



Carrying an Offensive Weapon (Including Knives) Policy

Nugent House School

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INTRODUCTION

Evidence shows that, a substantial number of crimes are committed where a person aged 17 and under is known to have been in possession of an offensive weapon. Although most of these offences have been committed outside of School, it would be reasonable to assume that those persons were in possession of the offensive weapons during School hours and therefore, the potential for violent incidents is very real

Due to the vulnerability of the pupils at Nugent House School, the Head Teacher has recommended that School should:

- Have suitable policies and procedures in place for managing possession of offensive weapons.
- Report all such incidents to the Police.
- Take appropriate action and sanctions to ensure the rest of the school and community understand the severity of the incident.
- Have regular presentations delivered by Merseyside Police on the dangers of possessing and handling weapons in and outside of school.

LEGISLATION

It is an offence under section 139A of the Criminal Justice Act 2003 (as inserted by section 4 of the Offensive Weapons Act 2019) to carry an offensive weapon or knife on School premises. It is amended under the Violent Crime Reduction Act 2006 to prohibit the sale of knives, axes and certain blades to people under the age of 18. 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 the article with him. Sections 110 and 111 of the Serious Organised Crime and Police Act 2005 amend the powers of arrest available under the Police and Criminal Evidence Act (PACE) 1984 and are based on the severity of the offence. The Violent Crime Reduction Act 2006, which makes provision for members of staff to search pupils, came into force on 21 May 2007.

Part 7 of the Education and Inspections Act 2006 (which came into force on 1 April 2007), sets out the responsibilities of schools in relation to discipline and specifically deals with the powers of school staff to use reasonable force and defence where confiscation from pupils is lawful.

The DfE believes that the exercising of these powers is unlikely to infringe any of the Convention rights within (the meaning of) the Human Rights Acts 1998 and that any proportionate interference would be capable of being justified for the purposes of keeping pupils and staff safe at school. A person who could prove that he had a good reason or authority for carrying a knife eg. an officer cadet, would have a general defence under the Offensive Weapons Act 1996. In addition, there are a number special exceptions, which permit the carrying of knives:

For use at work (eg. knives needed in school kitchens)

- For educational purposes (eg. tools needed for National Curriculum Technology)
- For religious reasons (eg. a Sikh's Kirpan)
- As part of a national costume (eg. Scottish highland dress)

DEFINITION OF AN OFFENSIVE WEAPON OR KNIFE

Offensive weapons are defined in the Prevention of Crime Act 1953, 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'. Sections 139 and 139A of the Criminal Justice Act 1988 refer to any article which has a blade or point is sharply pointed, except for a folding pocket-knife. A folding pocket-knife is one which has a cutting edge or no more than 3 inches in length and which must be readily

foldable at all times. Schools are advised that, although not covered under legislation, Nugent House School bans persons carrying folding pocket-knives.

DEFINITION OF A SCHOOL

'School' in this context applies to all Schools, including Pupil Referral Units and Independent Schools, providing primary and secondary education. 'Premises' is land used for the purposes of the School. This would include playing fields for example, but excludes any land occupied solely as a dwelling by a person employed at the School.

GUIDANCE FOR DISCOVERING A PUPIL WITH A WEAPON

- The Police should always be informed immediately of any incidents involving offensive weapons brought onto the school site.
- Central Office should always be informed through the SERF reporting process
- Pupils found in possession of/concealing offensive weapons removed from the school premises Due to the vulnerable nature of the pupils at Nugent House School the Head Teacher has a zero tolerance stance.
- The Violent Crime Reduction Act 2006, gives Schools new powers to search pupils and seize weapons.
- Schools are able to use blanket 'non-contact' or minimal contact screening for weapons without needing consent or grounds of suspicion that a pupil is carrying a weapon, school staff will then be able to use the new powers to carry out a 'hands on' search without consent.
- A weapon confiscated should be surrendered to the Police as soon as possible.
- The Police can enter and search a School for an offensive weapon. The Head Teacher's permission is clearly desirable, though not a legal requirement, where, for example if the situation is urgent.

RISK ASSESSMENT FOR INDIVIDUAL KNOWN FOR CARRYING WEAPONS

Formal Risk Assessments are required to be in place for individuals known to be habitual Offensive Weapons carriers (including knives) or with a known history of violence. These risk assessments are undertaken on admission to the school or after an incident involving an offensive weapon inside or outside of school.

GUIDANCE FOR STAFF INVOLVEMENT WHERE A WEAPON IS SUSPECTED

- Due to the vulnerability of the pupils at Nugent House School the Senior Member of Staff on duty and Head Teacher must be informed of any incident involving a weapon.
- The Senior Member of Staff should give their evaluation of the seriousness of the incident (ie. in progress, threat to life, or weapon secure for collection only) and make their own judgement on the nature and immediacy of the response required.
- There may also be some exceptional circumstances where the Senior Member of Staff, who have been made aware that a weapon may be on School premises, decide that they need to take action and minimize risk. Where possible, members of staff should not confront a person suspected of possessing a weapon in the presence of other pupils.

Preferably two or more members of appropriately authorised and trained should divert the person to a safe, secure place.

- Members of staff are not under any obligation to search a person themselves. In making any decision to do so, a risk assessment approach should be adopted and it should be noted that such immediate preventive action could either prevent a potentially dangerous situation escalating or could, conversely, inflame the situation.
- It is considered inappropriate for short-term, volunteer, part time teaching assistants, domestic and site staff or other support staff to be expected to search pupils. Designated and trained staff should always be called to assess and manage any situation where an offensive weapon is suspected.
- Where there are reasonable grounds to suspect that a pupil might have in their possession an offensive weapon, knife or blade, it might be appropriate for the Head Teacher or an authorised and trained member of staff, to conduct a search of that pupil or his possessions with or without the pupil's consent. Such a search may only be carried out where the member of staff and pupil are on school premises or are elsewhere and the member of staff has lawful control or charge of the pupil.
- A member of staff carrying out a search:
 1. May not require a pupil to remove any clothing other than outer clothing ie. any item of clothing not being worn wholly next to the skin or immediately over a garment being worn as underwear.
 2. Must be of the same sex as the pupil and may carry out the search only in the presence of another member of staff who is also of the same sex as the pupil.
 3. A pupil's possessions (including any goods over which he appears to have control) may not be searched except in his presence and another member of staff.
 4. If in the course of a search, the member of staff finds anything he/she suspects of falling within the knives and offensive weapon category or any other thing he/she suspects is evidence in relation to an offence, they must seize and retain it.
 5. Where the person suspected of carrying a weapon is not a registered pupil at the School, or where an incident involving a pupil takes place outside the School premises and where the pupil is not under the control/charge of the school, a search should only be undertaken by a Police Officer.

POLICE SEARCHING OF PEOPLE

- While the Police have statutory powers, under the Offensive Weapons Act as amended by the Violent Crime Reduction Act, to search on suspicion that an offence has been committed, they will usually apply the test of 'reasonableness' to any decision on when and where to search a person.
- It is accepted good practice for the Police to follow Code A of the Police and Criminal Evidence Act.

This specifies such things as:

Where any search involves the removal of more than the outer coat, jacket, gloves and headgear, the police officer conducting the search must be of the same gender as the person being searched and the garments mentioned above may be removed in public, although a search must be conducted out of public view.

CO-OPERATION BETWEEN POLICE AND SCHOOLS

- Primary responsibility for security rests with Schools and their governing bodies, but they should aim to involve the Police in their security arrangements.

POST INCIDENT

- Consideration needs to be taken of what is needed to manage the situation immediately post-incident to ensure the safety of pupils, staff and members of the public.
- All incidents should be reported and investigated in line with school guidelines.
- In the case of a serious incident, the Assistant Director for Children's Services for Nugent and the Health & Safety Officer should be contacted.
- A review of the risk assessment(s) and consideration of the disciplinary process for the person found carrying an offensive weapon or knife should take place.
- Support for the staff/pupils involved in the incident should be available if required.

LINKS TO RELEVANT LEGISLATION

- Knives Act 1997 (<http://www.legislation.gov.uk/ukpga/1997/21/contents>)
- Offensive Weapons Act 1996 (<http://www.legislation.gov.uk/ukpga/1996/26/contents>)
- Violent Crime Reduction Act 2006 (<http://www.legislation.gov.uk/ukpga/2006/38/contents>)
- Education and Inspections Act 2006(<http://www.legislation.gov.uk/ukpga/2006/40/contents>)

CONNECTION POLICIES FOR SAFEGUARDING PURPOSES

Nugent House School believes it is very important that policies relating to Safeguarding issues, across the school, are read in conjunction between on another. The Policies in question have been listed below.

Safeguarding Policy

Safer Recruitment Policy

Health & Safety Policy

Drug Policy

First Aid Policy

Anti-bullying & Harassment Policy

Behaviour Policy

Positive Handling and Guidance Policy

Attendance Policy

E-safety Policy

Lone Worker Policy

