

# drb Ignite Multi Academy Trust

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## **Offensive Weapons and Prohibited Items Policy**

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## 1. Trust Vision

*'all pupils achieve the highest standard of educational outcomes regardless of circumstances or background.'*

The drb Ignite Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures. To this end our vision is to provide every child with learning experiences that excite them and give them the power to begin to shape their own lives.

## 2. Introduction

This Policy aims to outline the Trust's policy and procedure for the rare situation where a pupil may bring an offensive weapon or prohibited item into a Trust school.

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

As part of the Trust's *culture of safeguarding* such risks cannot be ignored and the following principles outline the Trust's response:

All Trust schools **must**:

- have suitable procedures in place for managing possession of offensive weapons or prohibited items.
- be aware that incidents must be reported to the Police appropriately.
- take appropriate action and sanctions to ensure pupils and wider school community understand the severity of any incident (as appropriate).
- have regular training delivered by supporting agencies on the dangers of possessing and managing offensive weapons in and outside of school.

## 3. Background 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 them. 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* also makes provision for members of staff to search pupils.

**For note:**

*Part 7 of the Education and Inspections Act 2006* 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 Act 1998* and that any proportionate interference would be capable of being justified for the purposes of keeping pupils and staff safe at school.

#### **4. 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 that 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.

**For note:**

- 1.** Schools are advised that, although not covered under legislation, the Trust will immediately exclude any pupil or member of staff found to be carrying a folding pocket-knife.

#### **5. Guidance on discovering a pupil with a weapon**

All schools are required to follow the guidance set out below:

- the Police should always be informed immediately of any incidents involving offensive weapons brought onto the school site.
- if possible, 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 pupil to a safe, secure place.
- the Trust's Executive Director of School Improvement, Headteacher and designated safeguarding lead must be informed immediately on discovering the weapon or other prohibited item.
- the Trust's Executive Director of School Improvement, Headteacher and designated safeguarding lead should give their evaluation of the seriousness of the incident and make their own judgement on the nature and immediacy of the response required.

- members of staff are under no 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 inappropriate for supply, volunteer, part time teaching assistants, domestic or site/office staff to search pupils. Designated and trained staff should always be called to assess and manage any situation where an offensive weapon is suspected.
- the school's *Critical Incident Management Plan* must be utilised to support all communications or media interest both internally and externally. The school should contact the Trust central team for further advice before issuing any statement.
- pupils found in possession of/concealing offensive weapons are to be removed from school as soon as possible.
- schools should use blanket *non-contact* or *minimal contact* screening for weapons without needing consent on grounds of suspicion that a pupil may be carrying a weapon. Staff will then be able to use powers under the Violent Crime Reduction Act 2006 to carry out a *hand-on* search without consent.
- a weapon confiscated must be surrendered to the Police as soon as possible.
- the Police can enter and search a school for an offensive weapon. The permission of the headteacher is clearly desirable, though not a legal requirement, for example where the situation is urgent.

## **6. Risk assessment for individual's known for carrying weapons**

Although likely to be a rare situation, formal risk assessments are required to be in place for pupils known to be habitual offensive weapon carriers or where there may be a concern or known history of violence. Such risk assessments should be undertaken on admission to a Trust school or after an incident involving an offensive weapon inside or outside of school if the pupil remains on the school role.

## **7. Carrying out a search**

Staff carrying out a search:

- should 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.
- where possible, will 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.
- a pupil's possessions must not be searched except in their presence and alongside another member of staff.

- if in the course of a search, staff find anything they suspects of falling within the knives and offensive weapon category or any other thing they suspect is evidence in relation to an offence they must seize and retain it immediately.
- where the pupil 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.

## **8. Police searching of people**

While the Police have statutory powers, under the *Violent Crime Reduction Act 2006*, to conduct a 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 an individual. 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.*

## **9. Co-operation between police and schools**

Primary responsibility for security rests with the Trust and its schools. However, the Trust and schools should always involve the Police in security arrangements as appropriate.

## **10. Post incident actions**

Following any incident, it is critical that a full debrief and lessons learnt session takes place with all appropriate staff/stakeholders:

- consideration should be given to what is needed to manage the situation immediately post-incident to ensure the safeguarding of pupils, staff, and members of the public.
- all incidents should be investigated, documented, and recorded in line with Trust safeguarding/critical incident procedures.
- in the case of a serious incident, the Trust Chief Executive Officer (CEO) and the Executive Director of School Improvement should be involved in any de-briefing session.
- a full review of any risk assessment(s) and consideration of next steps for the pupil found carrying the offensive weapon or prohibited item should take place.
- wellbeing support for the staff/pupils involved in the incident should be available if required.

## 11. Links to relevant legislation

- Knives Act 1997: [Knives Act 1997 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Offensive Weapons Act 2019: [Offensive Weapons Act 2019 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Violent Crime Reduction Act 2006: [Violent Crime Reduction Act 2006 \(legislation.gov.uk\)](https://legislation.gov.uk)
- Education and Inspections Act 2006: [Education and Inspections Act 2006 \(legislation.gov.uk\)](https://legislation.gov.uk)


## 12. Safeguarding links

This policy sits within the Trust’s suite of safeguarding policies and procedures. It is important that policies relating to safeguarding issues are read in conjunction with this policy. The Policies in question have been listed below.

- Child Protection and Safeguarding Policy
- Safer Recruitment Policy
- Health & Safety Policy
- First Aid Policy
- Anti-Bullying Policy
- Behaviour Policy
- Positive Handling Policy
- Attendance Policy

## 13. Monitoring and review

This Policy will be reviewed annually and modified/amended as necessary to ensure the health, safety and welfare of both pupils and staff. A full review will take place after any serious incident.

<b>Monitoring and review:</b>	Board of Trustees Executive Director of School Improvement Trust Safeguarding Lead Trustee Safeguarding Lead
<b>Staff responsible:</b>	Headteachers Designated Safeguarding Leads
<b>Committee responsible:</b>	Achievement, Support and Scrutiny
<b>Reviewed:</b>	July 2024
<b>Next review:</b>	July 2025
<b>Sign off by Chair of Trustees:</b>	 July 2024

## 14. Change management

Issue No	Change Date	Change Description
1.0	July 21	Initial release
2.0	July 22	Reviewed
3.0	July 23	Reviewed
4.0	July 24	Reviewed