



## Fact sheet

# Temporary removal of student property by school staff

Under certain circumstances, the removal of 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.

## Power to remove property from students

As per the [Education \(General Provisions\) Regulation 2017](#), the principal or state school staff member may 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—

- to promote the caring, safe and supportive learning environment of the school; or
- to maintain and foster mutual respect between staff members and students at the school; or
- to encourage all students attending the school to take responsibility for their own behaviour and the consequences of their actions; or
- to provide for the effective administration of matters relating to students of the school.

## Key information

- Each school's [Student Code of Conduct](#) details information about the Temporary removal of student property by school staff procedure.
- Consent is not required** to search school property such as lockers, desks or laptops that are supplied to the student through the school.
- If student property is illegal to possess, likely to threaten the safety or wellbeing of students or staff, or is reasonably suspected to have been used to commit a crime, the property or the bag it is in should be seized immediately and retained for handing to police.
- Under normal circumstances state school staff are not permitted to search student property unless they have the consent of the student or parent.
- In emergency circumstances it may be necessary to search a student's property without the appropriate consent (e.g. to access an EpiPen for an anaphylactic emergency).
- 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 contacted to make such a determination.

## Principals

- Ensure school staff are aware of the responsibilities outlined in the [Temporary removal of student property by school staff procedure](#) that must be followed when temporarily removing property from students.

- Ensure parents and students are:
  - informed of the procedure which enables state school staff to temporarily remove student property
  - aware of the right to refuse permission for school staff to search student property, and that police may be called if consent is not provided.
- Include within their [Student Code of Conduct](#):
  - that state school staff may remove property without the consent of parents or students
  - the limits on state school staff accessing information from temporarily removed property, such as mobile phones
  - examples of property that may be temporarily removed
  - examples of the amount of time certain property may be temporarily removed
  - that student property may be seized by the police.

## State school staff (including principals):

- Where there is suspicion that the student has a dangerous item in their possession, seize student property immediately and remove from the student's access prior to seeking consent or contacting Queensland Police Service.
- Follow appropriate processes outlined in the [Student Code of Conduct](#) regarding:
  - temporary removal of property
  - access to information on temporarily removed property
  - return of temporary removal of property
  - circumstances where temporary removal of property need not be made available for collection
  - deciding a reasonable time to make temporary removed property available for collection.

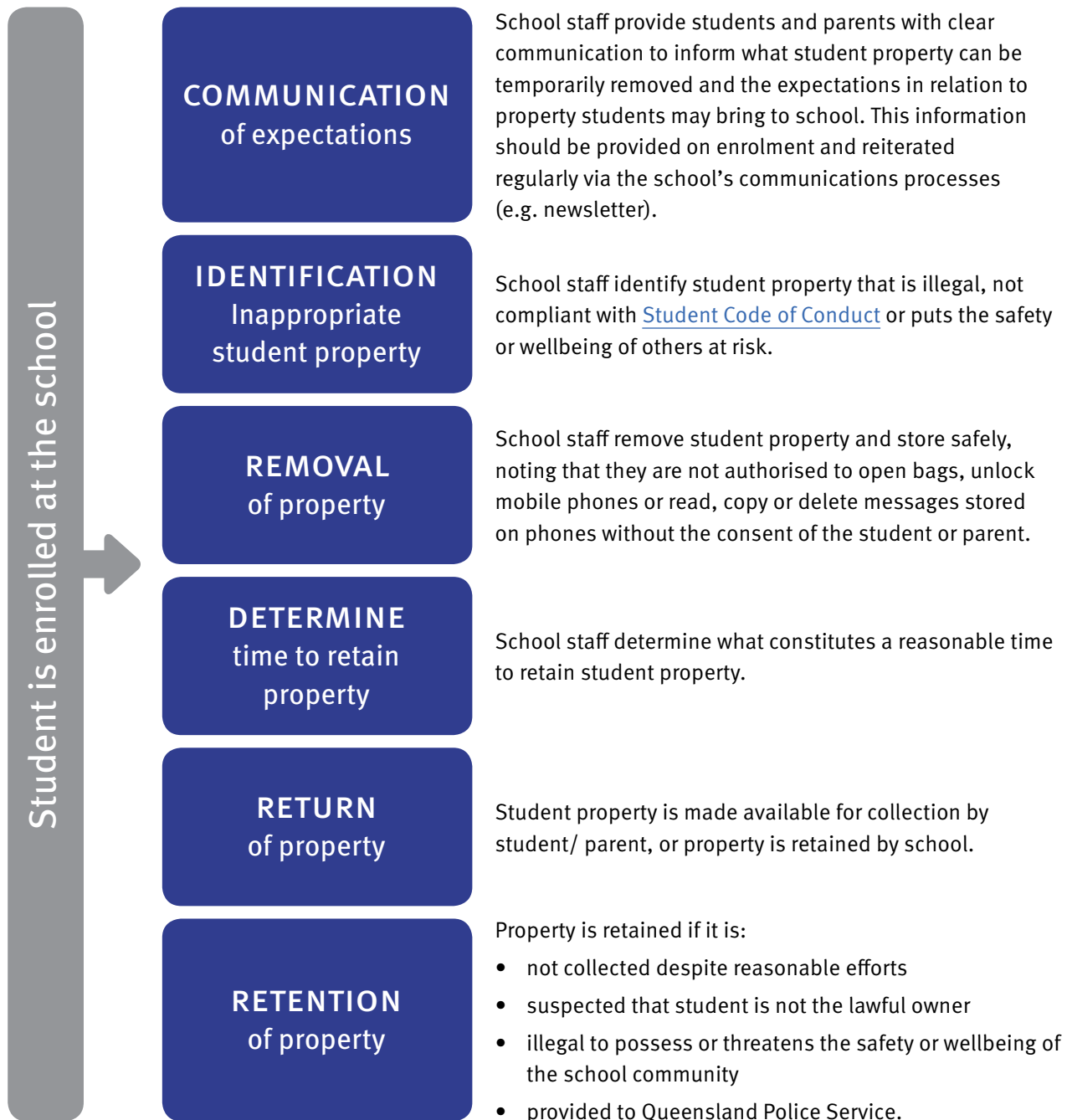
## Students and parents

- Ensure they/their children do not bring property onto school grounds or other settings used by school that:
  - is prohibited according to the school's [Student Code of Conduct](#)
  - is illegal
  - puts the safety or wellbeing of others at risk
  - does not preserve a caring, safe, supportive or productive learning environment
  - does not maintain and foster mutual respect.
- Collect their/their child's property as soon as possible after they have been notified the property is available for collection.



## Temporary removal of student property by school staff flowchart

Refer to the [Temporary removal of student property by school staff](#) procedure for detailed process.



### Resources

- [Code of Conduct for the Queensland Public Service](#)
- [Department of Education standard of practice](#)
- [Education \(General Provisions\) Regulation 2017](#)
- [Temporary removal of student property procedure](#)
- [Fact sheet – Student Code of Conduct](#)
- [Principal guidelines – student discipline](#)