



Offensive Weapons Policy

Policy adapted from (if applicable)

Derbyshire County Council Model Policy &
Guidance for Managing Offensive Weapons

Governing Body Sub-Committee

Name:

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Belper School and Sixth Form Centre

Policy Statement

At Belper School and Sixth Form Centre we believe that ensuring health and safety of students, staff and visitors is an integral part of school life. It plays a vital part in ensuring we are a place where students will develop and grow.

As unfortunately the carrying of offensive weapons appears to be becoming more common within society it is important that Belper School and Sixth Form Centre recognises this and takes appropriate steps to limit any risk from such items within the school.

It is an offence under section 139A of the Criminal Justice Act 1988 (as inserted by the Offensive Weapons Act 1996) to carry an offensive weapon or knife on school premises.

It is also an offence to carry an offensive weapon or knife in a public place unless a person has a good reason or lawful authority for having this with them.

Belper School and Sixth Form Centre is clear that every employee and student has the right to be treated with dignity and respect and that assaults on staff or students whether verbal or physical are not acceptable. Belper School and Sixth Form Centre will promote measures to deter violence, threatening behaviour, abuse or other unacceptable behaviour towards staff and students and will, where necessary, take appropriate action against any individuals responsible for such acts.

The following sets out the position of Belper School and Sixth Form Centre in relation to offensive weapons on site or any activity organised by Belper School and Sixth Form Centre whether on or off site including off site visits and activities.

Definition of offensive weapon

At Belper School and Sixth Form Centre offensive weapons are defined as:

Any article made or adapted for causing injury to the person, or intended by the person having it with him/her for such use by him/her.

It includes but is not limited to:

- A firearm of any description including starting pistols, air guns, ball bearing guns, paintball guns and replica guns
- Knives including all variations of bladed objects eg. pocket knives, craft knives, etc
- Pyrotechnics including fireworks, smoke bombs, hand held and distress flares
- Laser pens and pointers

- Dangerous fluids
- Other objects, even if manufactured for a non-violent purpose but which have a potentially violent use ie. **the purpose of carrying the object is for use, or threat of use as a weapon** (such items could include such things as scissors, nail files, pencil sharpener blades, bats, sticks, chisels, screwdrivers, hammers, and other tools, etc.).

The position of Belper School and Sixth Form Centre in respect of offensive weapons

Belper School and Sixth Form Centre has a policy of zero tolerance towards offensive weapons on its site or activities as such no student or member of the public is to bring any such item on to the site or to an activity.

Notwithstanding the above, it is recognised that in order for Belper School and Sixth Form Centre to function a variety of objects mentioned above will need to be used for educational or other purposes. These will only be supplied and managed by staff from Belper School and Sixth Form Centre who are responsible for supervising their issue, use and collection and who will make sure they are all accounted for at the end of each lesson/activity and are securely stored when not in use.

It is also recognised that within certain elements of the Sikh religion there is a specific requirement to wear a Kirpan as part of the religion. The position of Belper School and Sixth Form Centre in relation to the wearing of a Kirpan will be that either a replica Kirpan should be worn in school or that a Kirpan should be adapted such that the blade cannot be withdrawn and it should be worn in a sheath underneath clothing. This is seen as a sensible compromise allowing the religious beliefs of the student to be respected without putting other students at risk. The school is aware that this is a compromise which has been agreed, used and worked well previously within Derbyshire. If this situation occurs at Belper School and Sixth Form Centre this will be discussed specifically with the individual student and their parents/carers. It should be noted however that if a sensible compromise cannot be reached; at all times the safety of all students and young people will be the first and overriding concern of Belper School and Sixth Form Centre and this will mean that a Kirpan will not be allowed into school where it could cause serious injury.

In the event that it is suspected that anyone is in possession of an offensive weapon the Headteacher or their authorised deputies or nominated staff will be summoned to assess the situation and take control.

The Headteacher or their authorised deputy/nominated staff will where the incident involves a student in their control make a decision on whether or not the incident is innocent in nature and can be dealt with under the disciplinary policy or if the police will need to be called. The following actions will then be implemented as necessary.

- The student will be isolated. This may involve moving other students away from the area.
- The police will be called where it is deemed necessary
- The Headteacher or their authorised deputy/nominated staff, in the presence of another member of staff, will if it can be done in a safe and controlled

manner will ask the student to pass the item to them or disclose where it is located, and the student will be questioned if safe to do so.

- Any weapon recovered will be removed by the authorised person and locked securely away until it can be passed to the police
- Where the student refuses to co-operate staff will not be expected to undertake searches but the police will be called and asked to carry out a search
- The student's parents/carers will be called
- The Chair of Governors will be notified.
- An incident report will be completed and made available to the police if requested
- An investigation will be carried out by the Headteacher or their authorised deputy/nominated staff into the incident to determine what disciplinary measures/sanctions will need to be imposed
- Copies of any report and forms will be kept at the setting and a copy also sent to the Children's Services Health and Safety Section

NB. For any incidents involving visitors to the site where an offensive weapon is involved or an alleged offensive weapon is suspected the police will be called.

IN THESE SITUATIONS IT IS THE RESPONSIBILITY OF ALL STAFF TO MOVE STUDENTS TO A POSITION OF SAFETY UNTIL THE POLICE ARRIVE AND TAKE CHARGE OF THE SITUATION.

Staff will be given sufficient information and instruction relating to the expectations of management regarding this. This will be in the form of a staff briefing and materials published on the website.

Confiscated Items

Any offensive weapon (as defined in this policy) confiscated will normally be handed directly to Police, and will not be returned to the student unless given specific Police guidance to do so.

At the discretion of the Headteacher, where they decide that the circumstances of the incident were innocent, a confiscated item may be returned directly to a parent/carer who will be required to sign for its receipt and that the item will not be brought back into school. This will normally take place when other students are not on the site. It will be kept in a secure place in the safe in the School Office until collection.

Discipline/sanctions

Students caught with an offensive weapon on site will be dealt with according to the behavioural policy and procedures of the school. It is highly likely that exclusion, possibly permanent, will be the outcome of bringing into school, or being caught with, an offensive weapon.

Guidance issued by DCC to support the writing and implementation of the Policy

Introduction

The following guidance has been put together after research into existing policies and guidance from a number of local authorities, individual schools and trade unions.

As studies have historically shown that some young people are routinely carrying offensive weapons and knives for a variety of reasons, the Local Authority (LA) requires its schools and settings to put in place an appropriate policy to respond to any situation where it is reported or staff suspect that someone on the site is in possession of an offensive weapon. At the end of this guidance is a model policy which the LA recommends is adapted by and then formally adopted by schools and settings. This policy incorporates the key parts of this guidance but schools settings are free to add to this from either this guidance or other guidance and legislation which is available.

The LA also recommends that this policy is linked to the school or settings disciplinary and behaviour policies and is referenced within them.

The LA would also strongly recommend that the school/setting link with their local police liaison contact to discuss how pupils and young people can be educated on the potential consequences involved in carrying or using offensive weapons.

The Local Authority is clear that every employee has the right to be treated with dignity and respect and that assaults on staff whether verbal or physical are not acceptable. The Local Authority will promote measures to deter violence, threatening behaviour, abuse or other unacceptable behaviour towards staff and will take appropriate action against any individuals responsible for such acts.

Legislation

It is an offence under section 139A of the Criminal Justice Act 1988 (as inserted by the Offensive Weapons Act 1996) to carry an offensive weapon or knife on school premises. This would include not just the building but anything within the curtilage of the premises including playground, playing fields driveways etc.

It is also an offence to carry an offensive weapon or knife in a public place unless a person has a good reason or lawful authority for having this with them. (This therefore covers all our other settings and establishments).

The Violent Crime Reduction Act 2006 Section 45 gives Headteachers, and in any school, other staff so authorised by the Headteacher the power to search pupils for concealed weapons without consent. (This will be covered in more detail later in the guidance)

Offensive Weapons

It is important that all schools and settings understand what is meant by offensive weapon and work to the same definition.

The legal definition of an offensive weapon in the Prevention of Crime Act 1953 is **“any article made or adapted for causing injury to the person, or intended by the person having it with him/her for such use by him/her”**

Sections 139 and 139A of the Criminal Justice Act refer to **any article which has a blade or point or is sharply pointed except for a folding pocket knife**. A folding pocket knife is one which has a cutting edge of no more than 3 inches in length and which must be readily foldable at all times. **If such a pocket knife is used in a threatening way then it will be regarded as an offensive weapon**. As this definition is somewhat vague and as the LA can see no valid reason for anyone to bring or possess a pocket knife in to one of our schools or settings other than for it to be used in a threatening way, the LA expects the following definition of offensive weapons to be adopted:

Offensive Weapons include any object manufactured, adapted or modified to cause injury or carried with the intention of or possibility of causing injury. It includes but is not limited to:

- A firearm of any description including starting pistols, air guns, ball bearing guns, paintball guns and replica guns
- Knives including all variations of bladed objects eg. Pocket knives, craft knives, etc
- Pyrotechnics including fireworks, smoke bombs, hand held and distress flares
- Laser pens and pointers
- Other objects, even if manufactured for a non-violent purpose but which have a potentially violent use ie. the purpose of carrying the object is for use, or threat of use as a weapon (such items could include such things as scissors, nail files, pencil sharpener blades, sticks, bats, keys, chisels, screwdrivers, hammers and other tools)

Statutory Defence

In certain circumstances it may be appropriate for people to be in possession of what would normally be classed as offensive weapons in schools/settings. This will normally be due to the use of this equipment (ie for its intended use not as a threat). Examples would include:

- For use at work (eg knives in school kitchens or contractors carrying out repairs). Any users of such equipment must be reminded to ensure it does not inadvertently fall into the hands of young people.

- For educational purposes (eg tools in design and technology, scissors in art etc.). In these circumstances staff need to have systems in place to ensure all tools are only used under supervision and are all accounted for and secured at the end of a lesson

There are three other potential exceptions where a person could potentially prove they had a good reason or authority for carrying a knife. These are:

- For religious reasons (eg. a Sikh's Kirpan)
- As part of a national costume (eg. Scottish Highland Dress)
- As part of a military Uniform

The military uniform and national dress issue are unlikely to occur in our schools and settings but where they do a risk assessment detailing appropriate and practical control measures will need to be carried out. If in doubt please contact the Health and safety section.

The issue of religious reasons requires a little more thought to ensure that schools and settings do not fall foul of the Race Relations Act. Sikhs who have been initiated in a ceremony called Amrit Pahul are required to carry a kirpan at all times. A kirpan is a ceremonial sword and is one of the 5 sacred symbols of the Sikh faith. There are differences within the Sikh faith as to how long the kirpan should be from a symbolic kirpan with a 1½ inch blade which can be sealed so it cannot be drawn and worn under clothing to some who believe it should be 8 inches long with a 5 inch blade.

The position of the Local Authority in relation to the wearing of a Kirpan will be that either a replica Kirpan should be worn in school or that a Kirpan should be adapted such that the blade cannot be withdrawn and it should be worn in a sheath underneath clothing. This is seen as a sensible compromise allowing the religious beliefs of the pupil to be respected without putting other pupils at risk. This has been a compromise which has been agreed, used and worked well previously within Derbyshire. It should be noted however that if a sensible compromise cannot be reached; at all times the safety of all pupils and young people will be the first and overriding concern and this will mean that a Kirpan will not be allowed into school where it could cause serious injury.

If you need to discuss this further please contact the health and safety section

Where a weapon is suspected

The model policy will contain actions that a school or establishment should take should a weapon on site be suspected. Schools/settings should adapt this section of the policy to reflect their specific practice.

It is expected that the Police will be called in situations where an offensive weapon is found, suspected or being used in a threatening manner by a pupil or young person. The only exception to this will be where in the judgement of the most senior member of staff it is clear that the circumstances appear to be innocent and there is no evidence of use of the article as a weapon. In such circumstances the matter can be dealt with as a disciplinary issue.

If a member of the public who is not a pupil or service user accesses one of our schools/settings and is in possession of or is suspected to be in possession of an offensive weapon the police should **always** be called. The person should be banned from accessing the school site other than pre-arranged appointments controlled by the school. Legal Services can help with appropriate letters regarding this.

Searching pupils/young people for offensive weapons

As mentioned previously, there is now provision in legislation for Headteachers and authorised school staff to search pupils for concealed weapons.

The LA would advise that this is a practice which is fraught with potential issues not only in relation to safeguarding concerns, but it could also exacerbate an already tense situation. It also places the authorised person carrying out the search in close proximity to the potential offensive weapon which increases the potential risk to them.

School staff should not be compelled to search or witness searches of pupils

Calling Police

Where a decision is taken to call police it is important that schools/settings provide the police with as much information as possible to allow the police to respond in an appropriate manner proportionate to the incident. The police should be contacted by the most senior member of staff who should give their appraisal of the seriousness of the situation. Information may include whether or not a situation is in progress, if a weapon is known of or suspected, is the weapon being brandished or used in a threatening manner, is there a threat to life, any known background to the incident (bullying, argument, gang feud etc), situation secure and weapon for collection.

When calling the police the basic minimum information which should be provided is:

- Name and address of establishment
- Name and position of person reporting incident
- Details of the incident (be factual what is happening/has happened, location of incident on site, who/ how many involved)
- What offensive weapons are involved (have they been seen/used or are they suspected)
- Description/names of any suspect
- Suspected level of risk if a suspected or ongoing incident
- What action if any school/setting have taken
- Any history leading up to incident
- Any injuries

Discipline/Sanctions

Schools/settings should refer to their own behaviour/ discipline policy for students when dealing with incidents involving offensive weapons and these should clearly state the sanctions which may be imposed depending on the seriousness of the offence. The sanctions should be clearly stated as part of these policies and should be clearly communicated to pupils and parent/carers.

Risk Assessment

Ensure an appropriate risk assessment is in place for the security of the premises. Individual risk assessments should also be in place for any pupils/young people known to carry offensive weapons or with a history of such offences or significant violence.

Management Actions

It is strongly suggested that schools/settings carry out the following actions:

- Either amend the attached or develop their own policy for offensive weapons and in the case of schools have this formally approved by the Governing Body.
- Review and amend the school's/setting's discipline and behaviour policies in line with the offensive weapons policy
- Ensure that the policy is made known to all staff and that they are clear as to their roles
- Authorise staff who are to be involved in dealing with offensive weapons situations and ensure they receive any training in relation to their role if necessary
- Review any existing risk assessments or carry out any new assessments deemed necessary
- Establish contact with your local police liaison contact to discuss the policy and any input they may want to provide and to discuss any potential for including preventative work with pupils/young people around offensive weapons and knife crime
- Schools should ensure that it is clear in their policy that it is against regulations and an offence to bring any offensive weapon onto site. This should be clearly communicated to all pupils and parents/carers.