**WEAPONS POLICY**

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Introduction

Our first priority will always be the health and safety of pupils, staff and visitors and to this end Southall School will not tolerate the use or carrying of weapons. Weapons are not simply knives or guns but anything that can be used as a means of attack or defence.

The Government, as part of its measures both to reduce violent crime and to maintain safety in schools, wants schools in England to be able to screen any pupil for a knife or other weapon, and search pupils suspected of carrying a weapon. Department for Education and Skills Ministers announced on 16 October 2006 that a school has power, without any new legislation, to require pupils to undergo screening, when the school has reasonable grounds for suspicion. Legislation enabling searches on suspicion comes into force on 31 May 2007 this was reinforced by the Apprenticeship, Skills, Children & Learning Act 2009 which came into force Sept 2009.

It is already a criminal offence to bring a knife or other weapon to school. School staff can already search a pupil, with consent, as part of their authority to discipline.

The power to search should be used only where it is judged safe. If the school decide it is unsafe to search, they should call the police.

The power includes a power to search where there are reasonable grounds to suspect that a pupil is in innocent possession of a weapon. The power does not allow without-suspicion (whether random or blanket) searches.

A head teacher needs no authorisation to conduct a weapons search without consent. Other school staff must be authorised by their head teacher before they can do so. Authorisation may be on a long term or permanent basis, or for a stated shorter period, and should be in writing.

Whether or not schools use the new power to search without consent, school and local police should mutually establish and develop strong partnerships, formally through Safer School Partnerships or otherwise. It provides a safer and more secure school environment by engaging with young people, challenging unacceptable behaviour, and helping young people develop a respect for themselves and their community.

If a school decides a search would not be safe, they should call the police.

Guidance:

Before carrying out a search:

Staff must have first exhausted these options before carrying out a ‘power without –consent search;
the main way to persuade pupils not to carry a weapon is educating them in how to behave well, how to resolve conflicts without violence, and about the dangers as well as the illegality of, and penalties for, carrying a weapon, whether in school or elsewhere.

Where staff suspects a pupil is carrying a weapon, they can seek to confirm or allay their suspicion by questioning the pupil;

If questioning confirms suspicion, staff should ask the pupil to surrender the weapon, reminding the pupil about key points of the school policy and school rules and that it is a criminal offence, with severe penalties, to carry a weapon in school. As from 12 February 2007 the penalty for carrying a knife or offensive weapon is up to 4 years imprisonment and/or a fine. Comparable youth penalties are based on, among other factors, carrying a knife being classified as a crime of medium seriousness.

If suspicion remains and the pupil does not surrender the weapon, staff should ask the pupil to consent to a search. In a with-consent search, the statutory constraints on a without-consent search do not apply, but we recommend that a school follow them.

In [b] - [d], staff should use “talking down” techniques to calm the pupil and prevent or reduce any risk of their exchange escalating:

A member of school staff may have reasonable grounds to suspect that a pupil is in innocent possession of a weapon (e.g. the pupil is unaware that it has been “planted” on him): in that case the pupil may be searched, but is most likely to surrender the weapon willingly if asked.

Who can carry out a search?

A head teacher 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 head teacher before they can do so.

Authorised staff. A head teacher 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 head teacher 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 pupil and must be of the same sex as the pupil searched. When the pupil’s possessions are searched, the pupil and a second member of staff must be present, but the staff may be of either sex.

the law requires a second adult to be present for a search;
**Suspicion.** The searcher must have reasonable grounds for suspecting a pupil 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 pupil to remove outer clothing. Where the pupil refuses to do so, the searcher can use reasonable force to remove, for example, an overcoat.

**Force.** The member of staff searching the pupil 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 pupil where the pupil consents. See paragraphs on “options before a without-consent search” above, in [me] Context.

**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 head teacher to have lawful control or charge of a pupil: this could include a security firm’s employee.

**No-contact or low-contact Screening**

Schools can require pupils to undergo screening for weapons without suspicion and without consent, by a walk-through or hand-held metal detector (arch or wand) which is “no-contact” or “low-contact” - it does not involve “patting down”, though it may involve minimal contact of the wand with the school’s statutory power to make rules on behaviour policy and the school employer’s duties to manage the safety of staff, pupils and visitors. Southall School has invested in a hand held metal detector which is kept in the school office. Consent to use it should be sought from the headteacher.

Where a school decides that screening would be useful, we recommend:
- occasional screening of randomly-selected pupils while on the premises – for example, a class or a year-group - should normally be enough to deter and prevent;
- Screening all pupils on entry only in exceptional circumstances and/ or for limited periods.

If a pupil refuses to be screened, the school may refuse to have the pupil 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 pupil fails to comply, and the school does not let the pupil in, it is unauthorised absence: the school has not excluded the pupil. The pupil’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

**Without-consent search**

The statutory power to search applies where there are reasonable grounds for suspecting that a pupil has with him or in his possessions any of the following:

- 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).

- 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; 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.

**After the Search**

If no weapon is discovered by a search, the school can decide to take no further action, but should still:

Briefly record the outcomes;
Inform the pupil’s parent; and
Inform the school’s governing body annually of how many searches or screenings took place.

**Records**

Given that a pupil holding an illegal knife or other weapon on school premises is committing an offence, it is possible that the pupil will be arrested by the police, and that members of staff involved in the search will be called as witnesses in a criminal prosecution. The head teacher should require authorised staff to make and keep a written or electronic record of any search as soon as possible, e.g. in an incident book. It may help prevent any misunderstanding or later misrepresentation. Such records, together with evidence trails, could be of use to the courts. Schools can decide how long to retain a file for the purpose of discerning trends. The record should include:
- name, year, sex, ethnicity of every pupil 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 pupil’s responses and how staff managed them (e.g. steps taken to calm the pupil)
- Outcomes and follow-up actions.

Staff might find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Staff

As mentioned above, the power to search should be used only as a last resort. It is not a duty.

A head can if it is reasonable in the circumstances, direct a member of staff to be present at a search. We recommend that this “second person present” should be someone already authorised and trained to search.

- training for searchers should include how to reduce any search-related risk to the searcher, as well as to others;

- If school staff decides it is not safe for them to search, but they still suspect a weapon is present, they should not search and should call the police – especially if they believe that pupils or staff are at serious risk.

- Staffs who undertake a search according to the law and who follow their employer’s guidelines are protected by the law. Staff in practice are not sued, because the employer is “vicariously” liable when their actions are “in the course of employment”, which is usually the case where staff follow their employer’s guidance.

- Two members of staff must be present at a without-consent search of a pupil or his possessions (even where the search is conducted by the head teacher, who is then one of the two).

During a weapons search of a pupil without consent, the searcher and the required “second person present” must be of the same sex as the pupil searched. This means that a school without two male staff must not search male pupils without consent, and should instead call the police if it does not have a security contractor immediately available. A pupil’s possessions can be searched without consent (and the search witnessed) by staff of the opposite sex to the pupil; the pupil must be present.
For a weapons search without consent, the "second person present" must be a member of the school staff, defined as any teacher who works at the school or anyone who, by the authority of the head teacher, has lawful control or charge of the pupils.

School staff can search a pupil outside the school premises where the pupil is under their lawful control or charge, e.g. during an offsite educational visit. But we recommend that on school visits, staff should normally rely on calling the police rather than seek to have a member of staff authorised to search on every visit where suspicion might arise.

While the law on the power to search does not explicitly prevent more than two persons being present at a search, we recommend that only in exceptional circumstances should a school allow more staff to be present than the two who must be present. For example, searching a pupil with particular Special Educational Needs might be helped by support from a further adult with expertise on the pupil’s needs; or, where particular religious or cultural sensitivities might apply, an adult with knowledge of those aspects might help. Some searches might be helped by a parent’s presence where that is practicable. A search can in principle be conducted with other persons present (that is, as well as the pupil and two members of staff of the same sex), though the pupil’s privacy and dignity should be safeguarded. In some cases it might be advisable to take the pupil to a separate room, for example if the pupil is to be asked to remove a religious head covering.

Training for school staff

Training should include questions to ask of, and information to give to, the searched pupil; e.g. the searcher should explain the reason for the search, what the power entitles the searcher to do, and what will or could happen during the search.

When staff decides to call the police, they should implement the procedures in the school’s policy.

Extent of Search – clothes and possessions

A pupil’s possessions include any goods over which the pupil has or appears to have control, e.g. a bicycle, panniers, motorbike, car (including family car). A school can already search a pupil’s locker, since lockers or other storage facilities are school property (see “Drugs: guidance for schools”.

The power to search on suspicion and without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

The searcher can pat down a person’s clothing, without directly touching the body. If patting down finds an object in, for example, a trouser pocket, the pupil can be asked to bring out and show the object. If this is refused, the
searcher can search the pocket. A pocket should not be searched when the member of school staff believes the pupil may interpret the search as an assault. The police should be called instead.

The searcher can require the pupil to remove outer clothing (e.g. a coat, jacket or pullover - see also the definition and examples of outer clothing in the legislation) if it is necessary for the search. If the pupil refuses, the searcher can use reasonable force to remove outer clothing if reasonable force is not enough to remove the outer clothing and staff still suspects a weapon, they should call the police. This option is always available: the school can stop the search at any point and call the police instead.

Staff must not require a searched pupil to remove, and must not themselves remove, clothes beneath outerwear: e.g. trousers, skirt, sari, shirt, blouse, shalwar-kameeze (tunic and trousers), socks, and tights. Nor should staff seek the voluntary removal of such clothes. Pupils volunteering to remove such clothes should be required not to do so. Staff must be careful not to touch or hold a pupil indecently.

- We recommend that when schools search they should take reasonable steps to preserve the dignity and privacy of any searched pupil:
- A search must be of the same sex as the pupil being searched (see above).
- we recommend searching out of sight of other pupils or staff passing by
- Searchers should be sensitive to issues of race, culture or religion, e.g. where a pupil's customary head covering or other outer clothing has religious or cultural associations.
- Boys who are Sikhs might carry, as a religious duty, a ceremonial knife (kirpan). Since this is a legitimate item, school staff should ask a Sikh pupil to declare it before being screened or searched in the same way as other legitimate metallic objects (e.g. keys or coins) should be declared.

Use of Force

The power¹ of school staff to use reasonable force to prevent a pupil committing an offence, injuring themselves or others, damaging property, or prejudicing the maintenance of good order and discipline applies to a search without consent. While it is legally permissible to use force, we advise that when a pupil suspected of carrying a weapon is likely to physically resist, school staff call the police rather than using force to continue a search. A second person present can use reasonable force (to oppose an unexpected assault on the searcher).

Special Educational Needs/ Medical Needs

Any pupil may be upset by being searched without consent. Some pupils with behavioural problems might react strongly to being searched or confined in a

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¹ Section 93, Education and Inspections Act 2006.
private room. School staff should take account of DfES guidance on use of restrictive physical interventions for pupils with severe behavioural difficulties (2003) and for pupils who display extreme behaviour in association with learning disability and/or autistic spectrum disorders (2002). Schools should not conduct a search themselves, but should call the police, when they expect a pupil may violently resist being searched.

Head teachers and other staff should not normally exempt pupils from a search solely on grounds of their special educational or medical needs. However, 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, before a search, and should involve the special educational needs co-ordinator. Any 1-to-1 supervisor of a pupil being searched should also be present at the search.

**Power to seize**

The searcher can seize:

- Any knife or offensive weapon or anything that could be used as an offensive weapon.
- Any knife or other weapon found ‘accidentally’ - when, for example, a mobile phone is being confiscated. It should be treated as if it has been sought;
- anything which provides reasonable grounds for suspecting that an offence has been committed – for example, an offence relating to drugs or to stolen property.

When school staff find and seize a knife which they suspect is illegal, they should promptly inform the police. Since staff must pass the seized knife to the police, they should ask if the police are willing to collect it from the school. The police, when they learn of the alleged offence, might also wish to come to the school to question the pupil from whom the knife was seized.

When the authorised member of staff has seized a suspected illegal knife or other weapon found on a pupil’s person, he and the second person present should arrange for someone to call the police. If the police say they will come to the school to question the pupil, staff should guard the pupil with reasonable force as necessary until the police arrive? Staff should similarly guard a pupil when they have called the police to attend in order to search that pupil.

**Storing and surrendering a confiscated weapon**

If a suspected illegal weapon is seized it *must* be delivered to the police as soon as is reasonably practicable. This would usually happen at the school, if the police come in response to the school’s call. It is lawful for staff to keep a seized weapon (we recommend securing it in a locked cupboard) until
delivering it to the police. The head teacher should also arrange for a written note to the police recording delivery of a seized item.

**Other found items**

A weapon search might find items on the pupil that are against school rules or even illegal such as drugs or stolen property, which the searcher can seize (*Drugs: Guidance for schools* 2004) “School Discipline and Behaviour Policies” (2007). Anything which the searcher suspects is evidence in relation to an offence and seizes must, as with weapons, is delivered to the police.

**Informing Parents; complaints**

Schools are not required in law to inform a parent before a search or seek parental consent, but a parent might feel concerned about their child being searched. All parents will be notified of the schools policy upon admission to the school. Pupils will also be reminded in school assemblies well as publicising the school’s policy in advance.

A parent might complain about a screening or search, to the head teacher, governing body or employer. Schools must have a complaint procedure (in general, not search-specific) and must publicise it.

In a few circumstances, we would not recommend informing parents. An example might be where something found could be evidence of an offence involving the parent as well. Another situation might be where, although nothing was found, a parent might be abusive towards the child on the mistaken assumption that the child “must have” done something wrong because staff had grounds for suspicion (which, in fact, does not follow).