



Offensive Weapon Policy

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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 Just Learn Independent School, the Head of School has recommended that School should:

- Have suitable policies and procedures in place for managing the possession of offensive weapons.
- Report all incidents to the Police.
- Take appropriate action and sanctions to ensure the rest of the school and community understand the severity of the incident.

1. Legislation

It is an offence under section 139A of the Criminal Justice Act 1998 to carry an offensive weapon or knife on school premises.

The legislation amended section 141 of the Criminal Justice Act 1988 to make it a criminal offence to possess in private any weapon set out in the Criminal Justice Act 1988 (Offensive Weapons) Order. Since 1988 it has been an offence to manufacture, sell, hire, offer to sell or hire, possess for the purposes of sale or hire, import, lend or give weapons to which that section applies, and this section makes unlawful the simple possession of these.

In England and Wales, and in relation to this legislation, a private place is a place other than:

- A public place
- School premises
- Further education premises, or
- A prison

In addition, there are special exceptions which permit the carrying of knives or sharp objects:

- For use at work (e.g., knives needed in school kitchens)
- For religious reasons (e.g., a Sikh's Kirpan)

2. Definition of an offensive weapon

An offensive weapon is anything made or adapted to cause injury, or intended to be used as a weapon, including disguised weapons. Examples include: a baseball bat, hammer or any other heavy instrument if it is intended to be used as a weapon. acid and other corrosive substances that are intended to be thrown at someone.

3. Definition of a School

A school is both an educational institution and building designed to provide learning spaces and learning environments for the teaching of students under the direction of teachers. **NOT** a location for offensive weapons to be brought in or around the premises.

4. Guidance for discovering a pupil with an offensive weapon

- The Police should always be informed immediately of any incidents involving offensive weapons brought onto the school site.
- Pupils found in possession of/concealing offensive weapons will be held in the school office until the police arrive.
- Due to the vulnerable nature of the pupils at Just Learn Independent School the Head of School has a zero-tolerance stance.
- The Violent Crime Reduction Act 2006 gives Schools new powers to search pupils and seize weapons.
- Schools can 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 of School's permission is clearly desirable, though not a legal requirement, where, for example, if the situation is urgent.
- Only the head of school, or a member of staff authorised by the head of school, can carry out a search. The head of school can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy. For example, a member of staff may be authorised to search for stolen property and alcohol but not for weapons or drugs.
- The head of school should oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy).
- The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of an offensive weapon. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

5. Risk Assessment for carrying weapons

Risk	Who Might Be Harmed	Rating of Risk	Action towards Risk	Rating of Risk after Action.
- Students bring a knife into the school premises. - Students abscond from the school site to bring a knife onto the school premises.	<i>Students, Staff and/or Visitors.</i>	H	- Students are to be screened upon arrival at school, with a metal detector. - Students are to be screened upon arrival, if absconding from school premises. - Random spot checks, with the presents of the school's police officer.	L
Student being found with an offensive weapon on school premises.	<i>Student, Staff and/or Visitors.</i>	H	- The weapon would be removed from the student, put into a safe place and the police would be called to come and collect the weapon. - The student will remain in the back office with 2 members of staff. - Student would then be taken into police custody.	L
Student or Young person arriving outside of the school premises, with a weapon with the intent to use the weapon.	<i>Student, Staff and/or Visitors.</i>	H	- School to go into lock down. - The student / young person would be refused entry to the school, - Police would be informed.	L
Student arriving at school with the Intent to use a weapon.	<i>Student, Staff and/or Visitors.</i>	H	- Students to be removed from the risk of a weapon. (Fire drill proceeding to take place) - Students and Staff to locate at our critical incident evacuation point (Cannon Leisure Centre).	L
Weapon being left outside the school premises to be collected during / after school.	<i>Student, Staff and/or Visitors.</i>	H	- Students are not allowed to leave the school premises at any time during the day, (Staff to get the football if this goes over the wall) - Staff to do a sweep of the grounds around the school each morning.	L
Using objects such as rulers, pencils, pens, sharpeners, & paperclips. Breaking them to resemble a knife or weapon that can cause harm.	<i>Student, Staff and/or Visitors.</i>	H	- Students to be monitored when using stationery and making sure they return any equipment they use throughout the day. - Being observant when students have anything in their hands or possession.	L

6. Guidance for staff involvement where a weapon is suspected

Due to the vulnerability of the pupils at Just Learn Independent School the Site manager and Head of School must be informed of any incident involving a weapon.

The Site manager or Head of School should give their evaluation of the seriousness of the incident (i.e., 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 site manager or head of school, who have been made aware that a weapon may be on school premises, decide that they need to act and minimise 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 the 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 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 of school or an authorised and trained member of staff to conduct a search of that pupil or their possessions with or without the pupil's consent. Such a search may only be carried out where the members of staff and pupils 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 i.e., 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 during a search, the member of staff finds anything they suspect of falling within the knife and offensive weapon category or any other thing they 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.

7. Police searching for 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.

8. Co-operation between police and schools

The primary responsibility for security rests with Just Learn Independent School, but have involvement of Police within our security arrangements.

The school will / can conduct random stop checks with the police present as appropriate and this will be conducted a certain number of times an academic year to prevent the young people within our school from carrying or being in possession of an offensive weapon.

We work closely with the school's safer schools officer to make sure that all crime related activity is dealt with efficiently.

9. 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 will be reported and investigated in line with Just Learn's guidelines.
- A review of the risk assessment(s) and consideration of the disciplinary process for the person who is found carrying an offensive weapon or knife should take place.
- Support for the staff/pupils involved in the incident should be available if required.

10. Links for relevant Legislations

- 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>)

11. Connecting Policies within Just Learn

Behavior and Sanctions Policy
E-Safety Policy
Exclusions Policy Statement
First Aid Policy
Health and Safety Policy
Prevent Policy
Preventing and Tackling Bullying Policy
Risk Assessment Policy
Safeguarding Policy
Wellbeing Policy

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