

## ***Student Searches Policy***

**Formulated by:** Leadership and Management Team

Based on the *CECV Legal Issues in Schools, revised edition 2003*.

### **Rationale**

Teachers owe students a duty of care to protect them from reasonably foreseeable injury during the time they are in their care and control, and while they remain in a teacher pupil relationship. At times, it may be necessary to conduct searches of College and student property and to seize particular items so as to ensure the safety of students and staff, compliance with the law, and obedience of the College's Expectations of Student Behaviour.

### **Intentions**

1. To ensure the ongoing safety of students and staff members.
2. To ensure that the law, and/or the College's Expectations of Student Behaviour are consistently upheld.
3. To ensure all student's rights are protected and preserved.

### **Consequences**

1. The Principal will be kept informed of all searches or plans to search;
2. The College community will be reminded of this policy on an annual basis.

**No searches are to be conducted without the presence of another adult, unless it is a dangerous situation where immediate action is required. Any search of external clothing must be performed by a Female Staff Member.**

### **Permissible Searches**

1. Lockers can be searched without notice as they are school property, providing parents and students have been made aware that this is a condition of their use. Students may be instructed to open their locker by a teacher and/or staff member.
2. A consensual search of a student's property may occur when:
  - (i) prior parental consent has been obtained for students, (under 15 years of age) or
  - (ii) the student's consent has been obtained and the student is mature enough (15 years of age unless impaired) to give such consent.
3. A search of external clothing of a student where a teacher has a reasonable suspicion that there is imminent danger of the student using a weapon to injure themselves or others.

### **Non-permissible Searches**

1. Searches of student's external clothing except as stated above.
2. Strip searches or intimate body searches of students.
3. Searches of student's personal possessions are not permitted without appropriate consent. Students can be instructed, but not forced to empty out their pockets, bags and containers.
4. Where students refuse permission to have their personal possessions searched, and there is reasonable suspicion that the bag, clothing or container may contain illegal or dangerous items, the staff member has the right to isolate the area around the suspect item until such time as the student's parent/s and/or police arrive. The Principal must be notified when this action has been taken.



## **Dangerous Situations**

1. Where a reasonable suspicion exists that a student is concealing a weapon, illegal drug or other dangerous item, and it is unlikely that they will imminently use the above, the student should be separated from others, and the police and parents contacted;
2. If the belief is that the student, other students or staff are in imminent danger, then immediate action, (confiscation of item or restraint of student) may be taken to prevent injury while police and parents are contacted;
3. Invoke Critical Incident and Emergency Management Plans if necessary.

## **Other:**

1. Details regarding permissible searches will be detailed in the College's Expectations of Student Behaviour;
2. Confiscated items are the responsibility of the teacher, and are to be returned to students, parents or police as soon as practicable, depending upon their nature and circumstances.

**Ratified:** Leadership and Management Team

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