



## **BOSMANSDAM HIGH SCHOOL**

**POLICY FOR PROCEDURES FOR THE SEARCH OF LEARNERS,  
THEIR POSSESSIONS AND SEIZURE OF UNAUTHORISED,  
DANGEROUS OBJECTS/UNAUTHORISED DRUGS AND ILLEGAL  
SUBSTANCES AND CONTRABAND AND TESTING FOR THE  
CONSUMPTION OF ILLEGAL AND/OR HARMFUL SUBSTANCES**

**THIS POLICY IS AN ADDENDUM TO THE LEARNER  
CODE OF CONDUCT OF THE SCHOOL**

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1. **TITLE OF THE POLICY: POLICY FOR PROCEDURES FOR THE SEARCH OF LEARNERS, THEIR POSSESSIONS AND SEIZURE OF UNAUTHORISED, DANGEROUS OBJECTS/UNAUTHORISED DRUGS AND ILLEGAL SUBSTANCES AND CONTRABAND AND TESTING FOR THE CONSUMPTION OF ILLEGAL AND/OR HARMFUL SUBSTANCES**
2. **EFFECTIVE DATE: Date of Acceptance and signature by the Chairperson of the SGB**
3. **DATE OF NEXT REVIEW: At the start of each academic year.**
4. **REVISION HISTORY:**

|                |
|----------------|
| As amended on: |
|----------------|

|            |
|------------|
| 09-06-2025 |
|------------|

5. **PREAMBLE**

- 5.1. Incidents of illegal drug use, violence, possession of dangerous weapons and objects, theft, tobacco use, vape use, and theft of property plague public school authorities across the nation. As narcotics and dangerous weapons appear on school premises, the need to conduct searches of learners' lockers, property, and persons for contraband, illegal and unauthorised substances or prohibited weapons/dangerous objects increases. School authorities' actions' are justified since the state requires children to attend school, and the school authorities and the SGB retain a compelling interest, if not an affirmative duty, in ensuring that the school environment remains free of illegal substances/contraband which might present safety hazards to all members of staff or fellow learners.
- 5.2. It may seem that search and seizure at the school and drug testing of learners would entail an unlawful infringement of their right to privacy, section 7(3) of the Constitution reminds us that this right is subject to the limitations referred to in section 36, generally known as the limitation clause. Sections 8 and 9 of SASA are also such limitation clauses. Taking into account the demand to foster school safety, the authority to conduct searches frequently pre-empts a learner's right to privacy. However, this does not open the gates to a militant manner of treating learners like prisoners
- 5.3. According to the school's main goal to attend to the academic and social development of its learner population, school officials are thus responsible for maintaining order and safety in collaboration with the SGB. In attending to these important functions, there arise numerous scenarios where learners fall under scrutiny and suspicion for certain misconduct which fall out of the realm of the "acceptable" in the controlled school environment. The specific occasions in which the principal and/or delegated members of staff may search, in which a level of suspicion is necessary to legally justify said search and/or seizure, when contraband can be seized or drug testing performed and which process should proceed any consequences are all addressed in this policy.
- 5.4. Taking into account the demand to foster school safety, the authority to conduct searches pre-empts a learner's right to privacy. However, this does not open the gates to a militant manner of treating learners without dignity but learners are also



required to comply with lawful instructions to open school bags and to submit to canine sniffer searches and testing if suspicion warrants it. If contraband items are in plain view, they may be seized without probable cause, reasonable suspicion, or a warrant.

## 6. PURPOSE OF THE POLICY

- 6.1. To provide Bosmansdam High School with standardised procedures to conduct random search and seizure and alcoholic liquor and illegal drug testing at Bosmansdam High School that applies to all learners of Bosmansdam High School.

## 7. TERMINOLOGY AND ACRONYMS

### 7.1. Terminology

| Term                                 | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alcoholic Substance                  | <ul style="list-style-type: none"> <li>a. a chemical substance found in drinks such as beer, wine, spirits and liquor;</li> <li>b. any substance in any liquid form or medicine or tablet or pill that has a psychological and/or stupefying effect; or</li> <li>c. any substance with an alcohol content having such effect that is possessed unlawfully, and or any unlawful intoxicating or stupefying drug substance;</li> <li>d. any substance/medicine/over the counter medicine/liquid that contains any percentage of alcohol.</li> <li>e. Acute alcohol consumption causes severe alcohol intoxication, or alcohol poisoning, which can be fatal.</li> </ul> |
| Confidential Information             | <ul style="list-style-type: none"> <li>a. Confidential Information is a broader category than personal information.</li> <li>b. This means that as a general rule, all personal information is confidential and should be kept confidential, but not all confidential information is necessarily personal information.</li> <li>c. The school's business plan, strategic plans, development plans and whole school evaluation may be regarded as confidential without containing personal information.</li> <li>d. Confidential means to be entrusted with another person's confidence or secret affairs.</li> </ul>                                                  |
| Custody of records/documents/objects | The control of records/documents based upon their physical possession.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Dangerous object/weapon              | <ul style="list-style-type: none"> <li>a. any explosive material or device;</li> <li>b. any firearm or gas weapon;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Term                                 | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | <ul style="list-style-type: none"> <li>c. any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious;</li> <li>d. any other object similar in nature to the objects listed above;</li> <li>e. any object that the National Minister of Basic Education declares to be a dangerous object under the South African Schools Act for that Act; or</li> <li>f. the MEC declares by notice in the Provincial Gazette, to be a dangerous object for this policy;</li> <li>g. any object named in the Dangerous Weapons Act.</li> </ul> |
| Days                                 | Means any schooldays or working days and excludes Saturdays, Sundays and any public holiday or school holidays.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Delegate                             | Any person that the Principal has identified to act in her/his place with due authority to undertake a search and seizure or testing for unauthorised substances of learners.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Disciplinary Action                  | Any corrective action, including dismissal, instituted against an employee in response to unacceptable employee behaviour or unsatisfactory work performance, other than incompetence or incapacity.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Digital/Electronic Device/Cell phone | <ul style="list-style-type: none"> <li>a. Any mobile device used to make phone calls or send/post/publish any kind of messages using signals or information represented as digits or in terms of the Cyber Crimes Act.</li> <li>b. Any device that can be used to distribute images, messages, or video clips or on which images, messages and video clips may be accessed. This includes but is not limited to computers, tablets, smartphones and cell phones.</li> </ul>                                                                                                                                                                    |
| Document/Record                      | Means any book, map, pamphlet, letter, circular letter, list, record, placard, poster, notice, pdf electronic document, [any] electronic information or any other document stored on a database of a server/computer/electronic handheld device, web page, blog, App and also printed and electronic newspapers, magazines, periodicals, blogs, and everything that contains the written pictorial proof of something and it does not matter what the material is made of.                                                                                                                                                                     |
| Educator                             | Means any person, excluding a person who is appointed to exclusively perform extracurricular                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| Term                                         | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | duties by the SGB who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at the school.                                                                                                                                                                                                                                                                                                                                                                                                         |
| Electronic Communication/Record              | Means any text, voice, sound, video, photograph, payment transaction or image message sent over an electronic communications network using a computer/electronic handheld device/tablet/cell phone/Wi-Fi/Smart phone/smart watch which is stored in the network or in/on the recipient's terminal /handheld/portable/digital/electronic equipment until it is collected/accessed by the recipient and is available on any social media platform or App and include any other electronic communication posted or forwarded to another person's device/computer/tablet/cell phone/Wi-Fi/Smart phone/smart watch. |
| E-mail                                       | Means electronic mail, a data message used or intended to be used as a mail message between the originator and addressee in electronic communication or that can be forwarded to another person and to which other documents can be attached.                                                                                                                                                                                                                                                                                                                                                                  |
| Employee                                     | Means a person appointed and in the employ of and by the SGB as a permanent or temporary employee, or permanent or temporary non-academic employee or consultant, but excluding independent contractors and suppliers as well as staff provided by temporary employment services.                                                                                                                                                                                                                                                                                                                              |
| Illegal Activity                             | Means the wilful possession of an illegal drug, dangerous object or stolen item or item taken without permission of any person that does not belong to the learner or brought on to school property that has been declared contraband or any item not allowed in the possession of any learner.                                                                                                                                                                                                                                                                                                                |
| Illegal/Unauthorised Drug/Substance/Narcotic | <p>a. Means any drug and/or narcotic or any other unauthorised substance as defined in the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992), that is used or possessed in the contravention of section 4 of that Act or SASA and the regulations for drug testing of learners.</p> <p>b. Any unlawful substance that has a psychological or physiological effect or any substance having such an effect that is possessed lawfully</p>                                                                                                                                                                   |



| Term                                     | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | <ul style="list-style-type: none"> <li>c. Any substance deemed to enhance sporting performance.</li> <li>d. Any prescription drug or over the counter drug used by a person other than for whom it was prescribed or purchased by his/her parent (s) or the abuse of such drugs.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Illegal/Unauthorised misconduct/activity | <ul style="list-style-type: none"> <li>a. Means the wilful possession of an illegal drug, dangerous object or stolen item.</li> <li>b. Being under the influence of a mood-altering substance or testing positive for such substance.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Metal Detector Wand                      | A hand held metal detector wand, or security wand, is a non-intrusive device to search for contraband on a person's body or in his/her possession.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Misconduct                               | <p>Means any misconduct committed by a learner and includes the following, but is not limited thereto:</p> <ul style="list-style-type: none"> <li>a. misconduct committed on the premises of a school, whether during or outside of school hours;</li> <li>b. misconduct committed during any school activity, irrespective of whether it is committed within or outside the school premises, and during or outside of school hours; and any conduct, committed in or out of school uniform and within or outside the school premises, which- <ul style="list-style-type: none"> <li>i. tends to or may have the potential to bring the school into disrepute;</li> <li>ii. impugns the school's good name;</li> <li>iii. interferes in any way or manner with the governance, instruction of learners, authority and proper administration of the school;</li> <li>iv. interferes with the conditions necessary for any school activity;</li> <li>v. learner to the reasonable exercise of the right of learners to assemble, demonstrate, picket and petition as provided in the Constitution, 1996 and the code, is committed with the intention of preventing any person from exercising his or her rights, powers or duties as a member of the school community, or is committed in retaliation against such exercise; or</li> </ul> </li> </ul> |



| Term                                                 | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | vi. is prohibited by the learner code of conduct of the school, any school and/or classroom rule, any policy of the school or legislation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Mood-altering substances and paraphernalia           | For the purposes of this policy, mood-altering substances include but are not limited to: <ul style="list-style-type: none"> <li>a. Illegal drugs (dagga, ecstasy, cocaine, for example) and related paraphernalia;</li> <li>b. Medicines for which the user does not have a prescription (Ritalin, opioids, Xanax, cough mixture for example);</li> <li>c. Alcohol products;</li> <li>d. Everyday items that can be used inappropriately such as solvents, inhalants or other chemical agents (thinners, for example);</li> <li>e. Prohibited performance-enhancing drugs, or PEDS as they are sometimes known (such as steroids, for example);</li> <li>f. Tobacco products;</li> <li>g. Vapers and vaping juice;</li> <li>h. Synthetic drugs such as spices etc.</li> </ul> |
| Outside school                                       | Situations not mentioned at school on school premises or any learner who is outside the school but who can be identified as a learner of the school and/or whose behaviour brings the school into disrepute can be regarded as having been 'at school'. This includes online misconduct.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Performance Enhancing Drugs                          | Any substance used to gain an advantage while playing sport without the permission of the Sports Director or the Principal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Personal Electronic Device                           | Means a device that stores, generates, or transmits information in electronic form, and is not owned or otherwise loaned to the learner by the School.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Principal                                            | Means an educator appointed or acting as the head of the School by the GDE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Reasonable Suspicion                                 | Means a sufficient probability that the search will reveal evidence the learner has violated or is violating a school rule, the learner code of conduct, any policy or legislation based on a balance of probabilities. Certainty is not required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Recording                                            | Anything on which sounds or images or both are fixed or from which sounds or images or both are capable of being reproduced, regardless of the form including any CCTV recordings or photos taken of objects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Regulations for Drug Testing and the Procedure to be | Refers to Notice 1140 of 2008 of the Department Of Education - Devices To Be Used                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Term                                                                                                          | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Followed (Also referred to as the Regulations for Testing in this policy)                                     | For Drug Testing And The Procedure To Be Followed and Annexure A and B of the said regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Regulations for Safety Measures at Public Schools (also referred to as the Safety Regulations in this policy) | Means the Safety Regulations for Public Schools published under Government Notice 1040 in <i>Government Gazette</i> 22754 of 12 October 2001 and amended by Government Notice R1128 in <i>Government Gazette</i> 29376 of 10 November 2006.                                                                                                                                                                                                                                                                                                  |
| School                                                                                                        | Means (the name of the school)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| School Activity                                                                                               | Means any official educational, cultural, recreational or social activity of the school within or outside the school premises.                                                                                                                                                                                                                                                                                                                                                                                                               |
| School Governing Body                                                                                         | Means the SGB of the school. (The employer)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| School Premises                                                                                               | The school's premises include a building, structure, hall, room, office, convenience, land, and enclosure, which is under the control of the school, to which a member of the public may have access after he/she has complied with the access rules, or is usually admitted to, or to which he or she may be authorised to be admitted to with the permission of the principal and/or his/her delegate and/or the chairperson of the SGB in terms of the National Safety Regulations for Public Schools.                                    |
| Search                                                                                                        | May be regarded as any act whereby a person, delegated by the principal or an officer of the peace may visually or physically examine any premises of the school, any belongings of a learner or use case a trained sniffer dog in case of SAPS/Metro and such searches by SAPS/Metro/the school entails the examination of any object or container/bag/property of a learner to establish whether an article is in, on or upon such person, container or premises unauthorised or illegal on school premises or during any school activity. |
| Seize                                                                                                         | Encompasses not only the act of taking possession of an article but also the subsequent detention thereof by the school authorities, SAPS/Metro.                                                                                                                                                                                                                                                                                                                                                                                             |
| Stolen items                                                                                                  | Any possession removed without the permission of the rightful owner or any property of the school.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Supervision                                                                                                   | Means the management and control of learners at school or during a school activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Unauthorised                                                                                                  | The term "unauthorised" is intended to mean any item that is dangerous to the health or safety of learners or school members of staff, personnel, or disruptive                                                                                                                                                                                                                                                                                                                                                                              |



| Term | Explanation                                                                                                                                                                     |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | of any lawful function, mission or process of the school, or any item described as unauthorised in any legislation, any school policies, rules and the learner code of conduct. |

## 7.2. Acronyms

| Acronym | Explanation                                                                                               |
|---------|-----------------------------------------------------------------------------------------------------------|
| CCTV    | Closed Circuit Television Security Recording Devices/Cameras with or without sound recording capabilities |
| CPU     | Child Protection Unit of the SAPS                                                                         |
| DBE     | Department of Basic Education                                                                             |
| DC      | SGB Disciplinary Committee                                                                                |
| HOD     | Head of the Provincial Department of Education                                                            |
| POPI    | The Protection of Personal Information Act                                                                |
| SACE    | South African Council for Educators                                                                       |
| SANCA   | South African National Council on Alcoholism and Drug Dependency                                          |
| SAPS    | South African Police Service                                                                              |
| SGB     | School Governing Body                                                                                     |
| SMT     | School Management Team                                                                                    |

## 8. APPLICATION AND SCOPE OF THE POLICY

- 8.1. The Constitution of the Republic of South Africa, 1996, provides for a Bill of Rights. The following rights are relevant to random search and seizure and alcoholic liquor and illegal drug testing at the school. Random search and seizure and alcoholic liquor and illegal drug testing obviously would infringe on these rights. However, the Constitution itself provides that no right is absolute, given that any right in the Bill of Rights may be limited in terms of section 36 in terms of section 8A of SASA and Notice 1140 of 2008 of the Department of Education - Devices to Be Used for Drug Testing and The Procedure to Be Followed and Annexure A and B.
- 8.2. Given that section 36 of the Constitution and sections 8 and 9 of SASA limit certain rights conferred in the Bill of Rights of learners and their parents, regarding search and seizure it must be implemented with due regard to human dignity, privacy and the right to property of the learner concerned.

## 9. LEGISLATIVE FRAMEWORK

- 9.1. The Constitution of the Republic of South Africa, Act 108 of 1996.
- 9.2. The South African Schools Act, Act 84 of 1996.
- 9.3. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("the Equality Act").
- 9.4. Occupational Health and Safety Act.
- 9.5. Regulations for Safety Measures at Schools, GN 1040 of 12 October 2001, as amended.
- 9.6. SACE Act and Code of Ethics
- 9.7.



- 9.8. Labour Relations Act, 1995, Act 66 of 1995 as amended and the Code of Good Conduct
- 9.9. The Protection of Personal Information Act 4 of 2013.
- 9.10. The Promotion of Access to Information Act 2 of 2000.
- 9.11. The Children's Act
- 9.12. Sexual Offences Criminal Law (Sexual Offences and Related Matters), Act 32 of 2007, as amended.
- 9.13. Child Justice Act
- 9.14. The Provincial Schools Act of the Gauteng Education Department.
- 9.15. Notice 1140 of 2008 of the Department of Education - Devices to be Used for Drug Testing and the Procedure to be Followed and Annexure A and B of the regulations.
- 9.16. Criminal Procedure Act, 1977 (Act 51 of 1977).

## **10. RELEVANT POLICIES AND PROVINCIAL CIRCULARS**

- 10.1. DBE School Safety Framework
- 10.2. Regulations for Safety Measures at Public Schools, published under Government Notice 1040 in Government Gazette 22754 of 12 October 2001 and amended by: General Notice R1128 in Government Gazette 29376 of 10 November 2006
- 10.3. SACE Code of Ethics.
- 10.4. The School's Social Media Policy and Use of Computers.
- 10.5. Financial Policy of the School.
- 10.6. LTSM Policy of the School.
- 10.7. Procurement Policy of the School.
- 10.8. School's Policy on Gifts.
- 10.9. COVID-19 Protocols and Standard Operating Procedures.
- 10.10. Stipulations of The Constitution of the School Governing Body.
- 10.11. The School's CCTV Policy.
- 10.12. The Parent Code of Conduct.
- 10.13. The school's Drug Management Policy.
- 10.14. The school's Cannabis Management Policy.

## **11. POLICY STATEMENTS**

### **11.1. Context of the Policy**

- 11.1.1. In the school as an educational setting, the definition of such duty of care is founded on notions of in loco parentis to statutory duties imposed on schools, e.g., tutelage or custodial to learning-related activities. The typical standard or general duty of care includes language that is the duty of all persons to exercise the care a reasonably prudent person would exercise under whatever circumstances. Therefore, the school and any school officials owe a certain duty of care to minors in their care during the school day especially in the context of this policy as well.
- 11.1.2. The possibility exists that learners in possession of dangerous objects or alcoholic liquor/products containing any alcohol or illegal drugs on our school grounds may cause serious psychological damage or physiological injury to others. This directly contributes to the challenges of providing an education of progressively better quality for all learners. However, the reality is that some learners do come to school in possession of dangerous objects or liquor and illegal drugs, even though the Provincial legislation and the Safety Regulations for Schools and the Learner Code of Conduct clearly state that no learner may bring any dangerous objects, alcohol or illegal drugs onto the school premises during or after school hours.

11.1.3. This policy of search and seizing and alcoholic liquor and illegal drug testing is adopted by the SGB of Bosmansdam High School and sets down strict procedures by which random searches and drug testing will be carried out by the principal or his delegates at the school to protect the rights and dignity of learners, even if they have transgressed.

11.1.4. School staff have the right to question learners and ask them to make a written report on any misconduct/incident, but the learner has the right to remain silent. South African educational law does not say anything about whether the school has to first contact the parent for permission to do so. It is important to know that anything a learner says to school staff can be used against the learner in either a school discipline case or to bring charges against the learner. Learners do not have the right to be rude, insolent, cheeky or to be discourteous towards any member of staff when questioned or being interviewed.

11.1.5. In this policy the following actions will be considered regarding the policy:

- a. Possession of dangerous objects/weapons;
- b. Possession of prohibited substances and the testing of learners for such substances;
- c. Possession of items removed without the permission of the owner;
- d. The use of electronic devices to transmit material, images or video clips is deemed to be offensive or bullying or pornographic.
- e. Possession of electronic devices that may contain evidence of serious misconduct.

11.1.6. The intention of this policy is also to stem incidents of violence and use of illegal substances by learners, and to create a safe school environment for teaching and learning for all at Bosmansdam High School.

## **11.2. Powers and Authority Allocated to the Principal or his/her Delegate in Search and Seizures and Testing in terms of Regulations, Legislation and this Policy**

11.2.1. To maintain order and discipline in the school and to protect the safety and welfare of learners and school personnel, school authorities may search a learner, learner use areas, learner lockers or learner automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

11.2.2. The Principal or another staff person designated by the Principal may request authorisation for a search or conduct an emergency search when a threat to staff or learners is deemed imminent or it is suspected, or a random search and testing is executed in terms of SASA and the Regulations.

11.2.3. Any learner's failure to permit or submit searches and seizures and/or testing for an illegal or unauthorised substance as provided in this policy will be considered grounds for disciplinary action. It must be noted the permission of the learner is not needed nor that of his/her parent/guardian.

## **11.3. Random Search and Seizures of any Learner of the School**

11.3.1. All learners may be searched on any day as part of a school-wide safety measure. If any specific learner is reported or suspected of having any weapon or any



dangerous object, drugs, narcotics, unauthorised objects/substances, alcohol/alcohol products, contraband or other materials in violation of any legislation, school rules, the learner code of conduct, any school policy or law, he/her may be searched. Full random searches will be conducted by school officials and/or law enforcement from time to time and learners and parents do not have to consent to such searches.

11.3.2. In terms of section 8A of The South African Schools Act, 84 of 1996 the Principal or his or her delegate may:

- a. Search any learner/group of learners, or the property of any learner/group of learners, for any dangerous object, alcoholic liquor or illegal drug, if the principal reasonably suspects the presence of a dangerous object, alcoholic liquor or illegal drug on the school premises or during a school activity; and
- b. Seize any dangerous object, alcoholic liquor or illegal drug found during the search.
- c. The following may be an indication of the presence of dangerous objects, alcoholic liquor and illegal/unauthorised drugs/narcotics/substances at the school:
  - i. Whistle-blowers informing the principal about their presence;
  - ii. reports from parents, members of staff or any other person;
  - iii. traces of alcoholic liquor and illegal drugs on the school premises;
  - iv. threats of the use of dangerous objects/weapons against other learners or any other person;
  - v. injury as a result of the use of such dangerous objects; and
  - vi. any other reasonable indication.

11.3.3. When the search is conducted the following should be considered:

- a. The best interest of the learners in question or of any other learner at the school or any other person.
- b. The learner's age and previous behavioural record.
- c. The safety and health of the learners in question or of any other learner at the school or any other person.
- d. Reasonable evidence of illegal activity.
- e. All relevant evidence was received.
- f. Avoid damaging a learner's property.
- g. The learner must be granted a reasonable opportunity to make representations to the principal in writing about any suspension arising from a test or search.

11.3.4. Reasonable suspicion by school officials may rest on numerous other factors, including but not limited to:

- a. Possession of cigarette rolling papers is commonly associated with dagga use.
- b. In possession of vapers or vapor juice.
- c. In possession of any tobacco product or a report of smoking.
- d. Faltering and nervous behaviour by a learner without a pass in a school restroom is frequently used for narcotics activity.
- e. Previous misconduct or a history of misconduct bringing prohibited items to school
- f. Furtive gestures.
- g. Drug paraphernalia was observed through a car window.
- h. Dangerous weapons/objects were observed through a car window (even a cigarette lighter) of a car parked on school grounds.
- i. An observation/report received of a request to sell drugs or actual sale of pills/dagga, alcohol or other unauthorised substances.



- j. Observation of learners smoking and the odour of dagga.
- k. A record of concealed weapons/dangerous objects combined with suspicious behaviour.
- l. Bulging pockets and/or possession of a large sum of money that cannot be explained or poor excuses.
- m. Reports of sale of firecrackers or other explosive materials or possession thereof.
- n. Unruly behaviour by the learner with bloodshot and dilated eyes or other signs associated with drug or alcohol use.
- o. The prevalence and seriousness of the problem in the school came to the attention of the principal and/or SMT/SGB.
- p. The urgency requires the search without delay;
- q. The school's prior experience with a learner's behaviour.
- r. A process of elimination of other possible offenders.
- s. A law or school rule has been or is being broken by a learner or a group of learners and/or the learner or learners used profane language and gave false names and/or refuses to be searched or tested.
- t. A particular learner has committed misconduct.
- u. Physical evidence is likely to be found in the locations searched.
- v. learner's history, suspicion, or appearance of drug use.
- w. Learners entering a school bathroom where others have been found in possession of illegal substances/contraband or smoking
- x. Other learners act as look-outs;
- y. A learner's presence in a school bathroom without a pass during classroom time, together with the learner's faltering and nervous behaviour—school restrooms are frequent scenes of narcotics activities.
- z. A learner found out of class during instructional time and/or in a prohibited area without a pass/permission.
- aa. the smell of marijuana from learners, learners' hostel rooms or an area at school or in a bathroom or being observed outside the school grounds.
- bb. Learner possession of drug paraphernalia or other items illegal/unauthorised for learners to possess.
- cc. Admission by a learner that he/she had illegal/unauthorised items in his/her school bag or on his/her person or in a pocket of his/her uniform or other clothing
- dd. Learner threats of assault and/or violence.
- ee. Information from reliable learner informants

11.3.5. Acting upon a whistle blower's report or a complaint the following may be taken into consideration:

- a. Who reported the alleged violation?
- b. Is the reporting party credible?
- c. Does the reporting party have personal knowledge of the activity?
- d. Does the reporting party have a reason to lie?
- e. Was similar or corroborating information provided by others?
- f. Was the information provided by the victim of an offence?
- g. How current is the information?
- h. If the report has been delayed, why?
- i. Is the information provided by an eyewitness?

- j. Assess the likelihood that the eyewitness might be mistaken (obstructed vision, distance).
  - k. How did the person reporting the violation learn about it?
  - l. Has the suspect admitted or bragged about the violation to others?
- 11.3.6. During a search of a learner, the person undertaking the search and the witness may also ask the learner questions and observe his/her demeanour and take the following into account bearing in mind the learner has the right to remain silent.
- a. How did the learner act when confronted with allegations of misconduct?
  - b. What is the learner's attitude to questions about misconduct? (Note: A learner's refusal to consent to a search may not be an indicator that he/she is guilty or has something to hide in some cases it might be just plain belligerence.)
  - c. Can the learner provide a plausible explanation for his/her conduct?
  - d. Has the learner made any false or misleading statements about his/her conduct?
  - e. Does the learner's explanation contain discrepancies or inconsistencies when asked to repeat?
  - f. Did two or more suspect learners give conflicting stories or explanations?
  - g. Was the learner observed making secretive or unusual movements?
  - h. Can the learner explain any such movements?
  - i. Has the learner given different explanations to staff members?
  - j. Did the learner refuse to obey instructions, such as refusing to remove his hands from his pockets or put a bag down?
  - k. Was the smell of tobacco, alcohol or drugs observed on or about the learner?
  - l. Did the learner appear intoxicated?
- 11.3.7. Where such a search entails a physical body search of the learner(s) in question, such a search may be conducted only by SAPS/Metro officers. Educators and members of staff shall not conduct a strip search of a learner manually or with any instrument nor remove or arrange any clothing of a learner to permit a visual inspection of the learner's underclothing, breast, buttocks, or genitalia.
- 11.3.8. Other searches of learners may only be undertaken by
- a. By the principal or his/her delegate if he or she is of the same gender as the learner with another educator with a SACE number as a witness who is also of the same gender;
  - b. by the principal's delegate, who must be of the same gender as the learner;
  - c. in a private area to which no other learner or any other person has access while the search is being undertaken and the search of the learner's property and belongings may be recorded without infringing on the learner's right to bodily integrity by CCTV; and
  - d. in the presence only of an adult witness, of the same gender as the learner.
  - e. The unauthorised object or drug/narcotic/substance alcohol found on the learner or his or her property should be photographed whenever practical to do so and the photos stored safely on a designated school's computer/memory stick and may be used in evidence against a learner in a DC disciplinary hearing.
- 11.3.9. Where there is a suspicion that learners have dangerous objects, alcoholic liquor or illegal drugs in their school bags and desks, the random search and seizure must be directed at the learners' school bags and desks only and may not be extended to a physical search of the body of the learner or any body cavity of the learner.



- 11.3.10. Where there is a suspicion that learners are carrying dangerous objects, alcoholic liquor or illegal/unauthorised drugs/substances in their pockets or elsewhere in their clothing, only their clothing and pockets may be searched.
- 11.3.11. If there is doubt about where the dangerous objects, alcoholic liquor and/or illegal drugs, are hidden, the search must initially be directed at the belongings, such as school bags and desks of the group of learners and/or the learner's personal effects in the learner's possession (such as purses, wallets, backpacks, book bags, lunch boxes, etc.).
- 11.3.12. If there is doubt about where the dangerous objects/weapons, alcoholic liquor and/or illegal/unauthorised drugs/narcotics/substances, are hidden in school bags lockers and/or desks, the search may then be focused by authorised staff who will inspect outer garment items and will lay out all items found for viewing on a table. Only a learner's clothing that can be removed such as hats, jackets, blazers, jerseys, scarves, belts, shoes etc. and pockets may be searched. The learner must remove all outer garments (coats, hats, gloves, vests, belts, shoes, etc.) and hand them to a staff member and/or place them on a table for inspection.
- 11.3.13. The learner is obliged to turn out all pockets and pull up long pant legs and place the contents of pockets on the table/desk for staff review
- 11.3.14. The learner will lift each foot, so staff can view the bottom of the feet/sock.
- 11.3.15. A metal detection wand may also be used.
- 11.3.16. The learner will pat his/her hair to show there are no other objects.
- 11.3.17. Practical steps for a search and seizure shall be carried out as follows:
- If learners' clothes and/or school bags are to be searched, the search must be conducted in an empty and clean space, and each learner must have his or her school bag(s) with him or her
  - An adult member of staff who acts as a witness must be present with the person searching for each learner who is to be searched.
  - While a learner is awaiting his or her turn to be searched, the witness must observe the behaviour of the learner and/or a supervisor must be present outside the room to observe the behaviour of any learner and report any suspicious or untoward behaviour to the person undertaking the search
  - The learner and the witness must be escorted into the principal's office or a designated classroom/premises (out of sight of other learners), and the learner must be requested to reveal any dangerous object, alcoholic liquor or illegal drug in his or her possession.
  - If the learner does not at this point voluntarily hand over any dangerous object, alcoholic liquor or illegal drug in his or her possession, he or she must be requested to empty his or her pockets (jacket, trousers or skirt) and school bag or sports bag.
- 11.3.18. If at this point, it is suspected that the learner has swallowed a suspicious object, the matter should be handed over directly to the police or the learner taken to a medical facility for an X-ray or any other health inspection/observation by a qualified physician for the learner's own health and safety.



- 11.3.19. If a learner runs away when confronted by an educator or a member of SAPS/Metro or flees from the scene when arriving at the school gate or where suspicious activity is occurring, that act is part of the overall circumstances and may justify either a search or seizure and /or disciplinary action by the principal or his/her delegate.
- 11.3.20. A search based on reasonable grounds when it starts does not become unreasonable because it fails to uncover any suspected evidence or any contraband.
- 11.3.21. The school may conduct a suspicionless search and learner learners to scrutiny without suspicion that a particular learner has violated a law or a school rule. Suspicionless searches are sometimes referred to as a sweep or generalised searches, or inspection programmes. Such searches may also be undertaken with the help of SAPS/Metro police officers and or with the assistance of trained sniffer canines without any prior notice and the consent of any learner or any parent of a learner.
- 11.3.22. Any learner found to be smoking (including but not limited to e-cigarettes/hubbly), drinking or using illegal or un-sanctioned mind-altering substances or suspected to be under the influence of alcohol, or participating passively or actively in activities related to prohibited goods, or found in the company of persons involved with the same or found in possession prohibited goods may be required to attend a Disciplinary Hearing and a before the hearing temporary suspension.

#### 11.4. **SASA and the Regulations and National Safety Regulations for Public Schools**

- 11.4.1. In terms of Section 8A (1) of SASA, no person may bring a dangerous object or illegal/unauthorised drug/narcotic onto school premises or have such object or drug/narcotic/substance or any related paraphernalia in his or her possession on school premises or during any school activity.
- 11.4.2. Section 8A (2) of SASA enjoins the principal or his or her delegate, learner to subsection (3), to, at random, search any group of learners, or the property of a group of learners, for any dangerous object or illegal drug if a fair and reasonable suspicion has been established.
- 11.4.3. In terms of the Regulations for Safety Measures at Public Schools, the school has been declared a Violence and drug-free public school and free zone by the Minister of Basic Education and No person may:
- allow any dangerous object on the school premises;
  - carry or bring any dangerous object/weapon onto the school premises except a member of SAPS/Metro Police who are on duty;
  - store any dangerous object/weapon on the school premises except in officially designated places identified by the principal;
  - possess illegal/unauthorised drugs/narcotics/substances/ over the counter medications on the school premises;
  - enter the school premises while under the influence of an illegal/unauthorised drug/narcotic/substance or alcohol;
  - cause any form of violence or disturbances which can negatively impact any public school activities;

- g. wittingly condone, connive, hide, abet, encourage possession of dangerous objects/weapons or refuse, fail, neglect to report the sighting or presence of any dangerous objects to the school authorities or the police as soon as possible;
- h. directly or indirectly cause harm to anyone, who exposes another person who attempts to frustrate the prevention of the dangerous objects/weapons and/or any drugs/narcotics/alcohol/unauthorised substances and any such activities.

11.4.4. School officials have no obligation to contact parents before detaining and questioning learners for testing and/or a search and seizing cell phones, unauthorised contraband or items used in the act of misconduct. The schools should however consider the age of the child, the nature of the alleged misconduct, the possible difficulty in reaching the parents, the likelihood of truthfulness by the learner with or without parents present, and the credibility of the information leading to the questioning of the learner, the role of the learner in the alleged misconduct, the urgency of the purpose for questioning the learner and other factors that would favour parent notification over not notifying parents and informing other agencies.

#### **11.5. Searches by SAPS/Metro Police Officers**

- 11.5.1. A police official or in his absence, the principal or delegate may, without warrant:
- a. search the school premises if he or she has a reasonable suspicion that a dangerous object/weapon or illegal/unauthorised drugs may be present on the school premises in contravention of the regulations;
  - b. search any person, including any learner present on the school premises; and
  - c. seize any dangerous object /weapon or illegal/unauthorised drugs found in the possession of such person/learner or present on the school premises or the person in contravention of this policy and or any regulations, SASA and/or any legislation.

#### **11.6. Canine Searches or Use of Sniffer Dogs undertaken by SAPS/Metro Police Officers Other Trained persons of a Registered Security Company in terms of PSIRA**

- 11.6.1 The principal/SGB may request SAPS/Metro officers or Other Trained persons of a Registered Security Company in terms of PSIRA to use trained detection/sniffer dogs in inspections of unaccompanied belongings for illegal, unauthorised or contraband materials in school facilities/premises, grounds, and school parking lots. Sniffing dogs generally begin by sniffing the air, which cannot be seen as an 'unreasonable search' or an invasion of anyone's privacy. However, it is still a way of revealing contents and may be a form of a search, even if it is a less intrusive type and schools aren't singling out particular learners. The School will randomly, without notice, only bring in sniffing dogs if there is suspicion of drugs at school or other contraband. If a dog targets a particular bag or locker, then the school has grounds to search the property of that individual because the trained dog has provided reasonable cause to suspect the learner is in possession of drugs.
- 11.6.2 Such patrols and inspections may be conducted without notice, without learner and parent consent, and without a search warrant in terms of the National Safety Regulations for Schools.



- 11.6.3 All trained sniffer/search dogs must be accompanied by a qualified and authorised handler who will be responsible for the dog's actions and who can verify the reliability and accuracy in sniffing out contraband/drugs etc.
- 11.6.4 Trained detection dogs may sniff all unaccompanied locations, including, but not limited to: lockers, learner use areas, motor vehicles located on school property, attended and any unattended school bags and other learner belongings and other inanimate objects throughout school property. Before initiating a search, the principal and/or his/her delegates may have reasonable suspicion of a school-wide concern.
- 11.6.5 An indication/alert by the dog that illegal, unauthorised or contraband materials are present on school property or a learner's person shall constitute reasonable suspicion, authorising school officials/SAPS/Metro officials to search the locker, area, vehicle, desk, school bag or any other bag or other inanimate object and any closed containers and objects within, without securing the consent of the learner or his/her parent.
- 11.6.6 If a dog alerts on a learner's person, the alert shall constitute reasonable suspicion for a lawful search and all applicable laws and policy discussed herein shall be followed in the subsequent search.
- 11.6.7 If either a learner or a parent/visitor to the school refuses to co-operate with SAPS/Metro, the learner/parent can be charged by SAPS/Metro with obstruction of justice.

#### **11.7. Searches of Private Electronic Devices/Cell/Smart Phones**

- 11.7.1. A learner's cell phone, smartphone, or another personal electronic device may be searched by the principal or his/her delegate without a warrant or any learner's consent and/or in a legitimate emergency and in any case where the device is lost or abandoned or when alerted that such illegal content has been stored, posted or forwarded to another learner or a group of learners on any app/social media platform.
- 11.7.2. An emergency is any situation involving danger of death or serious physical injury to any person, that requires access to the information located or reasonably believed to be located on the electronic device.
- 11.7.3. If the School authorities have reasonable suspicion or belief that a device is lost, stolen, or abandoned, the School may access the electronic device for information to attempt to identify, verify, or contact the owner of the device or to ascertain if any transgression of the school's cell phone/social media policy and/or the Cyber Security Act or any other legislation has taken place.
- 11.7.4. Nothing in this Policy prohibits the School from seizing/confiscating a learner's electronic device, with or without searching its contents, if the learner's use or possession of the private electronic device violates School rules, learner code of conduct or any legislation or used in contravention of the school's cell phone policy.

## 11.8. Searches using Metal Detectors/Wands

- 11.8.1. Metal detector wands may be used to search a learner's person and/or personal effects whenever a school official has reasonable suspicion to believe that the learner is in possession of a weapon/dangerous object. The search must be conducted by a school official in terms of this policy. All designated educators will be trained on the appropriate use of the hand-held metal detector.
- 11.8.2. Searches involving metal detectors/wands shall be minimally intrusive and involve the use of neutral criteria for selection. Metal detectors/wands shall not touch learners during the search and learners will only be required to open pockets or jackets if the wand is triggered. For example, if the metal detector goes off during the search, a school official shall have reasonable suspicion justifying a separate search of a jacket, backpack, etc. as stipulated elsewhere in the policy without the learner or parent's consent.
- 11.8.3. The metal detector wand is not known to pose any health risk to individuals.
- 11.8.4. When using a hand held metal detector it's important to understand that they are motion detectors, which means that they will not raise an alarm if held stationary. The operator must be moving the scanner over the metal object for it to be detected. It is the movement of the electromagnetic field that induces further electromagnetic fields around concealed metal objects. So if the device is stationary hidden metal objects will not cause further electromagnetic fields.
- 11.8.5. It is important to remember that screening people for weapons using a hand held metal detector requires no body contact. The operator doesn't need to touch the learner in any way as the metal detector is passed over the outside of the learners clothing, close to their body, but not touching them.
- 11.8.6. The educator performing the metal wand search will ask the learner to remove all metal objects from his/her person and place them in a receptacle. Do not reach into the pockets of the learner to remove any object. If the detector activates on the learner, the learner will be asked to remove any remaining metal objects on his/her person. A second scan will be performed and if the detector activates again the learner shall be escorted to a place out of public view for a more extensive search by the designated educators using the prescribed search methods as outlined in this policy. These searches will be conducted by persons of the same sex as the learner.
- 11.8.7. Here are some guidelines for those responsible for security scanning of learners using hand held metal detectors.
  - a. Be courteous and polite at all times.
  - b. Before scanning, ask the learner to remove any belt that has a metal buckle.
  - c. Only learners are subject to searches with hand-held metal detectors.
  - d. All learners entering the school may be subject to random metal detector wand searches.
  - e. Be aware that a learner may attempt to distract you if they are concealing something.
  - f. Remember that security scanning is an important task.
  - g. Always make certain the learner is aware that they are being scanned.
  - h. Make certain that the learner is standing in an area where you can approach them from all sides.



- i. Scan the learners front, focusing on the torso and legs. Pay thorough attention to pockets and the beltline.
- j. Scan the learner's back, from the back of the head down to the heel of the one leg and then in reverse up the other leg, back up to the head, including the arms.
- k. Pay special attention to the beltline, ankles, pockets and underarm areas.
- l. When scanning the head, pay attention to elaborate bulky hair styles or head gear.
- m. Never attempt to scan between the legs of any learner no matter what gender.
- n. Never place the metal detector in front of a learner's face.
- o. Always inspect any metal objects which may have triggered an alarm (such as belt buckles).
- p. If you get an alarm from a learner's pocket, always ask them to empty the contents of their pocket into a tray and then rescan the pocket. Visually and physically inspect everything emptied from their pockets.
- q. Remember that there is no need to come into contact with the learner's body. Simply move the scanner slowly over the surface of their clothing, close to them but not touching.

11.8.8 Any illegal objects (i.e., firearms, dangerous objects, illicit substances, cigarette lighters, vapers, knives, or other prohibited item) found during the search will be turned over to the head of discipline for evidentiary evidence and disciplinary action will be in accordance with the learner code of conduct and/or any other school rule, policy and/or legislation. Please see the Annexure for a visual diagramme for searching using the metal detector wand

#### 11.9. Security Cameras/CCTV used by the School

- 11.9.1. The school utilises security cameras throughout its buildings and on school property. All persons that are on the school premises or just outside the entrances or in any school buildings are learners of video surveillance.
- 11.9.2. The School may utilise video surveillance devices with sound recording capabilities in all common areas of the school premises including, but not limited to, all outdoor spaces, entrances and exits, parking lots, stairwells, corridors, hallways, classrooms, the main office, or where needed other offices school buses, and any other commonly used spaces and outside the school official entrances and perimeter fences.
- 11.9.3. Schools shall not utilize video surveillance devices in private spaces such as restrooms and changing rooms.
- 11.9.4. The School's intent and purpose in utilising video surveillance devices are to ensure learner and staff health, welfare, and safety to maintain safe and orderly conduct throughout the school day and during any school function and/or activity.
- 11.9.5. Learners, staff, parents, and other members of the public are similarly prohibited from audio/video recording on the School premises or taking any photos without prior consent.
- 11.9.6. This policy does not prohibit the School from recording classes and/or instructional sessions or contact sessions as needed for learner achievement/safety or the

safety of any staff member nor any other permissible audio recording by the School otherwise provided for under POPI.

- 11.9.7. Video surveillance recordings are not considered learner education records unless the recording is maintained and intended for use:
- in disciplinary action or proceeding,
  - depicts an activity that shows a learner violating any law and/or the learner code of conduct, any school rule or any other school policy,
  - shows a learner getting injured, attacked, victimised/bullied/assaulted or threatened with assault, ill, or having a health emergency;
  - contains personally identifiable information from a learner's educational record or the
  - video surveillance recording is not considered a learner's education record or misconduct when the learner's image is incidental to the activity shown in the recording but it is misconduct when the learner is present where misconduct takes place and fails to report such incident.

**11.10. Control of Access to the School Grounds/Premises, Other Rooms, Gathering Areas, School Sports Fields, Vehicles at The School Gates/Entrances and Outside the Perimeter Fence of the School by the School/SGB**

- 11.10.1. Instructional rooms, vocational centres, classrooms, sports fields and areas of learner use and any other areas learners gain access to authorised or unauthorised, are school property and remain at all times under the control of the school and or the SGB.
- 11.10.2. However, learners are expected to assume full responsibility for the security and condition of their work areas.
- 11.10.3. Periodic general inspections of rooms and lockers and other areas of the school may be conducted by school authorities for any reason at any time without notice, without learner and/or parent consent, and a search warrant.
- 11.10.4. Learners have no reasonable expectation of privacy in these places or areas or their personal effects left there except in bathrooms and/or toilet facilities and/or changing rooms.
- 11.11. Lockers of the School for Use by Learners** (Also see the School Locker Policy)
- 11.11.1. Learner lockers are school property and remain so at all times under the control of the school
- 11.11.2. Learners shall assume full responsibility for the security of their lockers.
- 11.11.3. Learner lockers may not be used to store illegal, unauthorised, or contraband materials.
- 11.11.4. The acceptance and use of locker facilities on school premises by any learner shall constitute consent by the learner and the parent to the search of such locker facilities by authorised school members of staff and/or law enforcement agencies.



- 11.11.5. Inspections of lockers may be conducted by school personnel and/or law enforcement and also through the use of trained sniffer dogs. These inspections shall not be arbitrary or capricious. To a locker being opened and searched. Learners must show that it was done arbitrarily or capricious if they do not agree. Either all lockers must be inspected or lockers may be inspected/searched and/or randomly selected or searched or a specific learner's locker, based on a reasonable suspicion or the grounds as stipulated elsewhere in the policy.
- 11.12. **Vehicle Searches** (For High Schools where learners have permission to park their vehicles/motorbikes, bicycles on school property)
- 11.12.1. Learners are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of learner parking lots/bicycle sheds and inspections of the exteriors of learner vehicles and motorbikes/bicycles on school property.
- 11.12.2. The interiors of learner vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorised materials are contained inside. Such patrols and inspections may be conducted without notice, without learner and parent consent, and without a search warrant.
- 11.13. **Return / Disposal of Confiscated Items**
- 11.13.1. Items and materials confiscated by school personnel, not deemed illegal, dangerous weapons/objects or stolen, nor contraband, will be held for parent pick-up in a designated area within the school building. Written documentation of items seized will be kept on file on the Register within the school building. The principal or his/her delegate the right to dispose of any confiscated items after the school year, if retrieval has not been made.
- 11.14. **Items Deemed to Have Been Stolen/Taken without due or explicit Permission**
- 11.14.1. No learner may possess any stolen item or any item taken from any other learner by any means without the explicit permission of the learner that was given voluntarily or under duress.
- 11.14.2. An item will be deemed to have been stolen if it has been removed from the owner without specific and explicit permission from that person or any learner that was given voluntarily and not under any duress or pressure placed on the person/learner or threats or intimidation to hand over any such item or taken by force from the person/learner. This also refers to any personal items as well as any school property under the control of the said learner/person.
- 11.15. **Time of Search**
- 11.15.1. When the possession of a dangerous object, alcoholic liquor or illegal drug is suspected, it is best to search as soon as the information becomes available.
- 11.15.2. The search must be conducted in an orderly manner and evidence must be recorded.
- 11.15.3. Only those learners/classes targeted should be disrupted, especially where it is feasible to plan, for example, where information has been received that learners

will bring dangerous objects, alcoholic liquor and illegal drugs to school the next morning.

- 11.15.4. Ensure that the search and seizure are conducted effectively, timeously and at a reasonable time, so as not to allow the learners the opportunity to use dangerous objects, alcoholic liquor or illegal drugs or dispose of thereof in any manner before, during or after a search.

**11.16. Delegation for Searches and Seizures of Unauthorised Objects and Testing for Drugs/Narcotics/ Unauthorised Substances in Case the Principal Is Not Available**

- 11.16.1. Four persons, two females and two male educators or any such number as deemed feasible by the principal of whom all must have SACE numbers, must be delegated to perform the search and seizure function in case the principal is not available.

- 11.16.2. The names of these persons, to whom authority has been delegated, must be reflected in a log book /register letter of delegation and must be known at all times so that there will be certain about whose responsibility it is to act in the principal's absence.

- 11.16.3. The following is an example of the delegation, which must be in writing:

*"I, ..., principal of (name of school), hereby authorise (... educator's name) to be responsible for search and seizure in my absence. I hereby delegate to the educator .... (name) the same authority that I as principal have, and he or she may give instructions about a search, and conduct a search and seizure on my behalf. Or the testing of a learner for any illegal/unauthorised substance/narcotic in terms of the relevant national and/or provincial regulations "*

- 11.16.4. The delegated persons must have insight into the process of search and seizure in terms of this policy, SASA and the regulations. No formal training is needed; reading this policy and the regulations is sufficient.

- 11.16.5. If the delegated person is uncertain about any part of the search and seizure procedure, he or she must, before conducting the search and seizure, again read the guidelines to ensure that he or she knows exactly how to conduct the search and seizure. A copy of the guidelines and this policy must be available at the principal's office/at the main or administration office or in the office of the principal's secretary at all times.

- 11.16.6. If the principal will be away for an extended period, the formal acting appointee in his or her place will have the same authority to delegate as the principal.

- 11.16.7. If the principal will be absent for a short period, he or she must, before leaving, identify the persons delegated (who may be permanently appointed as delegates), so that it is known who the Principal's delegates are as far as searches and seizures are concerned.

- 11.16.8. If the principal does not identify a delegate before he or she leaves the school premises, he or she may do so and may instruct such delegated person, by



telephone or any digital device. Such delegations made and instructions given must be written down by the delegate in a logbook/register at the school.

- 11.16.9. A search and seizure operation cannot be cancelled or postponed because the principal is not available.

**11.17. Access to the School's Premises in terms of the Regulations for Safety Measures at Public Schools by outside persons/parents**

- 11.17.1. Learner to the Constitution, laws and national and provincial policies, the principal of the school may and for such timeframes as may be deemed necessary:
- take such steps as he or she may consider necessary for the safeguarding of the public school premises, as well as for the protection of the people therein; and
  - direct that the school may only be entered in accordance with the provisions of the Safety Regulations.
- 11.17.2. No person shall without the permission of the principal enter into any school premises in respect of which a direction has been issued in terms of the safety regulations and/or this policy.
- 11.17.3. For the granting of that permission, the principal may require the person concerned in terms of this policy and the safety regulations to:
- furnish his or her name, address and any other relevant information required by the principal to safeguard the persons and learners on the school property;
  - produce proof of his or her identity to the satisfaction of the principal if necessary;
  - declare whether he or she has any dangerous object/weapon or illegal drugs and/or any alcohol/narcotics/substances in his or her possession or custody or under his or her control;
  - declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he or she has in his or her possession or custody or under his or her control, and show those contents to a delegated person/security guard/police official/metro police official;
  - the learner himself or herself and anything which he or she has in his or her possession or custody or under his or her control to a search by a person of the same gender, an examination by an electronic device, sniffer dogs or other apparatus to determine the presence of any dangerous object or illegal drug/ unauthorised substance/object; and
  - hand to the principal or his/her delegate anything which he or she has in his or her possession or custody or under his or her control for examination or custody until he or she leaves the school premises.
- 11.17.4. Without derogation of the provisions of the Trespass Act, 1959 (Act No.6 of 1959), the principal or HOD may at any time remove or request or ban any person from the school premises if:
- that person enters the school premises in any manner concerned without the permission of the principal or his/her delegate;
  - that person refuses or fails to observe any steps or instructions from the principal or his/her delegate or any member of SAPS/the Metro or disrupts any school activity or learning and teaching or undermines or tries to undermine the authority of any of the officials mentioned above should the principal or

his/her delegate or a SAPS/Metro officer considers it necessary for the safeguarding of the school premises or any learner or staff member or any other visitor concerned or for the protection of the people in the school premises.

**11.18. How to Deal with a Learner Who Is Unwilling to be Searched in Terms of Section 8A of SASA and the National Safety Regulations and the Regulations for**

- 11.18.1. If reasonably practicable, the parent should be telephoned or a message should be sent to the parent in some other way to inform the parent that the learner is unwilling to co-operate in a lawful search and seizure/testing procedure for any illegal/unauthorised substance or any contraband as provided for by the SASA the testing regulations and/or the safety regulations or this policy and any other related school policy and/or legislation the parent must be informed that the learner will be handed over to the police to deal with further.
- 11.18.2. If the parent indicates that he or she is willing to participate by instructing the learner to co-operate in a search and seizure/testing procedure that is conducted in terms of section 8A of SASA, where the outcome is linked to an internal disciplinary process:
  - a. The parent may be given a reasonable opportunity to come to the school and to instruct the learner to co-operate.
  - b. The parent may also give such instruction to the learner and the principal over the telephone or any mobile digital device/cell phone.
  - c. An adult witness preferably as delegated by the principal must be with the learner while such a conversation takes place and the phone cell phone is put on speaker phone and may be recorded by the school.
  - d. It is vitally important that the principal or his/her delegate communicates with the parent and that the principal or his/her delegate explains the basis for the search and seizure/testing according to the provisions of section 8A of the Act.
- 11.18.3. If either the learner or the parent refuses to co-operate, the matter, and the learner, must be handed over to the police, so that they may conduct a search and seizure in terms of the Criminal Procedure Act. The outcome of such a search and seizure is linked to a Criminal Court Process, with possible criminal prosecution.

**11.19. Seizure of Dangerous Objects, Alcoholic Liquor and Illegal Drugs (See the example of a page of the School Register in the Appendix)**

- 11.19.1. The principal, or his or her delegate or a police officer may seize any dangerous object or alcoholic liquor, or illegal drugs present on public school premises or a person on the school premises or at a school activity.
- 11.19.2. Any dangerous object, alcoholic liquor or illegal drug that has been seized shall be:
  - a. Photographed or a video taken with commentary.
  - b. Clearly and correctly labelled with full particulars, including Where it was found and, if applicable, the name of the learner in whose possession it was found and recorded in the chain of custody register and the school register/record book with the following particulars:
    - i. The time and date of search and seizure and where or in whose custody it was found.



- ii. An incident reference number.
- iii. The name of the person who conducted the search/test.
- iv. The name of the member of staff in whose presence and was a witness to the search/test that was conducted, where applicable.
- v. Any other details that may be necessary to identify the item and incident.
- vi. Whether the items seized were handed over to a member of the South African Police Service immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- vii. The police officer who receives the dangerous object, alcoholic liquor or illegal drug shall issue an official receipt to the principal or delegate which must be included in the register.

11.19.3. The chain of custody of contraband/unauthorised objects/substances consists of the following procedure that should be observed:

- a. A member of staff should be delegated by the principal (normally the head of discipline) to be in charge of recording suspected seized contraband in the school register.
- b. Contraband should be placed inside an envelope or the container found in or any other suitable container and sealed with information regarding the date, [accused] learner's name, and circumstances behind the seizure included.
- c. Seized contraband should be secured in a locked vault or another secure facility to which access is limited to authorised members of staff.
- d. Evidence/contraband should be turned over to the police as soon as possible in the case of dangerous weapons and illicit substances.
- e. After the disciplinary steps or hearing a record of destruction should be kept in the case of tobacco and other vaping products or drug and other related paraphernalia and drug testing kits/samples and alcohol be emptied.

11.20. **Testing for Alcoholic Liquor and Illegal Drugs/Narcotics/ Unauthorised Substances/Sport Enhancing Drugs and the Prohibition of Illegal Substances on School Premises or at any School Activity** (Also see the regulations for testing of learners and the school protocol)

11.20.1. Unless authorised by the principal for legitimate educational purposes, no person may bring alcoholic liquor or illegal drugs onto school premises or have in his or her possession any alcoholic liquor or illegal drug on school premises or during any school activity

11.20.2. Section 8A (8) of SASA and the drug testing regulations and the safety regulations determine that the principal or his or her delegate may at random administer a urine test or other non-invasive test to any learner/group of learners if the principal or his/her delegate has reasonable ground for suspecting that any learner:

- a. is in possession of or using alcoholic liquor or illegal drugs/narcotics/ unauthorised substances; or
- b. is under the influence of alcoholic liquor or illegal drugs narcotics/ unauthorised substances; or during school hours or at any school activity.

11.20.3 When a learner is considered for testing for illegal substances, narcotics, or unauthorised substances, the following procedure applies:

A learner may be subjected to a urine test or another non-invasive test for alcohol, illegal drugs, or unauthorised substances—as stipulated in Section 8A(9) of the

**South African Schools Act—without the learner's or parent's prior consent, and even if the learner or parent refuses the test, only if:**

- a. The test is conducted by a person of the same gender as the learner with a SACE number or employed by the SGB in the presence of an adult witness of the same gender also with a SACE number or employed by the SGB.
- b. It is undertaken/done in a private area;
- c. One adult witness, of the same gender as the learner, is present;
- d. The sample is clearly and correctly labelled with full particulars and photographed with the learner holding the sample to show the outcome of the test.
- e. Any device contemplated in section 8A (11) of the South African Schools Act and as stipulated in the testing regulations is used that is not out of date.

11.20.3. Any alcoholic liquor or illegal drug that has been seized or urine sample that has been tested must be clearly and correctly labelled with full particulars, and photographed including the use of the learner who was tested holding the device showing the outcome of the test and the following recorded in the register/school record book:

- a. The name of the learner in whose possession it was found or whose sample was taken.
- b. The time and date of search and seizure or sample are taken.
- c. An incident reference number.
- d. The name of the person who searched or tested the learner.
- e. The name of the witness; and
- f. any other details that may be necessary to identify the item and the incident and if the learner initially refused to be tested or any other similar misconduct of the learner trying to use subterfuge or cheating/delaying to take the test.

**11.21. Approved Devices for Illegal Drugs/ Narcotics/ Unauthorised Substances and Alcoholic Liquor Testing of any Learner**

11.21.1. The National Education Minister, in terms of section 8A (11) of the South African Schools Act, has selected ten (10) devices for use in this regard and has published this list in the Government Gazette (31419: 19 September 2008). And the school may use any one of the devices from the list and the following is the list of devices for this purpose:

- a. Drug Detective Wipe Detection System for Surfaces;
- b. One Step Home Cocaine Test Strip; Multi-drug Test;
- c. Quicktox Drug Screen Discard Test;
- d. Monitect Drug Screen Cassette Test;
- e. Toxcup Drug Screen Cup Test;
- f. Multipanel Drug Testing Device;
- g. Smart Check Drug Screen Test;
- h. Drug Smart Cup; and
- i. Avitar Oral Screen 4 or Drugometer.

11.21.2. For alcohol testing, a SABS approved instrument can be used without the permission of the learner or the parent or, with the permission of the parent, a blood test at an accredited medical facility to be arranged by the parent on the same day at his/her cost.



- 11.21.3. Illegal Anabolic-androgen Steroids (included in the collective term “prohibited good/s”) refer to those steroids listed as banned by the South African Institute for Drug-Free Sports (SAIDS). It is a violation of conduct for any learner to possess, ingest or otherwise use these substances without a written prescription from a licensed Doctor who is recognised as competent by the South African Medical Association. Use of any steroids whatsoever, which lead to unfair competitive advantage, will, in addition, be regarded as cheating in terms of the Code of Conduct and may lead to the learner being reported to the relevant Sports Controlling Body and banned from participating in the sporting discipline at School for up to 6 months after medical tests have indicated that the learner is no longer advantaged by the substance.
- 11.21.4. To test any learner’s urine sample the following procedure must be used, followed and marked off on the school’s drug testing protocol:
- The drug testing kit must be opened in the presence of the learner who is to be tested.
  - A learner who is to be tested must first be asked if he or she has taken any medicinal substance.
  - The test must be conducted by a delegated person authorised by the principal of the same gender as the learner.
  - In the presence of an adult witness of the same gender as the learner; and
  - Away from the presence of other learners and other individuals
  - The person conducting the test must wear latex gloves that must be labelled with an indelible pen/marker and kept as evidence in an enclosed plastic package in case of a legal challenge.
  - The package insert of each device indicates how the result of that test is to be conducted and interpreted and the information pamphlet contained in the packet insert must be read out loud by the principal or his delegate in the presence of the learner and if need be by the learner and marked off on the protocol before the test is conducted.
  - The test must be conducted as prescribed in the package insert and the results interpreted accordingly and shown to the learner and marked off on the protocol.
  - The sample must be kept behind lock and key in conditions as prescribed in the package insert and photographed until a disciplinary process has been concluded and then destroyed/disposed of safely.

#### 11.22. **Notice to Parents and Disciplinary Proceedings**

- 11.22.1. If illegal, unauthorised or contraband materials are discovered through a lawfully conducted search or test for illegal substances and/or narcotics including but not limited to searches conducted by the School officials, SAPS/Metro officers, trained detection dogs or metal detectors, the principal may impose discipline upon the learner(s) (including suspension and an SGB Disciplinary hearing) in accordance with the school’s discipline policies and procedures and the PDE regulations, DBE regulations, SASA and the National Safety Regulations and/or other legislation.
- 11.22.2. The Principal or her/his delegate must within one school day, if practicable, inform the parent concerned that a random test or search and seizure was done in respect of the learner and or inform the parent of the result of the test or preferably on the same day that the test was undertaken and the results.

#### **11.23. Disciplinary Proceedings in Terms of Section 8A (13) of SASA and related Policies, Legislation and School Rules**

- 11.23.1. Once a learner has tested positive for alcoholic liquor or illegal drugs the principal or his or her delegate shall discuss the results with the relevant parent, and the latter shall be apprised of the dangers and consequences of alcohol and drug abuse.
- 11.23.2. It shall further be brought to the attention of the parent concerned that there are rehabilitation centres and institutions to which the learner can be referred at the request and consent of the parent.
- 11.23.3. The principal or his or her delegate may learner the learner concerned or group of learners to disciplinary proceedings for the possession of dangerous objects, alcoholic liquor or illegal drugs and/or for testing positive in an alcohol or a drug test conducted in terms of the testing regulations.
- 11.23.4. However, no criminal proceedings may be instituted by the school against a learner or group of learners.
- 11.23.5. Where disciplinary proceedings are instituted in respect of a learner, such disciplinary proceedings shall be conducted in terms of the Schools Learner Code of Conduct, school rules, other policies and legislation and the relevant provincial regulations for the misconduct of learners.

#### **11.24. The Responsibility of Parents/Guardians**

- 11.24.1. Parents/guardians also have a responsibility towards the school community to ensure they/their children do not bring property onto school grounds or other settings used by the school that:
  - a. is prohibited according to the school's learner code of conduct, this policy, SASA and other policies of the school, the DBE, the PDE and other legislation; and
  - b. is illegal/unauthorised;
  - c. puts the safety or wellbeing of others at risk on the school property;
  - d. does not preserve a caring, safe, supportive or productive learning environment that does not maintain and foster mutual respect.
- 11.24.2. Collect their/their child's property/seized items that are not considered contraband but that may have been used in perpetrating an act of misconduct as soon as possible from the school after they have been notified the property is available for collection or it will be destroyed at the end of the academic year if not collected.

#### **11.25. Disputing Test Results**

- 11.25.1. If the result of a test conducted at school is disputed, a secondary test by means of gas chromatography coupled with mass spectrometry (GC/MS) must be done or, in the case of testing for alcohol use, a blood test, to confirm the result to be supplied to the school within 24 hours of the school's test with a date and time on the results indicated on the laboratory report and that tests were done for THC or the other indicators on the school test.



## 12. SHORT TITLE OF THE POLICY

- 12.1. This Policy shall be known as the Search and Seizure and drug testing policy of the school.

## 13. AMENDMENTS TO THE POLICY

- 13.1. The provisions of this policy will be revisited at least bi-annually, and by each incoming Governing Body, to ensure that it remains compatible with the law and circumstances prevailing at any given time.

## 14. APPROVAL

|                                |            |            |                                                                                     |
|--------------------------------|------------|------------|-------------------------------------------------------------------------------------|
| Recommended by<br>Principal    | D.Dirks    | Signature: |  |
| Date:                          |            |            |                                                                                     |
| Approved by SGB<br>Chairperson | S.Madikane | Signature: |  |
| Date: 09-06-2025               |            |            |                                                                                     |

