



Procedure

Temporary removal of student property by school staff

Audience

All state schools

Implementation Date: 23/01/2020
Version: 3.0

Purpose

This procedure outlines the processes, conditions and responsibilities for principals and state school staff when temporarily removing student property.

Overview

The removal of any property in a student's possession may be necessary to promote the caring, safe and supportive learning environment of the school, to maintain and foster mutual respect between all state school staff, students and visitors.

This procedure is based on the legislative framework outlined in [Division 2, Education \(General Provisions\) Regulation 2017 \(Qld\)](#).

Responsibilities

Principal

- ensures state school staff are aware of the responsibilities outlined in this procedure that must be followed when temporarily removing student property, including that
 - **consent is not required** to search school property such as lockers, desks or laptops that are supplied to the student through the school.
 - **consent is required** from the student or parent to open, examine or otherwise deal with the temporarily removed student property. For example, without the consent of the student or parent, principals or state school staff who temporarily remove a mobile phone from a student are **not authorised to unlock the phone or to read, copy or delete messages stored on the phone**.
 - where there is suspicion that the student has a dangerous item (for example, a knife) in their school bag, principals or state school staff should seize the bag immediately and remove from the

- student's access **prior to seeking search consent** or calling the police. Under no circumstances should the student be permitted to go into the bag themselves.
 - under normal circumstances, principals and state school staff members **are not permitted to search student property** (e.g. a student's school bag) unless they have the consent of the student or their parent.
 - under emergency circumstances only, such as a need to access an EpiPen for an anaphylactic emergency, principals or state school staff may need to search a student's property without the student's consent or the consent of the student's parents.
 - principals or state school staff do not have the authority to search the person of a student, if a search is considered necessary the police should be called to make such a determination.
- ensures parents and students are
 - informed of the procedure which enables state school staff to temporarily remove student property and the expectations in relation to property students may bring to school
 - aware of the right to refuse permission for state school staff to search student property, and that police may be called if consent is not provided
 - provided with clear communication to inform what student property can be temporarily removed and the expectations in relation to property students may bring to school.
- ensures information about this procedure is clearly detailed in the [Student Code of Conduct](#), including
 - that state school staff may in certain circumstances remove student property without the consent of parents or students
 - the limits on state school staff accessing information from temporarily removed student property, such as mobile phones
 - examples of property that may be temporarily removed, such as bags, mobile phones, jewellery or prohibited items such as knives
 - examples of the amount of time certain property may be temporarily removed (e.g. end of day or school week)
 - that student property may be seized by the police.

State school staff

- follow appropriate processes outlined in the [Student Code of Conduct](#) regarding
 - temporary removal of student property
 - access to information on temporarily removed student property (e.g. messages or photos on student mobile phone)
 - return of temporarily removed student property
 - circumstances where temporarily removed student property need not be made available for collection
 - deciding a reasonable time to make temporarily removed student property available for collection.

Students

- must not bring property onto school grounds or other settings used by the school (e.g. camp, or sporting venues) that
 - is prohibited according to the school's [Student Code of Conduct](#)
 - is illegal (e.g. drugs such as cannabis, ecstasy, or amphetamines)
 - puts the safety or wellbeing of others at risk (e.g. knife, firearm, handcuffs, or replica firearms)
 - does not preserve a caring, safe, supportive or productive learning environment (e.g. baton, nunchaku, or club)
 - does not maintain and foster mutual respect (e.g. printed materials with offensive language or extremist propaganda).
- Collect their property as soon as possible when advised by the principal or state school staff it is available for collection.

Parents

- ensure their children do not bring property onto school grounds or other settings used by the school that
 - is prohibited according to the [Student Code of Conduct](#)
 - is illegal (e.g. drugs such as cannabis, ecstasy, amphetamines)
 - puts the safety or wellbeing of others at risk (e.g. knife, firearm, handcuffs, or replica firearms)
 - does not preserve a caring, safe, supportive or productive learning environment (e.g. baton, nunchaku, or club)
 - does not maintain and foster mutual respect (e.g. printed materials with offensive language).
- collect temporarily removed student property as soon as possible after they have been notified by the principal or state school staff that the property is available for collection.

Process

State school staff

- only persons who are authorised under the [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) to remove from a student at the school any property in the student's possession if the principal or staff member is satisfied the removal is necessary.

Temporary removal of student property

- property may be temporarily removed from a student if the principal or state school staff are reasonably satisfied the removal is necessary to
 - ensure compliance with the [Student Code of Conduct](#)
 - preserve the caring, safe, supportive and productive learning environment of the school
 - maintain and foster mutual respect among staff and students at the school

- encourage all students to take responsibility for their own behaviour and the consequences of their actions
- provide for the effective administration of matters about the students of the school.

Return of temporarily removed student property

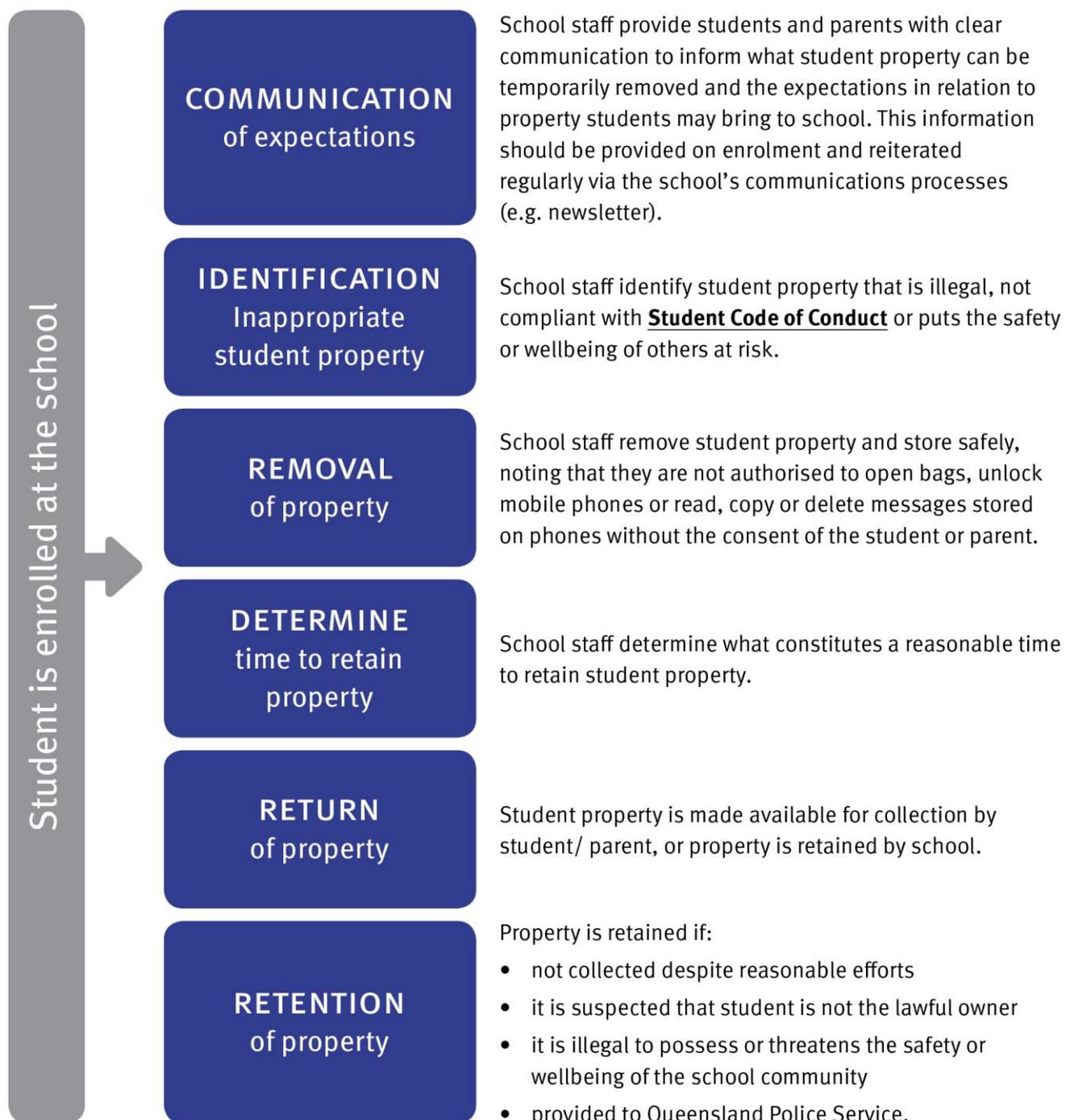
- principal or state school staff determine when the temporarily removed student property can be returned, unless the property has been handed to the Queensland Police Service
- ensure temporarily removed student property held by the school is made available for collection by the student or parent within a reasonable time period
- if the student is a child, the principal or school staff member may choose to make the temporarily removed property available for collection to the parent only if it is more appropriate to do so, given
 - its condition, nature or value, and/or
 - to ensure the safety of students or staff, and/or
 - for the good order and management, administration and control of the school.
- where the student is independent or mature age, it may be appropriate to return the temporarily removed property directly to them
- ensure temporarily removed student property made available for collection is in the same condition as when the property was removed.

Retention of temporarily removed student property

- principal and state school staff may retain temporarily removed student property if
 - the property is illegal to possess, threatens the safety or wellbeing of students or staff or is reasonably suspected to have been used to commit a crime and state school staff are in the process of notifying police
 - police state that they will come to the school to investigate matters relating to the temporarily removed student property, then it is kept until police attend
 - if police seize the property under the [Police Powers and Responsibilities Act 2000 \(Qld\)](#), advise the student and their parent of this action and that the temporarily removed student property is no longer in the possession of school staff
 - if police decide not to seize the property, return the temporarily removed student property to the student or parent as soon as practicable.
- student or parent has not collected the temporarily removed student property despite reasonable efforts (multiple phone calls, emails or meetings) by the principal or state school staff to advise the student or parent it is available for collection
- where staff reasonably suspect that the student is not the lawful owner of the property.

Deciding a reasonable time to retain or make property available for collection

- in deciding a reasonable time to retain or make property available for collection, principals and school staff will consider the
 - condition, nature or value of the property
 - circumstances in which the property was removed
 - safety of the student from whom the property was removed, other students or staff members
 - good management, administration and control of the school.



Definitions

Emergency circumstances	Emergency circumstances may include where the life, health, safety or welfare of a student, staff member or other members of the school community or public are at immediate risk.
Independent student	A student who is identified in OneSchool as 'Independent' is deemed to be responsible for their own education. In OneSchool this means that no parents need to be recorded for the student, the student will receive all correspondence, and from a financial perspective, the student will be the debtor (i.e. all invoices will be addressed to the student).
Mature aged student	An adult enrolled at a state school as a student in accordance with the mature age enrolment provisions in the <i>Education (General Provisions) Act 2006</i> (Qld).
Parent	A child's mother, a child's father, a person who exercises parental responsibility and a person standing in the place of a parent of a child on a temporary basis. This may include the Office of the Public Guardian or a Child Safety Officer.
Reasonable time	<p>This is determined based on the nature of the item temporarily removed from the student, the risk to wellbeing to student and others, and the involvement of external agencies such as the Queensland Police Service. Factors that will inform a decision about what constitutes reasonable time will be the</p> <ul style="list-style-type: none"> • condition, nature or value of the property • circumstances in which the property was removed • safety of the student from whom the property was removed, other students or staff members • good management, administration and control of the school.
State school staff	<p>A state school staff member employed by the chief executive at the school. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • principals • deputy principals • teaching staff • non-teaching staff. <p>The following positions are not considered state school staff members for the purposes of this procedure, and do not have the authority under this procedure to temporarily remove student property as they are not departmental employees:</p> <ul style="list-style-type: none"> • chaplains • pre-service teachers • school-based police officers • school-based youth health nurses • volunteers.

Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)

Delegations/Authorisations

- [Director-General's delegations under the Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Director-General's authorisations under the Information Privacy Act 2009 \(Qld\)](#)

Related policies

- [Code of Conduct for the Queensland Public Service](#)

Related procedures

- [Student discipline](#)

Guidelines

- [Principal guidelines – student discipline](#)

Supporting information/websites

- [Fact sheet – Student Code of Conduct](#)
- [Fact sheet – Temporary removal of student property by school staff](#)

Contact

Parents, students and members of the public are asked to contact their closest [regional office](#) for further information.

The central office contact for staff in regional offices is behaviour.central@qed.qld.gov.au.

Review date

23/01/2023

Superseded versions

Previous seven years shown. Minor version updates not included.

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