



Temporary removal of student property by state school staff procedure

Version: 4.0 | **Version effective:** 28/11/2024

Audience

All state schools

Purpose

This procedure outlines the responsibilities, processes, and conditions for principals and state school staff when temporarily removing student property. This procedure supports state school staff to understand and meet their legislative obligations when temporarily removing student property.

Overview

This procedure includes:

- guidance on when state school staff may temporarily remove student property
- the responsibilities of state school staff when removing student property, including when student and parent consent is required and the return of temporarily removed property.

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

Responsibilities

Principal (or delegate)

- document the processes, conditions and responsibilities for temporary removal of student property in the school's [Student Code of Conduct](#)
- provides copies of the [Student Code of Conduct](#) in accessible language formats to meet the needs of all members of the school community
- support all state school staff to understand their responsibilities when making decisions to temporarily remove student property, including compatibility with the [Human Rights Act 2019 \(Qld\)](#)
- provide clear communication to staff, students and parents/carers on the expectations for student property at school and school staff powers for temporary removal of student property.

State school staff

- follow processes outlined in this procedure and detailed in the school's [Student Code of Conduct](#) regarding:
 - conditions and responsibilities when temporarily removing and returning student property
 - the requirement for consent from student or parent/carers when required (e.g., seeking permission to open a school bag)
 - the obligation to make decisions that are compatible with the [Human Rights Act 2019 \(Qld\)](#)

Students

- must not bring property the school's [Student Code of Conduct](#) prohibits onto school grounds or other settings used by the school (e.g. camp, or sporting venues)
- must collect their property as soon as possible, when advised by the principal or state school staff it is available for collection.

Parents/Carers

- support their children to understand they must not bring property prohibited according to the school's [Student Code of Conduct](#) onto school grounds or other settings used by the school
- must 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

Communicate expectations

Principals:

- include information about this procedure, including processes, conditions and responsibilities of principals and state school staff when temporarily removing student property, in the [Student Code of Conduct](#) specifically:
 - parents/carers and students are clearly told:
 - of the expectations in relation to the property that students may not bring to school
 - principals and state school staff are the only people authorised under the [Education \(General Provisions\) Regulation 2017 \(Qld\)](#) to remove property in the student's possession
 - principals and state school staff may in certain circumstances remove student property without the consent of parents/carers or students, including property such as bags and prohibited items, including (but not limited to) mobile phones, knives, drugs (including tobacco), alcohol, aerosol deodorants or cans, or e-cigarettes
 - they (parents/carers and students) may refuse permission for principals and state school staff to search student personal property (e.g., school bag)
 - the Queensland Police Service may be called if consent to open or search student property is not given and staff reasonably believe the student is in possession of property that 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

- of the limits on state school staff accessing information from temporarily removed student property, such as unlocking or accessing and copying information on mobile phones or other personal electronic devices
- of the circumstances under which student property may be handed to the Queensland Police Service.
- support students and parents/carers to understand the school's [Student Code of Conduct](#), including processes, conditions and responsibilities of principals and state school staff when temporarily removing student property.

Obtain consent

Principals or state school staff must obtain consent (verbal or written) from the student or their parents/carer prior to searching temporarily removed student property, including when:

- seeking to examine or otherwise deal with temporarily removed student property (e.g., opening student's school bag and removing/accessing contents or unlocking mobile phone).

Principals or state school staff are not required to obtain consent:

- when searching school property such as lockers, desks, laptops or other items that are supplied to the student by the school
- in emergent medical circumstances, such as a need to access an adrenaline auto-injector (e.g., EpiPen) for an anaphylactic emergency
- if there is reasonable belief that the student is in possession of content or property that is illegal to possess (including content on mobile phones), threatens the safety or wellbeing of students or staff or is reasonably suspected to have been used to commit a crime. The principal or state school staff should immediately remove the school bag under these circumstances and then obtain consent to search the bag or call the Queensland Police Service.

Principals and other state school staff do not have the authority to search the person of a student (i.e., physically touch or pat down).

Temporarily removed student property

Principals or state school staff must:

- give proper consideration to [human rights](#), including cultural rights, when making a decision to temporarily remove student property
- store any item that is temporarily removed from a student in a way that is secure, safe and respectful in line with school processes stipulated in the [Student Code of Conduct](#)
- notify the Queensland Police Service if temporarily removed 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.

Determine a reasonable time to make property available for collection

Principals and state school staff should make arrangements for the property to be collected by the student or parent/carer at the conclusion of the school day, or if this is not possible, as soon as practicable, with consideration of:

- the condition, nature and value of the property
- the circumstances in which the property was removed from the student
- the safety of the student, other students and staff members of the school
- the good management, administration and control of the school.

Principals and state school staff must take reasonable care that temporarily removed student property is made available for collection in the same condition as it was when the property was removed from the student. A record of collection may be documented in the student's OneSchool Student Profile under contact or behaviour, if required.

Retain temporarily removed student property

Principals or state school staff can retain temporarily removed student property if;

- they are in the process of notifying the Queensland Police Service because the property is deemed to be illegal to possess, threatens the safety or wellbeing of students or staff, or is reasonably suspected to have been used to commit a crime
- a police officer has informed the principal they will come to the school to investigate matters relating to the temporarily removed student property
- a police officer has seized the property under the [Police Powers and Responsibilities Act 2000 \(Qld\)](#) - noting under these circumstances the student and their parent/carer should be advised of this action and that the temporarily removed student property is no longer in the possession of the principal or state school staff
- the principal or state school staff knows or reasonably suspects the student is not the owner of the property - in this case the principal or staff member must then make reasonable efforts to return the property to the owner
- state school staff have made reasonable efforts to notify the student or their parent/carer that the property is available for collection (e.g., multiple phone calls, emails or meetings) and has not been able to contact the student or their parent/carer.

Consider disciplinary consequences

Principals must:

- apply disciplinary consequences in line with the [Student Code of Conduct](#) and are reasonable and proportionate to the circumstance and individual situation
- make decisions compatible with the [Human Rights Act 2019 \(Qld\)](#).

Definitions

| Term | Definition |
|--------------------------------|---|
| 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. |
| Parent/carer | <p>A child's mother, a child's father, a person who exercises parental responsibility and a person standing in the place of a parent/carer of a child on a temporary basis. This may include the Office of the Public Guardian or a Child Safety Officer.</p> <p>A parent/carer of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent/carer of the child.</p> <p>A parent/carer of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent/carer of the child.</p> |
| Principal | The principal or officer in charge of a state school. |
| State school staff | <p>A state school staff member employed by the department 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 \(Qld\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)

Delegations/Authorisations

- Nil

Policies and procedures in this group

- Nil

Supporting information for this procedure

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

Other resources

- [Code of Conduct for the Queensland Public Service](#)
- [Fact sheet – Student Code of Conduct](#)
- [Student use of mobile devices procedure](#)
- [Online incident management guidelines for school leaders](#)
- [Principal guidelines – student discipline](#)
- [Student discipline procedure](#)

Contact

Parents/carers, 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

28/11/2027

Superseded versions

Previous seven years shown. Minor version updates not included.

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