession of the item, or refuses to surrender or reveal it, there may be grounds for a search of the student's outer clothing and/or school bag, or other property.

*Note: schools are entitled to search school property at any time, and that includes desks, lockers, and receptacles provided to students for storage.*

The student's rights to privacy must be considered and protected, and they have the right to not be subjected to an unreasonable search.

A search may involve emptying pockets, removing outer items of clothing, searching bags, desks or lockers, and also searching "correspondence" such as a diary.

- Searches are carried out in a fair and safe way, considering the circumstances and the characteristics of the student.
- Force is not used, except in an emergency situation to defend against immediate harm.
- Searches take place in an appropriate location with appropriate people present. Unless impracticable, students are searched by a person of the same gender.
- Searches relate to the individual student, i.e., not everyone in a class. If a group of students is suspected of possessing dangerous items, call the police for advice.
- Parents are contacted if a search takes place.

- If highly dangerous or illegal items are suspected, contact the police and keep the student and the belongings in a safe place under supervision until the police arrive. Note that the police do not search on the school's behalf, if they have grounds for a search they do it according to police procedure.
- Written records are kept of all searches.

### **Conducting a search**

1. Where possible:
  - choose a location that protects both safety and privacy
  - have two adults present. Consider asking the student's parent or caregiver to attend.
  - arrange a support person for the student
  - organise for the student to be searched by an adult of the same gender.
2. Explain what you are looking for, and why it is a danger. Explain why you suspect the student of possessing the item.
3. Give the student the opportunity to consider their behaviour and present the item.
4. Ask the student to empty their pockets, remove an item of clothing to be searched, or to open their bag, pencil case, etc, as appropriate. Only outerwear should be removed.  
If the student refuses to co-operate the search is abandoned, the school invokes its behaviour management plan and, as appropriate, may contact the parents/caregivers, and/or police.
5. If the item/s are found, it/they are seized and dealt with as appropriate.
6. Notify the parents/caregivers of the search, outcome, and consequences for the student.

### **Records of Searches**

A written record is kept of all searches. It includes details such as the date, name of student, name of the authorised person who conducted the search, and any other relevant details. Details are also kept of any item/device retained for two or more school nights.

The records are kept for a minimum period of seven years.

### **Retention of Property**

In most cases, surrendered items are available for collection at the end of the day.

Depending on the item and the circumstances, items may be retained for a period or disposed of. Reasonable care is taken of retained items and details are kept of any item retained for two or more school nights. Details include the date, name of student, name of staff member, and any other relevant details.

Depending on the situation, further action may be taken, including behaviour management, counselling, contact with parents, and/or contact with the police.