

# Offensive Weapons Policy

## Purpose and Scope

OMG Education (OMG) recognises the importance of having an Offensive Weapons Policy. This Policy establishes the framework within which such management can take place and supports OMG's Safeguarding Strategy.

The Offensive Weapons Policy is designed to make staff aware of what they should do in the case of a student with an offensive weapon on our premises. It is essential that all staff feel confident, safe and secure so that they can undertake their duties free from fear and in the full knowledge that there are strong management procedures in place to ensure that effective action can be taken should they find a student with an offensive weapon.

## Introduction

Evidence has shown that there has been an increase in incidents within schools where pupils have been known to possess an offensive weapon whilst on school premises. Whilst statistically, the number of students in schools found to be in possession of an offensive weapon is low, the potential for violent incidents is nonetheless real. OMG will take appropriate action if an offensive weapon is found on OMG premises.

Metropolitan Police recommend that schools should:

- Get support from Safer Schools Officers
- Report such incidents to the Police under most circumstances
- Consider the possession of an offensive weapon as a safeguarding issue

## Legislation

Under section 139A of the Criminal Justice Act 1998, it is an offence to carry an offensive weapon or knife on school premises. The premises is land used for the purposes of the school. This would include playing fields and car parks. 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.

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

The Department for Education believes that should a school need 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.

## Statutory Defences

A person who could prove that they had good reason or authority for carrying a knife (for example, an officer cadet) would have a general defence under the Offensive Weapons Act 1996. In addition, there are a number of other special exceptions which permit the carrying of knives.

- For use at work (for example, knives needed in school kitchens)
- For educational purposes (for example, tools needed for Design and Technology)

## 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 them for such use by them.'

There are three categories of weapons:

- Articles made for causing injury to the person; (flick knives, daggers, knuckledusters, butterfly knives, sword sticks, truncheons and bayonets etc.)
- Articles that have been adapted for use for causing injury to the person; (pen, broken bottle, sharpened toothbrushes/screwdrivers etc.)
- 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 (belt/buckle, compass, cutlery, hot fluids, hammer cricket ball, scissors etc.)

Section 139 and 139A of the Criminal Justice Act 1988 refer to any article that has a blade or point or is sharply pointed, except for a folding pocket knife or Swiss army knife. Folding pocket knives or Swiss Army knives are not illegal to carry in public as long as the blade does not exceed three inches. However, if one of these knives is used in a threatening way, it will be regarded as an offensive weapon.

**OMG Education reserves the right to ban all items deemed offensive weapons. Students are not allowed to bring or be in possession of any offensive weapon.**

## Summary

- All incidents should be reported to management immediately.
- A report to the Police should be made if a pupil brings an offensive weapon into school. If you are unsure whether the incident warrants contacting the Police, please get in touch with the local borough safeguarding team for advice.
- OMG should inform the pupil's parent/carer as soon as possible after a report to the Police has been made.
- The OMG staff should immediately fill in an incident report form and witness statement. This is to prevent any outside influence/input, misunderstanding or misrepresentations of the incident and assist in any complaint or post-incident investigations.

- The Violent Crime Reduction Act 2006 allows schools to search pupils and seize weapons. OMG will not search students without management's consent.
- Any confiscated weapons should be surrendered to the Police as soon as possible.
- The Police should complete an early help assessment, if one has not already been undertaken, on any student found to be in possession of an offensive weapon in school.

### **Actions for OMG Staff when an Offensive Weapon is Suspected**

- Where a student is found in OMG premises in possession of any article deemed an offensive weapon, staff must immediately report this to the Police by telephoning 101. When a serious incident is in progress, staff should report it to the Police by ringing 999.
- Under most circumstances, the Police should be informed of any incident believed to involve a weapon. However, where in the judgement of staff, the circumstances are wholly innocent, and there is no suggestion of the use of the article as a weapon, the matter may be dealt with internally. If there is any doubt, the staff must inform the Police.
- When reporting incidents to the Police, staff should give their evaluation of the seriousness of the incident (i.e. in progress, immediate threat or request for weapon collection only) to assist the Police in judging the nature and immediacy of the response required. An incident form should be completed as soon as possible.
- Where the person suspected of carrying a weapon is not a registered student or an incident takes place outside of our premises, any search should be undertaken by the Police.
- Under no circumstances should a member of staff conduct and search without a supporting member of staff present.
- Once a weapon has been found, staff should immediately secure the weapon and then organise collection by the Police.
- If there has been an incident where an offensive weapon has been used, and the weapon is visible. Do not touch the weapon, only if necessary.
- Complete the incident report and witness statement provided by the Police.
- Photocopy the witness statement and give it to the Police.