# Operational Policy: Surrender and Retention of Property and Searches Policy (NAG 5)

## Blind & Low Vision Education Network NZ

## Statement of Intent:

The Blind & Low Vision Education Network NZ (BLENNZ) has responsibility to enhance the health and safety of BLENNZ ākonga and staff, and to ensure ākonga are not subjected to unreasonable search and seizure processes. This policy and its associated procedures are intended to assist the BLENNZ Board of Trustees and BLENNZ staff when the surrender and retention of property from ākonga is contemplated.

## Fundamental Principles

BLENNZ is required to provide a safe physical and emotional environment for ākonga and staff (NAG 5).

Parents, ākonga and the public have a legitimate expectation that BLENNZ will be free from drugs, weapons, alcohol and cyber-bullying. The Board of Trustees and management of BLENNZ have developed this policy and its associated procedures on surrender and retention to advise them accordingly.

In relation to searches and the surrender and retention of ākonga property BLENNZ will act reasonably, in good faith and in the least intrusive manner to achieve a safe environment.

Ākonga 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 this policy and procedures will ensure BLENNZ reflects on the need to act by informing decisions prior to taking steps that are reasonable and necessary to maintain a safe environment.

NOTE: BLENNZ’s usual disciplinary or behaviour management practices apply at any time. Police involvement applies at any time. An action taken under the legislation may or may not involve the Police.

## Supporting Documents:

[MOE Guidelines for the surrender and retention of property and searches](http://www.education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/searching-and-removing-student-property/)

[Digital Technology - Safe and responsible use in BLENNZs](http://www.education.govt.nz/assets/Documents/School/Managing-and-supporting-students/DigitalTechnologySafeAndResponsibleUseInSchs.pdf)

New Zealand Bill of Rights Act 1990

Privacy Act 1993

  1 October 2020

Approved: ……………………………….. Date: ………………………

 (Principal)