

### ***Policy statement Offensive Weapons:-***

Schools generally remain safe places. Only a small percentage of children, at any time, wrongly carry knives or other weapons in school. It is already a criminal offence to bring a knife or other weapon to school. It is also an offence for a person under 18 to buy a knife or take delivery of a knife. Under the Offensive Weapons Act 2019, it is an offence to carry a knife or offensive weapon in or around school without reason or authority.

The latest act can be seen on the link:

[Offensive Weapons Act 2019 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85421/offensive-weapons-act-2019.pdf)

Under the Act this includes all knives except for:

- Folding penknives with a blade of 3" or less
- Knives used for educational purposes
- Knives carried for religious reasons.
- Anything referred to in this guidance as a 'knife' – to be precise, any article which has a blade or is sharply pointed. The definition does not include a folding pocket knife other than one whose cutting edge exceeds three inches or one which is not readily foldable at all times (such as a locking knife). This definition is taken from section 139 of the Criminal Justice Act 1988;
- An object referred to in this guidance as an offensive weapon – to be precise, any article made or adapted to injure a person, or any article which is intended by the person carrying the article for such use by him or by another person. This is taken from section 1 of the Prevention of Crime Act 1953.

Three types of article are covered:

1. a weapon made for causing injury, such as a gun;
2. an article adapted for causing injury, such as a bottle broken deliberately for the purpose or corrosive substances; and
3. an article not made or adapted for causing injury but which the person who has it intends to be used for the purpose of causing injury, e.g. a baseball bat.

*The school in addition would include folding penknives within its definition of offensive weapons.*

Department for Education Searching, screening and confiscation advice - January 2018 (*see Appendix 1*) states that a school has power, without any new legislation, to require students to undergo screening, when the school does not have reasonable grounds for suspicion. Legislation enabling searches of suspicion came into force on 31 May 2007. The police are entitled to enter the school to search for an offensive weapon without the Principal's permission although normally this would happen by agreement. The power to search should be used only as a last resort. Two members of staff must be present at a without-consent search of a student or their possessions (even where the search is conducted by the Principal, who is then one of the two).

A member of the senior staff may ask students to empty pockets and bags etc. if they believe there are suspicions of offensive weapons.

If a student refuses to be screened, the school may refuse to have the student on the premises or on an off-site educational visit. The school has a statutory power to make reasonable rules as a condition of admission. If the student fails to comply, and the school does not let the student in, it is unauthorised absence: the school has not excluded the student. The student's duty is to comply with the rules, and attend. Any refusal to attend should be investigated by the welfare officer in the same way as any other unauthorised absence.

If a Principal plans to use the power to screen or the statutory power to search, the Principal should take the views of, for example, the employer, Academy Council and staff.

Schools should take account of any additional sensitivities e.g. by spending more time discussing their suspicion with a child with learning difficulties or medical needs,

The main ways to keep knives out of schools continue to be educating young people in better behaviour and in the dangers of illegally carrying a knife. A range of activities help to contribute to this: programmes in school on improving behaviour; curriculum opportunities for learning about responsibility, conflict, and safety; and other DfE programmes for young people and on parenting. Police officers in schools with Safer School Partnerships can also help. The school works very closely with the Staffordshire safeguarding Board who support with resources and latest guidance. The powers to screen and to search fit with these programmes, and are two more options that schools can make use of.

### **Human Rights Act 1998**

We believe that the exercise of these powers is unlikely to engage any of the Convention rights within the meaning of the Human Rights Act 1998. If such rights are engaged, any interference is capable of being justified for the purpose of keeping students and staff safe at school.

In cases involving offensive weapons the parents will automatically be informed along with the following:

- The police will be summoned
- Any weapons will be handed over to the police
- The Chair of the Academy Council will be informed.

### **Recording incidents**

The record should include:

- name, year, sex, ethnicity of every student searched
- grounds of suspicion
- time and place
- who searched
- who else was present
- what if any reasonable force was used, and if so why
- how the search began and progressed
- the student's responses and how staff managed them (e.g. steps taken to calm the student)
- outcomes and follow-up actions.

## Appendix 1

*The link below shows the information outlined in further detail*

[Searching, screening and confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

### **Screening**

School rules can require students to undergo random screening for weapons without suspicion as part of the school's disciplinary power and the duty to manage risk.

### **Searching with consent**

Schools may search students who have consented to be searched, but we recommend that the constraints required by law for no-consent searches, and good practice on them, should be followed on with-consent searches.

### **Searching without consent.**

*Safety Advice: if the school decide it is unsafe to search, they should call the police.*

Searching without consent is the new statutory power from 31 May 2007.

A *Principal* can conduct a weapons search without consent where there are reasonable grounds to suspect the possession of a weapon. Other school staff must be authorised by the Principal before they can do so.

*Authorised staff.* A Principal can search in the presence of another member of staff; and can authorise other staff to search in general, or for a particular search or type of search, in the presence of another member of staff. A Principal may not direct a member of staff to carry out a search, except security staff.

*Searchers must be same sex as searched.* As well as the searcher, one other member of staff must be present at a search of a student and must be of the same sex as the student searched. When the student's possessions are searched, the student and a second member of staff must be present, but the staff may be of either sex.

*Suspicion.* The searcher must have reasonable grounds for suspecting a student may be carrying a knife or other weapon. The search can take place on school premises or on a school visit. The searcher can seize anything he reasonably suspects is a weapon or evidence of an offence.

*Clothing.* The searcher can require the student to remove outer clothing. Where the student refuses to do so, the searcher can use reasonable force to remove, for example, an overcoat.

*Force.* The member of staff searching the student may use reasonable force.

*Weapon Found.* The searcher may confiscate a weapon or anything which he or she suspects is intended to be used as a weapon; and must pass it to the police as soon possible [the police have long-standing arrangements for dealing with such items]. Other evidence of an offence can also be seized and, if seized, must be passed to the police.

*With Consent.* The power to search without consent does not inhibit the school's power to search a student where the student consents.

*Staff Defined.* The law on without-consent search defines "a member of the staff of a school" to include teachers and anyone else authorised by the Principal to have lawful control or charge of a student:

### Policy Review:

Signed by:



(Principal)

Signed by:



(Chair of Academy Council)

Date: 9<sup>th</sup> December 2021

Next Review Date: December 2024