



A member of the Haberdashers' West Midlands Academies Trust

Haberdashers' Abraham Darby

GUIDANCE AND PROCEDURES FOR DEALING WITH OFFENSIVE WEAPONS ON SITE

Named Responsibility of Policy	Mr Emmanuel Gyan-Bediako Vice Principal - Behaviour & Attitudes
Date	February 2022
Date of next Review	January 2023
Governor Accountability	Pupil and Staff Welfare Committee
This guidance will be readily accessible to Parents/Carers/Staff/Visitors/Members of the Public through the school website	

Preamble

This guidance is an addendum to our current HAFT Behaviour Policy 2020-23 which provides more information about the Academy's policy on searching, screening, managing challenging behaviour, serious incidents, suspensions, and exclusions.

Introduction – Policy statement

This guidance is specific to how the Academy is responding to issues around knife crime to ensure that the right processes and procedures are in place for dealing with knife crime.

Knife crime involves the use of an object with a blade or sharp object. This type of crime, according to data from the House of Commons library, disproportionately affects young and disadvantaged people. Evidence from the Office of National Statistics shows that in 2020/21, the West Midlands Police Force recorded the highest rate of offences involving a knife, per 100,000 population. This is an increase of 41% on recorded crimes for 2019/20.

The possession of an offensive weapon as a serious safeguarding issue. We recognise that having possession of an offensive weapon can lead to serious incidents of violence and consequences. Whilst statistically the number of pupils in our Academy found to be in possession of an offensive weapon is negligible, the potential for violent incidents is nonetheless real. This guidance advises on the appropriate action to take when an offensive weapon is found on school premises.

Aim of the guidance

- To ensure the safety of all pupils and staff who attend the premises of our Academy
- To provide guidance on the procedures for managing possession of offensive weapons
- To raise awareness across the Academy community including pupils and staff
- To outline steps to deal with such incidents
- To ensure a co-ordinated approach to working with partners on this issue

Legislation

Under Section 139A of the Criminal Justice Act 1998, it is an offence to carry an offensive weapon or knife on to a school premises. Premises refers to land used for the purposes of the school, including its immediate surrounding areas and playing fields. 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.

Section 45 of the Violent Crime Reduction Act 2006 amends the Education Act 1996 and makes provision for members of staff to search pupils.

The Education and Inspections Act 2006 - Part 7, sets out the responsibilities of schools in relation to discipline. Section 93 specifically outlines the powers of school staff to use reasonable force to maintain good order and discipline at a school, as well as preventing the commission of an offence, personal injury or damage to property. Section 94 provides a defence in any proceedings relating to the confiscation of pupils' possessions.

The Department for Education believes that should a school wish to implement these powers, their use would be justified to keep pupils and staff safe in school, and therefore unlikely to contravene basic rights as laid down in the Human Rights Act of 1998.

The Violent Crime Reduction Act 2006 gives powers to search pupils and seize weapons.

Definition of an offensive weapon

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 them for such use by them.’ There are three categories of weapons covered:

- 1 Articles **made** for causing injury to the person; (flick knives, daggers, knuckledusters, butterfly knives, sword sticks, truncheons, daggers, and bayonets etc.)
- 2 Articles that have been **adapted** for use for causing injury to the person; (sharpened screwdriver, broken bottle or glass, etc.) and
- 3 Articles that are not specifically made or adapted, but which **may be considered offensive** if the person intended to use it for the purpose of causing injury to the person (hammer, cricket ball, scissors, baseball bat, etc.)

Definition of a member of staff

A member of staff refers to:

- Any employee who works at the Academy, in a teaching or non-teaching capacity
- Any person who, with the authority of the Principal, has lawful control or charge of pupils for whom education is being provided by the Academy

Procedure

If a pupil is suspected of or found in possession of an offensive weapon including a folding pocket-knife (as defined above), on the Academy premises:

- They will be isolated immediately
- The Principal and Vice Principal – Behaviour and Attitudes must be informed immediately
- A search of the pupil and the property will be conducted in accordance with the Academy policy and procedures for searching
- The pupil will complete a written statement of the incident
- The Police will be notified about the incident and may be invited to attend the premises. If in the judgement of staff, there is an element of innocence and no suggestion of the use of the article as a weapon, the matter may be dealt with internally. *If there is any doubt, the Academy must inform the Police. In reporting the incident to the Police, an assessment of the seriousness of the incident (immediate threat or request for weapon collection) to help the police in judging the immediacy of the response required.*
- The parent/carer will be informed as soon as is possible
- A record of the incident will be made via our safeguarding portal, CPOMS. The record must include:
 - Name, year, sex, ethnicity of the pupil and any others involved or associated
 - The circumstances or grounds for suspicion
 - The date, time, place
 - Who conducted the search(es) and any staff who were present
 - The outcomes and the follow-up actions
- Any confiscated weapons will be handed to the Police as soon as possible
- Governors will be updated as appropriate

Designated staff will be able to use non-contact or minimal contact screening for weapons, should they find it appropriate, without needing consent or grounds of suspicion to do so.

Where a member of staff has reasonable grounds to suspect that a pupil is carrying a weapon, school staff will then be able to use powers to carry out a hands-on search without consent.

Post incident

- The Principal and Vice Principal must consider what is needed to manage the situation immediately after the incident, to ensure the safety of the Academy community
- Appropriate support including possibly an Early Help Assessment, must be considered for any pupil found to be in possession of an offensive weapon
- In the case of a serious incident, the Local Authority should be informed in line with the Local Authority's incident reporting procedures
- The Academy and Local Authority must arrange support for staff and pupils involved

Management actions for the Academy Leadership

- To undertake a regular review of the school's guidance and procedures on the control and restraint of pupils
- To review and amend the Academy's Behaviour Policy accordingly.
- Establish a clear policy on the management of offensive weapons in school. This may include advice on whether the police should be called in all such circumstances, or if this should be left to the discretion of the Principal.
- Appropriate school sanctions (including permanent exclusion or otherwise) must be at the discretion of the Principal, after a full investigation into the incident has taken place. This must be in accordance with the DfE guidance **'Exclusion from schools and pupil referral units in England.'**
- If the sanction is an exclusion, the Academy will refer the pupil to the Fair Access Panel
- Establish contact with the relevant Safer Schools Officer for discussion on preventative work around offensive weapons.
- A risk assessment of the Academy should be undertaken or reviewed for all security issues.
- Individual risk assessments should also be undertaken for pupils known to be habitual offensive weapons (including knives) carriers or with a known history of violence.

If the incident takes place outside of the Academy premises and the pupil is not under the charge of the Academy, a report must be made to the Police immediately. Any search or investigation must therefore only be carried out by the Police.

Mitigating the risks

- Raising awareness across the Academy
As part of our INSIGHT and personal development programmes, pupils will receive relevant education and guidance on the risks of knives and offensive weapons. Some of these sessions will be delivered by staff, mentors and invited guests including the Police Liaison Team
- All Academy staff will be required to undertake specific professional development including the use of National College resources on knives.
- The Leadership Team will include this subject for periodic discussions at leadership team meetings
- The Academy bulletin will be used to inform parents and carers
- Relevant information including all guidance, will be available on the Academy website.