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Wes-Kaap Onderwysdepartement

Western Cape Education Department

ISEbe leMfundo leNtshona Koloni

CIRCULAR 0086/2002

EXPIRY DATE: NONE

TO: CHIEF DIRECTORS, DIRECTORS, HEADS OF SUBDIRECTORATES AND DIVISIONS
AT HEAD OFFICE AND EDUCATIONAL MANAGEMENT AND DEVELOPMENT
CENTRES (EMDC's)

BRIEF SUMMARY: This circular is the notification of the provincial search policy to all Western Cape Education Department (WCED) personnel.

SUBJECT: SEARCH POLICY: PROVINCIAL ADMINISTRATION WESTERN CAPE

1. The official search policy that was approved by the Provincial Administration Western Cape on 18 December 1997 is attached. The policy will also be applied by the WCED and the co-operation of all personnel in this regard will be appreciated.
2. The contents of this document must be brought to the attention of all concerned.
3. Thank you for your co-operation.


HEAD: EDUCATION

DATE: 2002-8-23

PROVINCIAL ADMINISTRATION: WESTERN CAPE

SEARCH POLICY

POLICY STATEMENT

1. Every employer is entitled to take reasonable steps to protect his assets, including the right to search employees and their personal property.
2. The Management of the Provincial Administration: Western Cape (PAWC) has a responsibility towards safe guarding state property. This will with due consideration of the South African Constitution, 1994 (Act 108 of 1994), and in particular the individuals right to privacy. However section 36 of the Constitution states that the right to privacy may be limited where a legitimate purpose is to be served and the limitation is reasonable and justifiable.

RATIONALE

1. The unfortunate ever increasing incidence of losses, after deliberations and thorough research management decided that the most effective manner to discourage theft is to carry out searches.
2. Two different types of searches will henceforth take place to discourage curb incidence of theft:
 - (a) Continuous searches will take place or high risk areas. High risk areas can commonly be defined as those areas where for instance small items of high value can easily get stolen.
 - (b) Random searches will take place at those area where management has good reason to believe that items are being stolen, where a Tip off was received or purely as a pro-active measure to discourage thefts. Various methods on how to decide who to search is available for e.g. 10 marbles of which one only differs in colour in black bag and should that odd marble get drawn that is the person to search – every fifth person etc.
 - (c) It may be necessary that from time to time where the need arises that surveillance systems be installed without prior consultation.

GENERAL

1. Staff members found in unlawful possession of PAWC property will be subjected to departmental disciplinary action and criminal prosecution. Every case will be handed to the SAPS in accordance to the Fraud and Theft Policy.
2. All staff members and visitors are courteously requested to assist the security officers with their difficult task by complying with search requests.
3. All staff members should also be aware of the serious consequences should one public servant be found guilty of theft or unlawful possession of PAWC property.
4. Should any security officer misuse his/her authorisation in terms of this policy, strict disciplinary measures will be taken against such an officer. Complaints resulting from such actions must be directed, in writing to the Head: Risk Management as well as the Head: Department/Institution.

5. Searches within private homes will be conducted by the South African Police Service (SAPS) only after a sworn statement has been made available by a person reporting on irregularity. The SAPS will then obtain a search warrant and the search will be conducted by them accompanied by PAWC security officers.
6. All vehicles (including GG vehicles) may be searched. Staff will be required to allow PAWC or private security officers to search the inside as well as car boots.

CONTINUOUS SEARCHING**CONDUCT**

1. Searches will be carried out on every person entering or leaving any PAWC premises (not only staff members).
2. Searches of parcels, belongings and vehicles will be conducted by PAWC security officers in order to safeguard PAWC property.
3. Physical body searches will be carried out by SAPS, authorised by PAWC- or private security officers. Only female officers may be used when female persons are searched.
4. Belongings of persons will be inspected with discretion of PAWC- or private security officers.
5. Staff members of all categories, including security officers will be subjected to searches at different times and locations. In the case of searches at access points it must be clear that any body can be stopped at PAWC premises, regardless of rank and seniority. This measure also applies to visitors/any person who seeks access/exit to PAWC premises.
6. Any PAWC property to be removed from PAWC premises must be cleared in terms of a letter of removal from an authorised person as prescribed per department.
7. To avoid suspicion people wanting access to PAWC premises are advised to take their private property to the security section to have it cleared before entering. Private property includes any article that is brought onto PAWC premises, especially those articles used to perform work related duties, e.g. laptop computers, calculators, etc.
8. Although the guidelines regarding the search policy are compulsory, all approaches to persons with regard to searches will be made with maximum courtesy and due regard for the dignity of the individual.

B

RANDOM SEARCHES

CONDUCT

1. Searches will be carried out on every person entering or leaving any PAWC premises (not only staff members).
2. Searching of parcels, belongings and vehicles will be conducted by PAWC security officers or private security officers in order to safeguard PAWC property.
3. Physical body searches will be carried out by SAPS and authorised PAWC or private security officers. Only female officers may be used when female persons are searched.
4. Belongings of persons will be inspected with discretion by PAWC- or private security officers.
5. Staff members of all categories, including security staff, will be subjected to searches at different times and locations. In the case of searches at access points it must be clear that any person can be stopped at PAWC premises, regardless of rank and seniority. This measure also applies to visitors/any person who wants access to the premises/leaving the premises.
6. Changing-rooms reserved for staff of one particular sex will be searched with discretion and with due regard for personal privacy and modesty. Where it is not possible to use officers of the corresponding sex only to conduct the search, security officers will take every precaution to clear the area first.
7. Any PAWC property which is removed from any PAWC premises must be cleared in terms of a letter of removal from a authorised person as prescribed by each Department.
8. To avoid suspicion people wanting to access to PAWC premises with private property are advised to have it cleared before hand. Private property includes any article that is brought onto PAWC premises, belonging to the person entering the premises, especially those articles, used to perform work related duties, e.g. laptop computers, calculators, etc.
9. Although the guidelines regarding the search policy are compulsory all approaches to persons with regard to searches will be made with maximum courtesy and due regard for the dignity of the individual.

