



Uplands Junior School
Offensive Weapons Policy
March 2021
Review March 2023

This policy has been written with the guidance of the DFE and West Midlands Police Guidance on 'Weapons in School'. **It also follows the UN convention on the Rights of the Child article 19: protection from violence, abuse and neglect.**

When a young person makes a decision to take a knife or other offensive weapon into a school, it is a serious one with potentially fatal consequences. It is illegal to carry knives or other offensive weapons on and around the school premises. For the purpose of this policy 'school premises' is defined as: land used for the purposes of a school.

The Governing body at Uplands Junior School recognises that the presence of weapons in 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 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 an "offensive weapon" is:- any article **made or adapted** for use for causing injury to the person, or **intended** by the person having it with them for such use by them, or by some other person.

The meaning of offensive weapon can be broken down into two categories:

- a) Those that are offensive per se, that is, those wither made (eg knuckle-duster, dagger, gun) or adapted (eg broken bottle) for use for causing injury to the person; and
- b) Weapons not so made or adapted (eg kitchen knife, spanner, hammer) but intended by the person having it with him for causing injury to the person.

Any student found to be in breach of the policy shall be subject to action under the schools behaviour policy. This could mean fixed or permanent exclusion from school. In some circumstances the police might also be contacted.

Incident Reporting to the Police

Where an immediate police response to an incident at the school is required, dial 999.

For example: a student has been detained in possession of a knife on school premises and poses, or is likely to pose, a risk of:

1. Danger to life
2. Use or immediate threat of use, of violence

3. Serious injury to a person
4. Serious damage to property

When there isn't such an immediate risk, schools should report incidents to the police non-emergency number by dialling 101.

School should retain the weapon in a safe place, until police attend and seize for evidential purposes. Once it is established that a weapon is unlawful, a crime record will be created and a proportionate investigation will ensure.

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 and record in the incident log. 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, (ie 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 the 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 take action 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 circumstances concerned. In making their decision, a risk assessment approach should be adopted and it should be noted that such immediate preventative 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, dinner supervisors to be expected to search pupils unless their role is designated as School Security Staff. 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 Headteacher, or an authorised member of staff, to conduct a search of that pupil or his/her possessions with or without the pupils 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
- Must be the same sex as the pupil
- May carry out the search only in the presence of another member of staff who is also of the same sex as the pupil
- 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 the search, the member of staff finds anything he / she suspects of falling within the knives and offensive weapons category or any other thing he/she suspects is evidence in relation to an offence, they may seize and retain it.
- Where the person suspected of carrying a weapon is not 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, any search should only be undertaken by a Police officer or Community Support officer.
- Guidance taken from 'Searching, screening and confiscation at School' – January 2018.

Use of reasonable Force

- A member of staff may use such force as reasonable in the circumstances for the purposes of preventing a pupil from doing any of the following
- Committing an offence
- Causing personal injury to, or damage to the property of any person(including the person himself or herself)
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

This power may only be exercised 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 concerned.

Weapons or knives confiscated by Schools

- Members of staff may on occasion take possession of a knife or other offensive weapon brought to the 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 Headteacher
- Arrange without delay to surrender it to the police
- Where satisfied that it is reasonable to do so, arrange for it to be taken away by the parent or guardian of the person from whom it was taken. However, some weapons are by their nature offensive(flick knives, knuckle dusters) and should under no circumstances be returned
- Where weapons are returned or surrendered to the police, a record should be made and retained by the school, and a copy provided to the police. The LA should also be informed.

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 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 the course of such a search at school.
- Acting under those [powers, the Police do not require permission of the headteacher or any other person 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 headteacher, 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, it is likely to assist the police in hand ling 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:
 1. when pursuing suspects believed to be armed with a knife or other weapon who enter school premises
 2. when dealing with other reports of a knife or other offensive weapon on School premises in circumstances suggesting 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
- the garments mentioned above may be removed in public, although a search must be conducted out of public view.

Post Incident

- Consideration of what is needed to manage the situation immediately post incident to ensure the safety of the pupils, staff and members of the public.
- All incidents should be reported and investigated by the Senior managers of the school
- Review of the risk assessments / and consideration of the disciplinary process for the person found carrying an offensive weapon or knife
- Support for staff / pupils involved in the incident if required

Monitoring, Evaluation and Review

The Headteacher 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 and assess its implementation and effectiveness.