

School Related Weapons or Potential Weapons Incidents Protocol



Safer Kingston Partnership
Working for a Safer Kingston. Making a difference together



achieving for children



Richmond upon Thames | Community Safety Partnership



Believing in young people

Keeping South West London Safe
Putting victims first – Preventing harm – Working as one team



South West BCU



CrimeStoppers.



Contents

School Related Weapons or Potential Weapons Incidents Protocol	1
Introduction	1
How to use this protocol	2
Flow chart A	3
Flow chart B	4
Table 1:	5
Appendix 1: Definitions	6
Appendix 2: Staff powers	7
Appendix 3: Decisions about case disposal	8
Appendix 4: Resources	9
Appendix 5: Useful reading	10
Appendix 6: Case studies	11
Case study 1: Sophie	11
Case study 2: Miroslav	11
Case study 3: James	12
Case study 4: Liam	12
Appendix 7: Understanding the relationship between knife crime and school exclusion	13
Appendix 8: Taking statements in school	15
Refusal to give a statement	15
Appropriate person to take statement	15
Setting the ground rules for taking statements from witnesses	16
Setting the ground rules for taking statements from alleged perpetrators	17
Choice of format for taking statement	17
Formatted interview	17
Taking a written statement	18
Hearsay evidence	18
Attributing and anonymising statements for use in exclusions	19
Appendix 9: Model Format for taking statement with prompts	19

Introduction

The protocol is based on two overarching principles.

- Children and young people involved in school related weapons incidents, including the alleged perpetrators, are vulnerable. These young people need support, protection and education to develop a full understanding of the implications of carrying, and or using, weapons
- The Police and Criminal Justice Process will avoid prosecuting young people involved in these incidents unless such a route is absolutely unavoidable. Police involvement will place a strong emphasis on support, protection and education

This protocol was developed and agreed in July 2019 by:

- schools
- AfC social care
- AfC Exclusions and Reintegration Service
- the Education Inclusion Support Service
- community safety partnerships in Richmond and Kingston
- Metropolitan Police Service, Kingston and Richmond, including Safer Schools officers

The protocol should be followed where a school-based weapon incident occurs.

Incidents include:

- the carrying in school of knives, weapons or something which could potentially be used as a weapon
- the school being informed about the possibility of a student carrying weapons outside of school
- threatened use of a weapon by a student, whether inside or outside of school

The vast majority of young people attending Kingston and Richmond schools will not be affected by serious violence or carrying weapons. However, where such incidents do occur there will almost certainly be a significant impact. Schools, both primary and secondary, have a duty and a responsibility to protect and safeguard their learners and staff. Kingston and Richmond schools are safe places where learners are offered high quality teaching and learning opportunities enabling them to leave school with opportunities for further education, training and employment.

Each school, special school, college, sixth form provider or alternative providers must have a strategy in place to ensure learners:

- feel safe at school all the time
- understand very clearly what unsafe situations are
- be highly aware of how to keep themselves and others safe

How to use this protocol

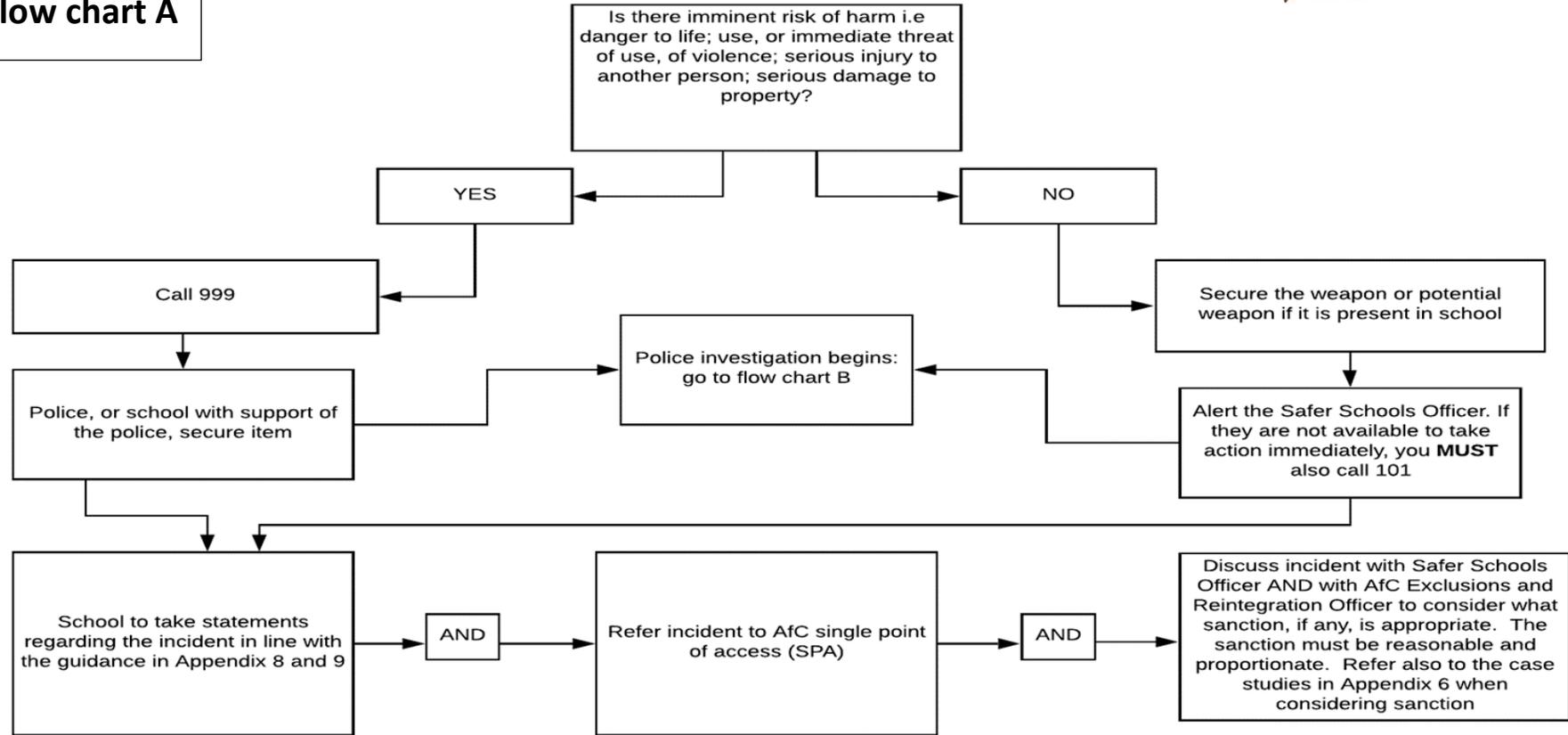
Flow chart A gives information on the immediate actions that the school should take when there is an incident involving a weapon or potential weapon which includes the requirement for the school to inform SPA and the police of such an incident.

Flow chart B shows what actions the police will take having been information of a school related weapons, or potential weapons, incident.

Table 1 shows the range of outcomes in terms of the criminal justice process where a child or young person is found to have been carrying a weapon or potential weapon.

The remainder of the document gives details about the legal framework, and other guidance, upon which this protocol has been developed.

Flow chart A



EITHER: School to call a multi agency meeting within 15 days which must include SSO, and any other agency involved with the pupil or family, to consider interventions and support for the young person. **OR:** If the decision has been made to permanently exclude the pupil, the SSO will liaise with the AfC Exclusions and Reintegration Officer regarding intervention and support

Flow chart B

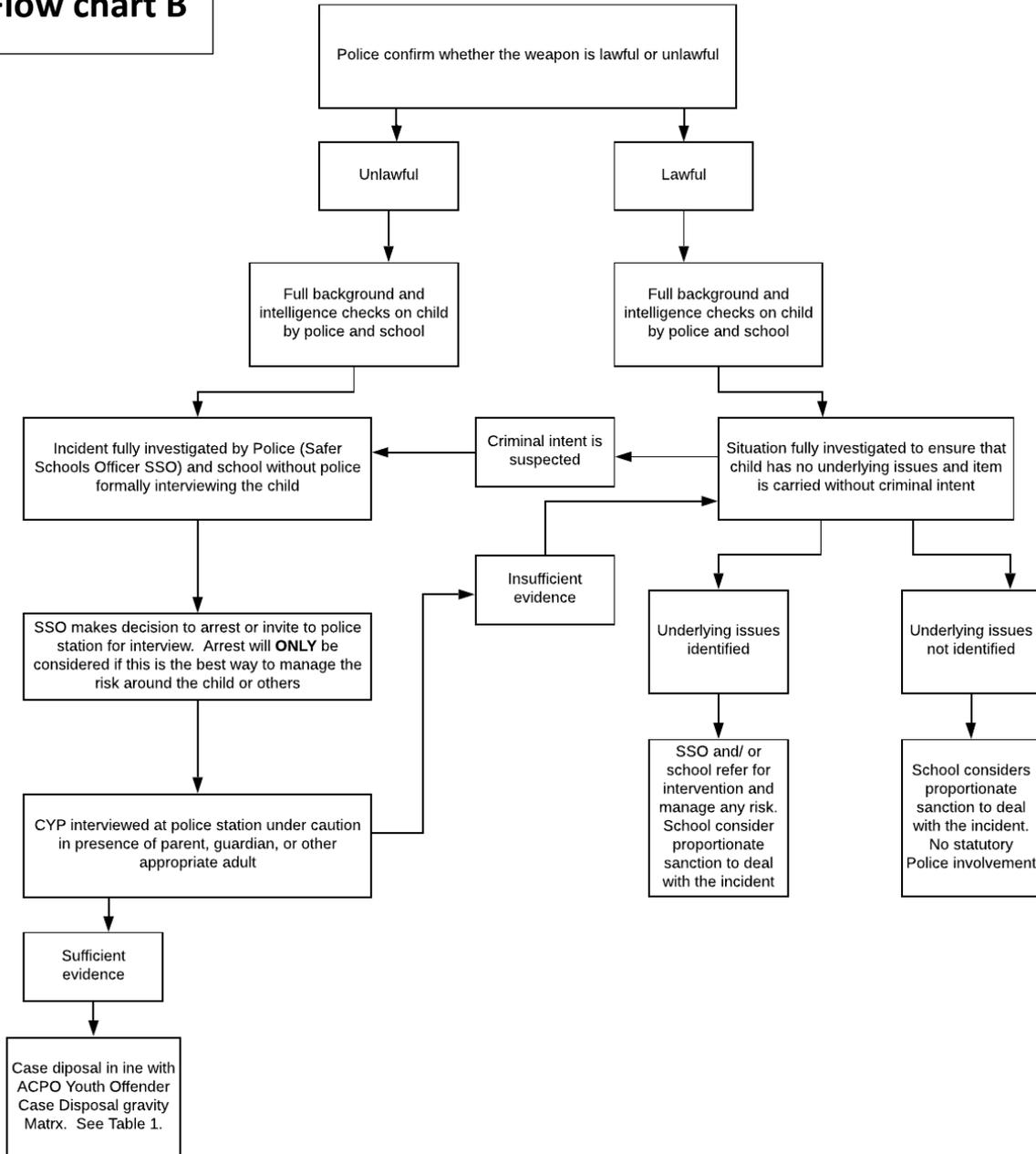


Table 1:

Table 1 shows the Association of Chief Police Officers (ACPO) youth offender case disposal gravity matrix guidance on how incidents involving knives and weapons will be managed by the criminal justice process.

The court must consider the general duty to have regard to the welfare of any child or young person brought before it when deciding whether to impose a minimum sentence, (section 44 Children and Young Persons Act 1933). The judge must impose the minimum sentence unless the court is of the opinion that there are particular circumstances which relate to the offence, the previous offence(s), or the offender which would make it unjust in all circumstances.

Age	Details	Outcome
Any age and aggravating features:	<ul style="list-style-type: none"> The first offence of a youth of any age for possession of an offensive weapon or sharply pointed blade, with aggravating factors, (circumstances of possession, fear caused, degree of danger) 	Charge: Likely community order with intervention from the Youth Justice Team, focusing on anti-knife crime education
Under 16 first arrest	<ul style="list-style-type: none"> The first offence of a youth aged under 16 years for simple possession of an offensive weapon or sharply pointed blade, with no aggravating factors 	Youth caution or a youth conditional caution. This must be supported by an appropriate YOT intervention, preferably with elements focused on anti-knife crime education
Under 16 second arrest: Note instances of a second incident on school premises are extremely rare	<ul style="list-style-type: none"> The second offence of a youth under 16 for simple possession of an offensive weapon or sharply pointed blade, whether or not there are aggravating factors 	Charge (unless, in exceptional circumstances, two years have passed and it is considered appropriate to give another youth conditional caution) If convicted at court then likely community court order with anti-knife crime education
16+ First arrest:	<ul style="list-style-type: none"> The first offence of a youth aged 16 years or over, for simple possession of an offensive weapon or sharply pointed blade, with no aggravating factors 	Charge: If convicted at court then likely a community court order with anti-knife crime education
16+	<ul style="list-style-type: none"> The offence of threatening a person in public or on school premises 	Charge: This offence carries a minimum sentence of a four month detention and training order

Appendix 1: Definitions

Section 1 of the Prevention of Crime Act 1953 provides that **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 him for such use by him or by some other person.”

Section 1 of the Prevention of Crime Act 1953 and section 139 of the Criminal Justice Act 1988 respectively provide for **offences of having an offensive weapon in a public place without lawful authority or reasonable excuse and having an article with blade or sharply pointed in a public place without lawful authority or good reason**. Section 139A of the Criminal Justice Act 1988 provides that it an offence to have an article within either of the above offences on school premises.

Sections 139 and 139A of the Criminal Justice Act 1988 apply to any article which **has a blade or point except a folding pocketknife** unless the cutting edge of its blade exceeds 7.62 centimetres (3 inches).

Flow chart B refers to **criminal intent**. In the context of weapons this refers to the intent to cause injury to another person or persons.

Appendix 2: Staff powers

Teachers have a number of legal powers (May 2013) to manage learners' behaviour and impose discipline. The main ones are listed below.

- A statutory power to discipline learners, which includes the power to issue detentions and to confiscate inappropriate items (Education and Inspections Act 2006). The Department for Education's (DfE's) advice for headteachers and school staff on the power to discipline.
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour and Discipline in Schools - A guide for headteachers and School Staff.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour_and_Discipline_in_Schools_-_A_guide_for_headteachers_and_School_Staff.pdf)
- A statutory power to use reasonable force to control or restrain pupils (Education and Inspections Act 2006). The DfE's advice to schools on this power.
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use of reasonable force advice Reviewed July 2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)
- Power to search pupils without consent for a number of 'prohibited items'. These include: knives and weapons; alcohol; illegal drugs and stolen items; tobacco and cigarette papers; fireworks; pornographic images; any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, cause personal injury or damage to property; and any item banned by the school rules that has been identified in these rules as an item that may be searched for.
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching screening and confiscation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf)

Appendix 3: Decisions about case disposal

The Association of Chief Police youth offender case disposal gravity matrix section on 'Offensive weapons' and paragraph 5.1 indicates how incidents involving knives and weapons will be managed by the criminal justice process. See table 1 for a brief summary.

Appendix 4: Resources

MOPAC London needs you alive toolkit: Lesson plans, group activities, resources and useful links for schools, colleges, community and faith groups

www.london.gov.uk/sites/default/files/Inya_toolkit_3_10.pdf?redirecting2clickGUID=5eaa37b5-f13e-4bfc-898c-9eb97b9fb7ee&redirecting2campaignID=3296&redirecting2userGUID=cc18d6f4-407b-45a1-aacc-9aa5bb1128c0

Home Office and PSHE association: PSHE education lessons to challenge the myths and communicate the realities of carrying a knife to secondary school students

www.pshe-association.org.uk/curriculum-and-resources/resources/home-office-knifefree-lesson-plans-ks34-%E2%80%93updated

Knifecrimes.org and the Home Office: Online Knife, Gun & Gang related information Resource

www.knifecrimes.org/Children-Young-People.html

No knives, better lives: national capacity-building programme that supports primary prevention work related to knife carrying. A variety of materials to support practitioners to deliver the message locally

<https://noknivesbetterlives.com/practitioners/resources/>

Appendix 5: useful reading

ACPO (2013) ACPO Youth offender case disposal gravity factor matrix

<https://yjl.c.uk/wp-content/uploads/2018/01/ACPO-Youth-Gravity-Matrix-new-format-final.doc>

Ofsted (2019) Safeguarding children and young people in education from knife crime

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785055/Knife_crime_safeguarding_children_and_young_people_110319.pdf

Appendix 6: Case studies

Each of these scenarios has been loosely based on real life events, but with certain details changed to protect identities.

Each one involves an item that could potentially be used as a weapon. Actions for all stakeholders including the school are indicated. Exclusion might be a sanction considered by a school where a potential weapon is involved. For each scenario some alternative options and additional actions are suggested.

Case study 1: Sophie

On the last day of the summer term, Sophie, a Year 10 student, was interviewed on the school site by a social worker and the police regarding an allegation of a sexual assault that she had been the victim of earlier in the week. After the social worker and police left, Sophie went to the toilets and was in there for such a long time that eventually staff went inside to look for her. They found Sophie semi-conscious, slumped on the floor. She had cut both of her wrists with a craft knife that she must have taken from the art room.

Actions

Immediate

- Call 999 for an ambulance and police, then inform parent and carer and social worker

Follow-up actions

- Refer to SPA
- Multi-agency meeting
- Advice sought from CAMHS
- Safety plan written
- Risk assessments for art room (counting knives in and out) re-visited
- Self-harm policy checked

Case study 2: Miroslav

A crowd of Year 7 boys had formed in the playground and staff went to investigate. They found Miroslav showing the others a penknife, demonstrating all the different blades it had. Staff confiscated the knife and Miroslav was taken to be questioned by the deputy headteacher, he refused to answer when spoken to and just shrugged his shoulders. In a later conversation with his parents, it transpired that he had bought the penknife from a Year 11 student on his way to school with his birthday money. The SENCo confirmed that Miroslav had significant speech and language difficulties.

Actions

- SPA referral due to Miroslav's vulnerabilities
- Safer Schools officer, SENCo and parents to agree what form the work with Miroslav should take. He may need the implications of having a penknife in school explained visually or as a social story rather than verbally
- Key worker to investigate the relationship between Miroslav and the Year 11 student involved. Is this an ongoing exploitative relationship or a one off incident?
- Relevant work to be undertaken with the Year 11 student, if they can be identified

Case study 3: James

A group of Year 9 boys were suspected of smoking at lunchtime. Staff conducted a bag search at the end of lunchtime and discovered that one of the boys, James, had a large kitchen knife in his bag. When questioned, James claimed that he had found it on his way into school and had picked it up for safekeeping to make sure no younger students picked it up and hurt themselves with it. He had then forgotten to hand it in.

- SPA referral
- Safer Schools officer consulted and incident investigated further (See Flow chart B for options)
- Decision on school sanction should depend on the outcome of the police and social care investigation and student's previous track record

Case study 4: Liam

A parent phoned in to say that her child was too scared to come into school because he had fallen out with Tom and he knew that Tom's older brother Liam, in Year 11 (16) carries a knife in school. Staff collected Liam from his lesson and told him they needed to conduct a bag search, Liam kept firm hold of the bag, became verbally abusive and threatening to staff and said "Don't make me open this bag, you'll be sorry if you do."

Actions

Immediate:

- Immediate risk of harm – call 999 for police assistance

Follow up actions

- SPA referral
- Contact SSO
- School action will depend on whether a knife is found, outcome of police and social care investigation, and any mitigating circumstances

Appendix 7: Understanding the relationship between knife crime and school exclusion

By Dr Chris Bagley, previously Educational Psychologist, Achieving for Children

There are [significant correlations](#) between youth violence and school exclusion, poverty, gang involvement, drug and alcohol abuse and other factors. Why does this link exist?

Young offenders, both in custody and in the community, are an exceptionally [vulnerable group](#), frequently with a history of trauma, neglect, child protection intervention, social care placements, family breakdown, learning and language difficulties and school exclusion.

In ‘[Transforming Youth Custody](#)’, the Ministry of Justice (MoJ) report that of 15 to 17 year olds in young offender institutions (prison), 88% of young men and 74% of young women had been excluded from school at some point. A later report examining the educational background of young people involved in knife offences showed that the incidence of persistent absence and school exclusions amongst those with knife offences is far greater than among all comparison groups. For example, 83% of knife possession offenders have been persistently absent from school. In contrast, across all state-funded secondary schools, in all year groups, approximately 16.5% of pupils were persistent absentees.

This study also revealed that approximately 21% of kids with knife offences have been permanently excluded, compared with 0.1% in state school generally. The Ministry of Justice reported a 50/50 split between those whose first exclusion was prior to the offence, and those who were excluded at some point after the offence.

‘Being excluded is painful because it threatens fundamental human needs, such as belonging and self-esteem. Again and again research has found that strong, harmful reactions are possible even when ostracized by a stranger or for a short amount of time’
([Professor Kipling Williams](#))

Human beings are social animals; we have evolved to socialise in groups. This has an evolutionary basis as maintaining social bonds [promotes survival](#). According to [Baumeister and Leary](#): ‘Much of what we do is done in the service of belongingness’, which is a ‘fundamental motivation’. It is essential for us to develop (a) frequent, positive interactions with the same individuals, and (b) engaging in these interactions within a framework of long-term, stable care and concern. People who lack belongingness are at significantly greater risk of involvement in [criminality](#).

The pain caused by exclusion is deeper and [lasts longer than a physical injury](#). As Baumeister and Leary explain, ‘social exclusion may be the most common and important cause of anxiety’ and ‘depression’. When young people who share a range of social and economic problems form groups, they become more likely to take part in [risky behaviours](#). What’s more, research shows that [external threats](#) increase the human tendency to form strong bonds.

The vast majority of violent crime is committed by a tiny fraction of (generally male) young people who have often suffered adverse childhood experiences. As a society, rather than punishing and ostracising vulnerable young people, we need to show them they belong, make them feel valuable and match educational opportunities to their emotional state and learning capacities.

Appendix 8: Taking statements in school

The Headteacher must ensure in the first instance that the alleged offence took place under their jurisdiction. Incidents that are under the Headteacher's jurisdiction are those that occur on the school premises and other premises where a pupil may be registered to receive their education. These may include school journeys, school trips, work experience and college placements. Alternative full time educational providers with dual registered pupils such as those at Malden Oaks, come under the jurisdiction of the headteacher of their home school, but the senior staff at these full time educational providers will manage all serious incidents that occur on their site. Liaison will then take place between the provision staff and the headteacher of the host school, to develop a way forward as appropriate.

The current exclusion guidance outlines that behaviour incidents in the immediate vicinity of the school or on a journey to and from school may result in exclusion from school. The guidance also states that the headteacher may exclude a pupil for behaviour out of school, but not on school business, when there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. The schools behaviour policy should outline that the school will investigate incidents that occur in the interests of natural justice and with the teachers acting in their capacity of 'loco parentis' and with a duty of care.

It is vital that the perpetrator, victim and witnesses must make their statements separately as it results in an objective investigation and the question of collusion is negated.

Refusal to give a statement

If the perpetrator refuses to give a statement then the school should document this and ensure that they have tried all means to obtain this information depending on the reason given for refusal. It is important for the Headteacher to be able to make their decision in the full knowledge of any circumstances that the perpetrator may put forward in mitigation.

Appropriate person to take statement

The member of staff taking the statement should always be neutral and not have been involved in the incident. This principle has been upheld most recently in a large number of court cases and is considered best practice. It is also best practice that the statement taker and investigator of the case should not be a person involved in ultimate decision making in relation to possible sanctions. Following these principles will ensure that fairness is seen to be done and no allegations of undue influence or pressure can be made by pupils or parents.

Best practice would suggest that an appropriate adult is also made available to support all pupils particularly if they are distressed or vulnerable. This adult would be there to ensure good communication and understanding of process by the pupil but not act as an advocate or interfere in the investigation.

Where pupils are being interviewed consideration should be given to the following:

- same sex interviewer
- chaperone or appropriate adult
- seating arrangements should be in view of other people for safety reasons

In taking a statement from a pupil, consideration should be given to their age, aptitude and ability in terms of the process and the appropriate format chosen e.g. in supporting younger children or those with special identified educational needs.

Consideration should be given to pupils for whom English is not their first language – such pupils may express their case more accurately in their first language through an interpreter.

Setting the ground rules for taking statements from witnesses

It is important that the staff member taking the statement outlines the ground rules below to ensure the pupil is aware of the procedure.

Pupils might only divulge information to people with whom they feel at ease and in whom they can trust. The interviewer should have the skills to put the pupil at their ease at the start of the interview. Consideration should be given to the environment in which a statement is taken.

- Witnesses should be informed of the time and place of the alleged incident, but given no unnecessary details as their statement needs to reflect their recollection of what occurred
- Reassure the pupils that the investigation will be fully investigated in a fair manner and outline that this is their opportunity to ensure that their voice is heard
- Outline that everyone involved with the incident will be asked to give a statement including the alleged perpetrator or victim and all witnesses (both pupils and staff)
- Outline how the statement is to be taken e.g. pupil following format with prompts or adult writing it down
- Outline that the pupil can take as long as necessary for the statement – there are no time restraints of having to return to lessons, etc
- Outline importance for honesty and that this statement will be used as part of the investigation – this is not a confidential experience the outcome may eventually be shared with others. If appropriate the pupil should be assured that personal information will be treated with sensitivity and not disclosed to anyone unnecessarily
- The witness should be informed that their statement may be used by the headteacher. Witnesses should also be assured that they will not be asked to attend any meetings in person because they have made a statement. If their statement needs to be used then it may be done anonymously

- Outline how the pupil and you will read the statement back to yourselves at the end. The witness should be allowed to correct or add anything that is necessary at this stage. To conclude the process both of you will sign it to show that you both agree that it is a true record of what the pupil stated

Setting the ground rules for taking statements from alleged perpetrators

The alleged perpetrator must be informed of the basis of the case against him and this should include a description of the alleged offending behaviour and the time and the place of the incident. The current exclusion guidance (Improving behaviour and attendance: guidance on exclusion from school and Pupil Referral Units Sept 2008) – Para 153 states that ‘the general principle remains that an accused person is entitled to know the substance and the source of the accusation.’

The above ground rules for taking statements from witnesses should also be outlined to the alleged perpetrator.

Choice of format for taking statement

The choice of the two formats outlined below should be chosen by the person responsible for taking the statement and should take into account the individual situation and the pupil’s needs.

Formatted interview

This is when the interviewer asks the pupil to complete a formatted statement that contains prompts (Appendix 9 is a model format).

It is important to record the time and place of the interview.

It is important to record the names of the people present at the time the statement was taken.

The pupil completes this on their own and it can be supplemented with questions by the interviewer once the pupil has completed the form.

Any questions asked by the interviewer must be written down as asked and the pupil’s response then written down.

The completed statement must be read back to the student and signed as a true record by both pupil and staff member.

Although witnesses are ideally kept from colluding by keeping separate it is possible to use this format with several witnesses at once in certain circumstances as they can be asked to fill them in without speaking to each other although all in the same room and at the same time.

All statements must be attributed signed and dated by the pupil giving the statement.

The interviewer must also sign the statement and indicate their role in the school.

Taking a written statement

This is when the pupil is asked to give their account verbally with the interviewer allowing the pupil to freely recall what happened.

The interviewer needs to write all the responses down.

The interviewer takes exactly the facts given and does not make any remarks even if they know the facts to be different.

Statements are rarely given in chronological order so added. Information gets written in as it is said referring to when it should have been outlined.

If you need to prompt with a question it must be written down within the statement.

Avoid the use of closed questions unless you have chosen to ask such a question for a reason.

All statements should be attributed signed and dated by the pupil giving the statement.

The interviewer should also sign the statement and outline their role in the school

Hearsay evidence

Hearsay evidence refers to information that a witness has heard, but does not have first-hand knowledge of themselves. It may be useful in eventually establishing facts but must always be treated with caution. As a general rule it is not usually admissible as evidence.

Attributing and anonymising statements for use in exclusions

The Exclusion Guidance (Sept.2008) states that all written witness statements must be attributed and signed and dated. If the school has a good reason for protecting the anonymity of a pupil then the original statement should be available for decision makers to peruse to verify their integrity. In exclusion documentation a photocopy of the original statement may be used with the pupils name deleted and supplemented with 'Pupil A', 'Pupil B' etc. as appropriate.

It is normal in the case of statements from pupils that exclusion panels rely on these written statements. It is possible for pupils to appear at exclusion panels as witnesses if they do so voluntarily and are there with parental consent if appropriate.

Question 1

Response

Question 2

Response

Question 3

Response

(Use extra sheet of paper if further questions asked)

I agree that the statement above is what I have said and written

Name

Signed

Date

I agree that I have witnessed the taking of this statement and that we both agree it is what was said and written

Name

Signed

Date

Role in School

NOVEMBER 2019: School Related Weapons or Potential Weapons Incidents Protocol

Any queries about the contents of this Protocol should be directed to Achieving for Children in the first instance. Thank you.