



## Mottram Church of England Primary

### **OFFENSIVE WEAPONS POLICY**

It is illegal to carry knives or other offensive weapons on and around the school premises. The Governing Body at Mottram Church of England Primary School recognises that the presence of weapons in or around the school would not only create unacceptable risks of bullying, injury or death, but also create a climate that undermines the educational purposes of the school.

Accordingly, it is the school's policy to forbid the possession, custody, handling and use of weapons by unauthorised persons in, on or around the school premises and during school activities.

These rules apply at all times except where a weapon is issued to a student by the school or required by the school for the purpose of teaching a curriculum activity. Misuse of such items will be dealt with as though possession was not authorised.

For the purpose of this policy a "weapon" is:-

- A firearm of any description, including starting pistols, air guns and any type of replica or toy gun.
- Knives, including all variations of bladed objects i.e. pocket knives, craft knives, scissors etc.
- Explosives, including fireworks, aerosol sprays, lighters, matches.
- Laser pens or other objects, even if manufactured for a non-violent purpose but has a potentially violent use i.e. the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

Any student found to be in breach of the policy shall be subject to action under the School's Behaviour and Discipline Policy. This could mean fixed or permanent exclusion from school. In some circumstances the police might also be contacted.

#### **Monitoring, Evaluation and Review**

The Head teacher and Governing Body have a statutory responsibility for school behaviour, discipline and safety. The Policy will be promoted and implemented throughout the school. The Governing Body will review the Policy annually and assess its implementation and effectiveness.



## Appendix 1

### **Procedure for dealing with Offensive Weapons in school.**

#### Staff involvement where a weapon is suspected:

- Under most circumstances, the Police should be informed of any incident believed to involve a weapon. However, where, in the judgement of the staff, the circumstances are wholly innocent and there is no suggestion of the use of the article as a weapon, the matter may be dealt with internally on a disciplinary basis. But, if there is any doubt, the School must inform the Police.
- When contacting the Police, the School should give their evaluation of the seriousness of the incident, (i.e. in progress, threat to life, or down to weapon secure for collection only) to help the police to make their own judgement on the nature and immediacy of the response required. Please note Police Community Support Officers, even if working in the school have no powers to act under this legal framework, it is only Police officers or School staff.
- There may also be some exceptional circumstances where members of staff, who have been made aware that a weapon may be on School premises, decide that they need to act before the Police arrive. 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 staff should divert the person to a safe, secure place.
- Members of Staff are not under any obligation to search a person themselves. In practice, whether a staff search is the most prudent course of action is likely to be a matter for the School policy, the members of staff involved and the circumstances concerned. In making that decision, 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, mealtime assistants or other support staff to be expected to search pupils unless their job role is designated as "School Security Staff" (see 2.4). 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/her 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: 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.
- A pupil's possessions (including any goods over which he/she appears to have control) may not be searched except in his/her presence and another member of staff.
- 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 may seize and retain it.

#### Weapons or knives confiscated by Schools

- Members of staff may on occasion take possession of a knife or other weapon brought to School by a person in circumstances which contravene the Offensive Weapons Act 1996.
- Possession of the weapon in such circumstances by a member of staff is likely to be with good reason or lawful authority, and thus not an offence under the Act. But a member of staff in possession of a weapon in such circumstances should secure it, and:
  - Pass immediately to the head teacher: arrange without delay to surrender it to the Police.

#### Police involvement where a weapon is suspected

Section 4 of the Offensive Weapons Act 1996 inserts section 139B into the Criminal Justice Act 1988. The effect is to:

- provide police officers with the power to enter School premises, if they have reasonable grounds for suspecting that such a weapon is present and to search both the premises and any person for an offensive weapon;
- allow them to seize and retain any of the prohibited articles described above if found during such a search at a School.
- Acting under those powers, the Police do not require the permission of the Head Teacher or any other person before exercising it. They may also use reasonable force to enter, if necessary. It is generally desirable, however, for police officers intending to use their powers of entry and search to speak to the Head teacher, or some other suitable representative of the School, to inform them of any such action and seek their support and assistance. Their knowledge of the site and of the School's routine, and of any staff or persons involved in the incident, is likely to assist the police in handling a potentially dangerous situation.
- There will, however, be urgent cases where police officers will need to enter School premises without waiting to obtain permission, for example:



when pursuing suspects believed to be armed with a knife or other weapon who enter School premises; when dealing with other reports of a knife or other offensive weapon on School premises in circumstances suggesting that immediate action is required.

#### 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 normally apply the test of 'reasonableness' to any decision on when and where to search a person.
- It is normal 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.

#### Police Arrests on School Premises

Under Section 110 of the Serious Organised Crime and Police Act 2005, arrest powers are subject to a test of necessity (a risk assessment). The grounds for making an arrest are that there are reasonable grounds to suspect that the person:

- Is committing, has committed or is about to commit an offence
- That an arrest is necessary for any of the following reasons:
  1. If the person's name and/or address cannot be ascertained.
  2. To prevent the person causing physical injury to others or him/herself, to prevent physical injury to themselves, causing loss of or damage to property, committing an act against public decency, causing unlawful obstruction of the highway.
  3. To protect a child or other vulnerable person.
  4. To allow prompt and effective investigation.
  5. To prevent the person from disappearing.
- Unless the circumstances make it unavoidable, it is preferable for police officers not to make arrests on School premises. If it proves necessary to arrest a person on School premises, the Police should where possible seek the cooperation of the School to enable the arrest to be made discreetly. For example, authorised School staff may be able to isolate the person from others before Police make the arrest.



- Schools should note that police procedures when dealing with juveniles are governed by Codes of Practice made under the Police and Criminal Evidence Act 1984 (PACE) and

approved by Parliament. Under PACE, a juvenile is any person under 17 years of age. In addition to the safeguards which apply in respect of any arrested person (the right to be informed of the reason for the arrest, and the right to free independent legal advice), in the case of a juvenile.

- The Police must inform an 'appropriate adult' of the grounds for the arrest. They must also ask the adult to come to the Police Station where the juvenile is held in order to assist the juvenile. Where juveniles are arrested at their place of education, the Head Teacher or the Head Teacher's nominee must be informed. An 'appropriate adult' may be:

1. the juvenile's parent or guardian;
2. a social worker; or
3. failing either of those, another responsible adult aged 18 or over who is not a police officer nor employed by the police.
5. In rare cases a teacher may be asked by the police to act as an appropriate adult where no other suitable person is available.

These arrangements mean that a juvenile arrested at a School or in any other place will not be interviewed alone.

#### Post Incident

- Consideration 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 the Council's Accident and Incident Reporting Procedure.