



BANNING, SEARCHING AND SEIZING HARMFUL ITEMS POLICY

Rationale:

This policy should be read in conjunction with the DET Banning, Searching and seizing Harmful Items Guidelines – Education and Training Reform Amendment (School Safety) Act 2011.

The Education and Training Reform Amendment (School Safety) Act 2011 and Education and Training Reform (School Safety) Regulations 2011 provide principals with the power to declare and ban harmful items from school premises and teacher-supervised activities, and principals and authorised teachers with the power to search and seize such items.

The Principal should make parents and owners of vehicles transporting students on teacher-supervised activities and the owners of premises where students are staying and visiting during teacher-supervised activity aware of the search powers made under the ACT and Regulations.

Implementation:

Very dangerous items (as found in Schedule 1 of the DET Guidelines) under the Firearms Act 1996 and the Control of Weapons Act 1990 and are already banned from schools.

The principal may ban other certain items from being brought onto school premises if the principal reasonably believes are likely to be used in a threatening, violent or harmful manner.

The principal can ban an item or items generally, or for a specified period of time or for specific circumstances.

If the principal, assistant principal or any teacher authorised by the principal has reasonable suspicion that a harmful item exists, they have the power to search for and seize such an item under sections 5.8A.3 and 5.8A.4 of the ACT

When determining whether reasonable suspicion that a harmful item exists and as such whether a search for a harmful item should be carried out, the following factors should also be considered:

- a. the likelihood that a search will uncover a harmful item
- b. whether it is likely that the harmful item will be used by a student
- c. the source and veracity of information regarding the presence of a harmful item.

If a student seeks to obstruct a search, the principal may:

- a. if the principal believes that there is an immediate threat to the safety, security or wellbeing of a student or staff member, contact Victoria Police.
- b. if the principal believes that there is not an immediate threat to the safety, security or wellbeing of a student require the item not to be brought to school in the future.

The principal must contact EMD (Emergency Management Division) immediately to report the seizure of certain items, and then contact Victoria Police.

As a general guide, seizure of:

- a. any knife, sword or serrated blade or
 - b. any item that is used in an attack or threatened against another person or
 - c. any 'controlled weapon'
- should be reported to EMD and Victoria Police as soon as practicable.

Searching & Seizing of Harmful Items

Principals are not permitted to search a student, but may ask a student to turn out his or her pockets, open any bag, locker or other item, and to disclose whether or not a student is in possession of a harmful item. A student who does not comply with a direction to open a bag or locker or to turn out his or her pockets should be subject to school disciplinary procedures. If the principal believes the student is concealing a harmful item under his or her clothing, the principal should use his or her discretion as to whether to call Victoria Police.

Searching a Vehicle

A vehicle may only be searched by a principal if the vehicle is being used for the purpose of a teacher-supervised student activity.

If the driver or owner of the vehicle refuses permission:

- a. the principal may contact Victoria Police to request that it conducts a search of the vehicle.
- b. if the principal reasonably suspects that there is a threat to the safety, security or wellbeing of a student or staff member, which in the reasonable opinion of the principal requires immediate action to be taken to reduce that threat, the principal should direct the removal of students and staff from harm or danger. A search should then be conducted only if the principal believes that the search can be undertaken safely, and without endangering students, staff or other persons.

Reference:

- This policy has been developed in conjunction with the DET's School Policy and Reference guide <http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx>

Evaluation:

This policy will be reviewed as part of the school's three-year review cycle.

This policy was last ratified by School Council in....
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