



Lewisham Safer Schools Partnership and Lewisham Schools

Offensive weapons in schools protocol

1. Introduction

1.1 Local Violence and Vulnerability Action Plan

Lewisham's Local Violence and Vulnerability Action Plan 2022-23, seeks to take a broader public health approach to violence ensuring that vulnerability, exploitation, and safeguarding is balanced with enforcement.

Other **relevant plans** set out how the Partnership will work together over the next year to tackle crime and disorder priorities building on best practice around effective crime reduction and clear objectives and outcomes to be achieved. These include:

- Children and Young Peoples Plan 2019 – 2022
- Youth Offending Service Plan 2021 - 24
- The Violence Against Women and Girls Action Strategy 2021 - 26
- Health and Wellbeing Board Plan
- Children Safeguarding Partnership Annual plans
- Adults Safeguarding Partnership annual plans
- Draft Exploitation Strategy
- MESI data set
- Tackling Race Inequality in schools Strategy
- Draft Education Strategy
- Reduction Exclusion Action Plan (annual)
- Violence Reduction Plan 2022 – 23
- Lewisham Violence Reduction Strategy and Action Plan – including tackling knife crime (annual)

The Partnership will continue to deliver and focus on Police and Crime Commissioners identified areas within the **London's Police and Crime Plan 2022-25** which include:

- **Reducing and preventing violence** – preventing and reducing violence affecting young people; making London a city in which women and girls are safer and feel safer; tackling the harm caused by drugs; reducing reoffending by the most violent and high-risk groups; preventing hate crime; and working together to prevent terrorism and violent extremism.
- **Increasing trust and confidence** – increasing public trust in the MPS and reducing gaps in confidence between different groups; ensuring that the MPS engages with Londoners and treats them fairly; and ensuring that the MPS, borough councils and all community safety partners respond to neighbourhood crimes such as burglary and anti-social behaviour.
- **Better supporting victims** – improving the service and support that victims receive from the MPS and the criminal justice service; working to ensure victims receive a better criminal justice response and outcome; and reducing the number of repeat victims of domestic abuse and sexual violence.
- **Protecting people from being exploited or harmed** – reducing the number of young people and adults who are criminally exploited or harmed; keeping young people in the justice system supported and safe; and keeping people safe online.

Focus on young people under Peer on Peer Abuse. This will include work in relation to identified serious youth violence, drugs markets, knives, firearms, trafficking, Child Sexual Exploitation, and cyber-crime. Particular focus on contextual violence and risk, harm and vulnerability will be essential. <https://www.london.gov.uk/publications/building-safer-london>

2. The Aim of the Protocol

The aim of this protocol is to set clear guidelines that enable schools, police and other services in Lewisham to ensure that learners and staff are protected and the carrying of offensive weapons and violent behaviour is discouraged through:

- The support, agreement and collaborative approach of schools, police and other services.
- Education to reduce the number of offensive weapons being brought into schools.

- Early identification of potential problems.
- Early intervention, diversion, addressing disproportionality and exploitation.
- Proactive enforcement.
- Programmes of support as alternative to exclusions.

The Offensive Weapons Protocol is prefaced by an understanding that all behaviour is communication.

The early life experiences of many young people, if not most, of those carrying knives, means that they are likely be neurologically wired to expect life to be dangerous. As a result of this same neurological wiring, they may not be adept at making good choices, balancing risk or planning. Under these circumstances, many children may come to the entirely wrong conclusion that they need to carry a knife. Unfortunately therefore, increased prison sentences or threats of other sanctions are unlikely to change that decision.

There is much science to support this theory, and as education provisions it is important that we recognise that behaviours like these, that can cause harm to a young person themselves or others, must be viewed through the lens of understanding that it may be a result of toxic stress early in life which has lead to the poor choices, defence and anger with which we are presented in our settings.

As such, our policy responses must be based on an understanding of this science. It requires us to work on trying to better support the first 1000 days of a child's life to try and reduce or remove toxic stress. In addition, it means supporting parents, carers, teachers, police, youth workers, grandparents and young people themselves to understand the impact of early life trauma, also known as a trauma-informed response.

In schools, we need to work on identifying children who have experienced toxic stress as early as we can, in nurseries and primary schools so that they can be supported to develop executive function/self-regulation before puberty. Where this has not happened, we need a youth, education and criminal justice system that *understands* the life and world of a young person carrying a knife and the traumatic impact of their personal brain story that got them to that point, and works to *support* rather than punish.

Whilst understanding this does not mean condoning, it does mean that we need to work together to *help* young people who are in our schools and are found to be carrying/using knives or other offensive weapons.

3. Definition of Offensive Weapon

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.*"

Meaning of Offensive Weapon

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. The meaning of offensive weapon can be broken down into two categories:

- a) Those that are offensive per se, that is, those either made (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and
- b) Weapons not so made or adapted (e.g. kitchen knife, spanner, hammer) but intended by the person having it with him for causing injury to the person.

3.1 Common offences on school premises (see Appendix 1)

3.2 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 discipline¹.
- 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 power².
- 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 for³.

3.4 Staff powers to search pupils (see Appendix 1)

The vast majority of young people attending Lewisham schools will not be affected by serious violence or carry weapons. However, where these problems 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. Lewisham schools are safe places where learners are offered high quality teaching and learning opportunities enabling them to leave school with qualifications and access to greater employment opportunities.

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; and
- be highly aware of how to keep themselves and others safe.

The number of learners permanently excluded, from Lewisham schools, for weapons related incidents, has improved over the last two years, but with a spike this year.

2015 -16	23
2016 -17	13
2017 – 18	11
2018 – 19	13
2019 – 20	4
2020 – 21	4
2021 - 22	7

With Lewisham seeing an increase in levels of youth violence it is important to ensure that this protocol is up to date for schools and communities.

Success in learning is one of the most powerful indicators in the prevention of youth crime and dealing with youth violence effectively can help attainment and attendance.

¹www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076803/behaviour-and-discipline-in-schools-a-guide-for-headteachers-and-school-staff

²www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonable-force

³www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076897/screening,-searching-and-confiscation

In adopting this protocol we will ensure that schools are safer places where important interventions can take place to prevent violent behaviour, including the carrying of weapons and violent incidents that take place in the community.

4. School procedures

Staff discovering or identifying learners carrying an Offensive Weapon.

- Learners and parents are communicated with and notified of an offence immediately.
- Police must be notified immediately of all incidents where a learner is in possession of a knife or other offensive weapon.
- Where offensive weapons are found or abandoned outside the school grounds but in the vicinity. Staff should also follow school procedures in these circumstances which is to firstly the Safer Schools officer.
- There is a Safer Schools officer in post covering Lewisham secondary schools. **(Appendix 3)**.
- In emergencies where immediate action is needed where there is threat to staff / students / community then contact will be made by reporting the incident by phone on the **999** system. For non-emergencies it is the Safer Schools Officer, or if unavailable **101**.
- Where weapons come into staff possession they will be retained for collection by the Police Officer dealing.
- The member of staff taking possession of the weapon, from a student, will document the incident and provide police statement regarding the seizure if requested.
- It's important to recognise that police should be granted access and a member of staff who has knowledge of the circumstances available to meet and explain what has happened.

4.1 Subsequent actions

- In consultation with or on advice of police school staff should document the incident and collect witness statements. Staff need to be trained if providing evidential statements to the police.
- All weapons seized should be kept in a safe place and handling them should be minimised as it could lead to loss of forensic evidence.
- The decision to impose a school based consequences remain with the Headteacher and governing body. It is important to indicate if the decision is made at the time of the incident or at a later date, and how that is communicated to the learner and family.
- Each incident will be considered and a measured response provided according to the individual circumstances and severity of the incident.
- A risk assessment should be carried out by the police on the severity of the offence and if appropriate presented at Fair Access Panel to consider the most appropriate action for the learner. This would be on the request of the Fair Access Panel Chair to Lewisham Safer Schools. This will be presented at Fair Access.
- Headteachers may decide on a Restorative Justice meeting between all parties, where appropriate and diversionary support for perpetrator from Youth Offending Service, Community Services. This can also be supported by a Safer Schools officer.

- Headteachers do have an onus to ensure the community is educated with regards to the reasons why children may bring offensive weapons into school; thus seeing them as a 'victims' rather than 'perpetrators' and understanding the challenges within the community.
- School based consequences could include:
 - Restorative justice
 - Internal exclusion
 - Fixed term exclusion (for further investigation)
 - Support from agencies and Violence Reduction Team
 - Managed move to Alternative Provision, another Lewisham school or a school outside the borough
 - Permanent exclusion

5. Police Action

Once informed of the incident police will make the decision on the appropriate action to be taken, this will depend on the gravity of the offence and specific factors concerning the young person. These may include:

- Previous incidents that have come to notice at the school or through police contact such as arrest or previous prosecution.
- Prevalence of offence in local area.
- Attitude of offender.
- Age of offender.

Where a decision is made to question or arrest the offender they will be usually required to attend a police station.

Once all the evidence has been gathered the police (maybe in consultation with the Crown Prosecution Service) will make a decision on the appropriate disposal of the matter. Such disposal can run in parallel with any action the school may have taken or is considering.

The disposal will consider the following options:

- Take no further action.
- Warn the suspect in accordance with the Legal Aid, Sentencing & Punishment of Offenders Act 2012 and referral to Youth Offending Service for a triage / youth caution / youth conditional caution - where diversionary support for perpetrator can be offered.
- Charge to Court.

The final decision will be based upon the learner's previous offending history, details of the specific incident and any other mitigating circumstances. The issue of exclusion from school will remain the decision of the school's Headteacher.

5.1 Non-arrest decision

Where a decision is agreed upon not to arrest or prosecute an offender then in all cases the school will facilitate an internal restorative justice conference to be run by the school and which can be supported by Safer Schools officers.

See Appendix 3: Bladed Articles and Offensive Weapons Guideline Consultation Youths (P57 - these are used by courts to assess the seriousness of the offence).

6. Support from Lewisham Police

Lewisham police are willing to advise and support any school to educate learners, through assemblies and PHSE, on the dangers and consequences of violent behaviour and carrying offensive weapons. Support can also be given in detecting weapons in schools. See **Appendix 3 for the list of Safer Schools Officers.**

6.1 Presentations

There are a range of presentations that change from time to time and which are available from the Safer Schools officers.

7. Search Arches - an effective tool

The use of arches on a random basis acts as a deterrent and may prevent escalation of previous incidents. Safer Schools officers or Safer Neighbourhood officers can act as an advisor/ support and deal with any offences found.

Lewisham police are able to provide extra hand held search 'wands' to facilitate searching.

Pre agreements will enable staff to be trained and allow the deployment of the arch at the earliest possible time.

It is the role of the school to inform pupils and parents of the possibility of the powers under the Violent Crime Reduction Act 2006 being exercised.

The use of these arches should be considered to assist in sending out the joint prevention message. The knife arch have been deployed across the Borough by police teams in public places and has been widely utilised by Safer Transport on the bus networks.

8. Other agency support

8.1 Lewisham Outreach Service

This is aimed at targeting learners who are considered to be most at risk of exclusion in Lewisham secondary schools. This is working with the entire year 6 cohort in different schools across the borough. This is a workshop offering the four main areas of transition:

1. What's the difference
2. Expectations
3. Keeping safe
4. Getting it right

8.2 Abbey Manor College

The majority of children and young people who committed a weapons offence will be referred to Abbey Manor College. It is expected that learners who are permanently excluded from school are given the opportunity to reengage in full time education after a period of rehabilitation in alternative provision or a pupil referral unit. Learners who are ready for reintegration are referred to the Lewisham Fair Access Panel.

Readiness for reintegration would be based on the following:

- Learners progress at Abbey Manor College – attendance, punctuality and academic progress.
- The learner does not commit any further weapon offences whilst at Abbey Manor College – in school or out of school.
- There are no further arrests and any YOS Order is complete.
- The learner has a clear understanding of the consequences of the weapons offence for themselves and any victim.
- There is a collaborative programme of 'offensive weapons awareness' provided to the learner by YOS or the police.
- The learner has completed a programme of restorative justice in order to encourage a 'fresh start'.
- A risk assessment must be completed at Admission and at point of reintegration.
- There is no guarantee of a second chance if the learner reoffends or does not meet the school's behaviour policy.

These principles would apply where a child or young person is placed in other Alternative Provision.

8.3 Youth Offenders Team:

Trauma informed offensive weapon awareness programme

- Support for young people register with the Lewisham Youth Offenders Service.
- Target on offensive weapons possession for those who have been charged.
- Four to six week engagement phase – building relationships, assessing trauma, assessing risk, safety and wellbeing.
- Programme will cover peer on peer abuse, context and environment, self-image, group dynamic, letter to self, impact of violent offending on staff (Vicarious Trauma).
- Train the trainer programme/

Awareness raising

- Young people and staff awareness of the Youth Justice System and youth crime responses.

8.4 Violence Reduction Team - schools work

The school work programme is part of the Violence Reduction Teams (VRT) early help offer, aimed at young people aged between 10-16 years, offering students across the borough a better understanding on issues that young people in Lewisham could potentially be faced with in relation to contextual safeguarding issues.

The programme looks at trying to equip our young people with the knowledge and skills needed in order to break the cycle of serious youth violence. This is done by focusing on violence across the borough looking at choices and consequences in relation to knife crime, grooming / county line drug dealing and the influence of drill music. VRT have already delivered these workshops to a number of school across the borough and are now delivering joint up work with the MET police and community organisations with a focus on enrichment days.

The offer

- Enrichment days for year six primary students.
- Enrichment days for secondary student
- Teacher training
- Awareness session for Parents / Carers

9. Other resources

- 9.1 [School Assessment Toolkit \(csnetwork.org.uk\)](https://csnetwork.org.uk) linked to University of Bedfordshire.

10. Case studies

Child: 1	Gender: Female
Age: 10	School Year: 6

Incident: Referral received from Lewisham Education in regards to a child aged 10 who had brought a kitchen knife into school. The major concern was not only did she have the knife in her book-bag all day, but that child 1 had showed the knife to other students within her class and not one other student inform a teacher or an appropriate adult.

The incident was brought to light after another child in school eventually went home and informed her parent that child 1 had a knife in school that day. The school took appropriate action and made contact with the local authority who referred the case over to the Lewisham Violence Reduction Team (VRT).

Appropriate safeguarding was put in place around the child which focused on the reasons that led the child to bring the knife into school in the first instance; which was child 1 had witnessed a knife attack in the local community the week before. A MASH referral was completed and the VRT also

completed session around consequences. A whole classroom session was also completed (age-appropriate to year six) around knife awareness, decisions and consequences and informing appropriate adults.

Since the incident no further concerns have been raised by the school in relation to the individual and also the wider school. All appropriate actions were put in place and this incident was dealt with as a safeguarding concern with a restorative approach rather than criminal.

Child: 2	Gender: Male
Age: 12	School Year: 7

FSM – No
SEN - No
Ethnicity: Refused

School attended: Previously attended Lewisham Primary school and transitioned to Lewisham secondary school.

Incident: Permanently excluded for bringing a BB gun into school and shot several students causing injury. Governor’s Disciplinary panel met to consider the case for exclusion in May, the exclusion was upheld. The case was referred to MASH via the school but did not reach threshold for Social Care intervention. No record or concerns of any of any SEN from the school that might explain the child’s actions. Various historic records from 2011 from Children’s Social Care relating to this child and the wider family network. Child was not referred to YOS as matter was dealt with by school to ensure child was not criminalised.

Child was referred to Abbey Manor College, PRU following th exclusion in March, he has not started as the family refuse to accept the placement, his case has been escalated to our Attendance Officer who will investigate and consider a School Attendance Order. He remains out of education.

Child: 3	Gender: Female
Age: 15	School Year: 10

FSM – No
SEN - No
Ethnicity: Refused

School attended: Previously attended Lewisham Primary school and transitioned to a Lewisham secondary school, change of secondary school in 2021.

Incident: Permanently excluded from school in June following an incident in school.

Taken from the exclusion notification form;

“As stated in the previous letter, we have carried out an extensive investigation of the incident which took place on Wednesday 25th May. I was clear that on that day child 3 was completely out of our care and control. Child 3 was involved in a violent fight with other students. When staff intervened to calm the situation, child 3 completely ignored their instructions. At one point, Child 3 was throwing tables at the other students narrowly missing the staff who were trying to deal with the situation. Staff who intervened were injured in the process. Despite being escorted by a teacher and the Vice Principal, out of the dangerous situation Child 3 left the school site ignoring the direction of senior staff who were trying to calm the situation, Child 3 subsequently returned to the site with a knife and was found attempting to climb the school fence brandishing the knife. Two members of staff tried unsuccessfully to take the knife from the child. Eventually Senior Vice Principal arrived and

managed to take the knife. Students or staff could have been seriously injured or killed because of Child 3's actions. Fortunately, the swift action of staff who intervened prevented this from happening"

Child 3 was offered a Managed Transfer as the school advocated for the best possible option to ensure there was as little impact on the pupil going into year 11. This pupil has suffered a lot of trauma and is being supported by Children's Social Care, CAMHS and a weekly therapist. The family accepted the managed transfer and so the permanent exclusion was withdrawn. The child was placed in Alternative provision whilst the local authority continued to find the best education available. This child has now been given a space back in a mainstream school to finish year 11.

11. Statement of intent

The intention is to send out a unified message across the borough.

Signed:	Secondary school:	Dated:
Signed:	Primary school:	Dated:
Signed:	Children and Young People:	Dated:
Signed:	Safer Lewisham Partnership:	Dated:

For this policy to be successful in protecting students, staff and the public in our communities, it will need to be implemented by all schools and services.

Appendix 1

Common offences on school premises

Section 4 of the Education Act 1996 provides a general meaning for the term 'school'.

4(1) In this Act **school** subject to subsections (1A) to (1C) means an educational institution which is outside the further education sector and the wider higher education sector and is an institution for providing:

- (a) primary education,
- (b) secondary education, or
- (c) both primary and secondary education, whether or not the institution also provides further education.

4(1A) An institution which:

- (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
- (b) is not a maintained nursery school, is not a school.

4(1B) A 16 to 19 Academy is not a school.

4(1C) An alternative provision Academy is a school.

4(2) Nothing in subsection (1) shall be taken to preclude the making of arrangements under section 19(1) (exceptional educational provision) under which part-time education is to be provided at a school; and for the purposes of this Act an educational institution that would fall within subsection (1) but for the fact that it provides part-time rather than full-time education shall nevertheless be treated as a school if that part-time education is provided under arrangements made under section 19(1).

4(3) For the purposes of this Act an institution is outside the further education sector if it is not -

- (a) an institution conducted by a further education corporation established under section 15 or 16 of the Further and Higher Education Act 1992, or
- (b) a designated institution for the purposes of Part I of that Act (defined in section 28(4) of that Act), or
- (c) a sixth form college; and references to institutions within that sector shall be construed accordingly.

4(4) For the purposes of this Act an institution is outside the wider higher education sector if:

- (a) in relation to England, it is not a registered higher education provider within the meaning given by section 3(10) of the Higher Education and Research Act 2017, or
- (b) in relation to Wales, it is not an institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992; and references to institutions within the wider higher education sector are to be construed accordingly.

With regards to section 4(1C) an 'alternative provision Academy' is a 'pupil referral unit' (PRU) that has converted to academy status. **Guidance on Pupil referral units: converting to alternative provision academies** states: Pupil referral units (PRUs) teach children who aren't able to attend school and may not otherwise receive suitable education. This could be because they have a short- or long-term illness, have been excluded or are a new starter waiting for a mainstream school place. PRUs that convert to academy status become alternative provision (AP) academies. PRUs can convert on their own, as part of a chain of academies, or with the support of a sponsor.

Offences on schools premises under Criminal Justice act 1988;

1. Possess article with blade / sharply pointed article on school / further education premises Contrary to **section 139A(1) and (5)** of the Criminal Justice Act 1988.

Points to Prove

- date and location
- have with you on school premises / further education premises
- an article with a blade / sharply pointed OR
- a folding pocket knife with blade cutting edge exceeding 7.62cm (3 inches)

2. Threaten a person with a blade / sharply pointed article on school premises contrary to **section 139AA(1) and (6)** of the Criminal Justice Act 1988.

Points to Prove

- date and location
- had with him / her
- on school premises
- an article which had a blade or was sharply pointed OR

- a folding pocket knife which had a blade the cutting edge of which exceeded 7.62 centimetres or three inches OR
 - and unlawfully and intentionally threatened another person with that article / pocket knife in such a way that a reasonable person exposed to the same threat would think there was an immediate risk of physical harm to them
 - OFFENCE CAN ALSO BE AIDED or ABETED
3. Threaten a person with an offensive weapon on school premises Contrary to **section 139AA(1) and (6)** of the Criminal Justice Act 1988.

Points to Prove

- date and location
- had an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953 with him / her
- on school premises
- and unlawfully and intentionally threatened another with it in such a way that a reasonable person who was exposed to the same threat would think that there was an immediate risk of physical harm
- OFFENCE CAN ALSO BE AIDED or ABETED

4. Possess offensive weapon on school / further education premises Contrary to **section 139A(2) and (5)** of the Criminal Justice Act 1988.

Points to Prove

- date and location
- had with them
- on school premises / further education premises
- an offensive weapon within the meaning of Section 1 of the Prevention of Crime Act 1953

Defences

- 139A(3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.
- 139A(4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him/her:
 - (a) for use at work,
 - (b) for educational purposes,
 - (c) for religious reasons, or
 - (d) as part of any national costume.

BB guns (plastic pellet guns)

The possession of these types of guns under legislation is not an offence as they are deemed to be toys. However, if from a school's perspective they breach school rules, they could be seized and retained under the Education Act.

If an item is found which is suspected to be a gun, and it cannot be ascertained whether it is a genuine firearm or a BB gun, it should always be treated as a firearm and the police called to make that decision.

Possession of these items becomes an offence when a person is misled into believing they are genuine firearms in order to provoke fear; the BB gun may then be classed as an imitation firearm. Circumstances giving rise to this belief may include use:

- in connection with a robbery
- to threaten someone
- as a weapon to assault someone, e.g. pellet injures

Possession of a taser (stun gun) POS

Classed as firearms, TASERs discharge a high level of voltage designed to incapacitate a person; any possession of such items is a serious offence and should be reported to the police. Disguise or concealment of a TASER as another item e.g. mobile phone, is considered a serious aggravating factor. TASERs may be designed to look like torches or mobile phones, but will usually feature metal prongs which are fired to penetrate the skin and discharge an electrical current via fine filaments. Stun guns use metal electrodes to deliver shocks via direct contact.

Staff – powers to search pupils

Section 550ZA of the Education Act 1996 enables a Headteacher /Principal or other authorised member of staff of a school in England, to search a pupil and their possessions, if they have reasonable grounds to believe that the pupil is carrying a prohibited item.

- **550ZA (1)** This section applies where a member of staff of a school in England: (a) has reasonable grounds for suspecting that a pupil at the school may have a prohibited item with him or her or in his or her possessions; and (b) falls within section 550ZB(1).
- **550ZA (2)** The member of staff may search the pupil ("P") or P's possessions for that item.
- **550ZA (3)** For the purposes of this section and section 550ZC each of the following is a prohibited item:
 - an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.);
 - an offensive weapon, within the meaning of the Prevention of Crime Act 1953;
 - alcohol, within the meaning of section 191 of the Licensing Act 2003;
 - a controlled drug, within the meaning of section 2 of the Misuse of Drugs Act 1971, which section 5 (1) of that Act makes it unlawful for P to have in P's possession;
 - a stolen article;
 - (ea) an article that the member of staff reasonably suspects has been, or is likely to be, used - (i) to commit an offence, or (ii) to cause personal injury to, or damage to the property of, any person (including P);
 - an article of a kind specified in regulations ;
 - any other item which the school rules identify as an item for which a search may be made

EDUCATION ACT 1996 - POWER OF SEARCH SUPPLEMENTARY (AUTHORISATION / CONDITIONS) (ENGLAND ONLY)

Section 550ZB of the Education Act 1996 sets out the conditions before a search can be carried out on a pupil or their possessions under section 550ZA (English school only).

550ZB(1) A person may carry out a search under section 550ZA only if that person:

- (a) is the Headteacher/Principal of the school; or
- (b) has been authorised by the Headteacher/Principal to carry out the search.

550ZB(4) A search under section 550ZA may be carried out only where:

- a) the member of staff and P are on the premises of the school; or
- b) they are elsewhere and the member of staff has lawful control or charge of P.

550ZB(5) A person exercising the power in section 550ZA to search for an item within section **550ZA(3)(a) to (f) may use such force as is reasonable in the circumstances** for exercising that power.

550ZB(6) A person carrying out a search of P under section 550ZA:

- a) may not require P to remove any clothing other than outer clothing
- b) must be of the same sex as P, unless the condition in subsection (6A) is satisfied
- c) may carry out the search only in the presence of another member of staff, unless the condition in subsection (6A) is satisfied; and
- d) must ensure that the other member of staff is of the same sex as P if it is reasonably practicable to do so.

550ZB(6A) The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

- b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as P or in the presence of another member of staff (as the case may be).

550ZB(7) P's possessions may not be searched under section 550ZA except in the presence of:

- a) P; and
b) another member of staff, unless the condition in subsection (7A) is satisfied.

550ZB(7A) The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

Power of seizure, retention and disposal

Section 550ZC of the Education Act 1996 states what powers are available to a Headteacher/Principal or other authorised member of staff of a school in England who discover prohibited items when searching a pupil or their possessions under section 550ZA.

550ZC(1) A person carrying out a search under section 550ZA may seize any of the following found in the course of the search:

- a) anything which that person has reasonable grounds for suspecting is a prohibited item
b) any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence.

550ZC(2) A person exercising the power in subsection (1) to seize an item within section **550ZA(3)(a) to (f)** or anything within subsection (1)(b); may use such force as is reasonable in the circumstances for exercising that power.

550ZC(6A) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must:

- a) deliver the item to a police constable as soon as reasonably practicable,
b) return the item to its owner,
c) retain the item, or
d) dispose of the item.

550ZC(6B) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)(g) (item for which search may be made under school rules) under subsection (1) must return it to its owner, retain it or dispose of it.

550ZC(6C) In deciding what to do with an item under subsection (6A) or (6B), the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.

550ZC(8) A person who, under subsection (1), seizes –

- a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);
b) an offensive weapon; or
c) anything which that person has reasonable grounds for suspecting is evidence in relation to an offence;

must deliver it to a police constable as soon as reasonably practicable

Appendix 2

School powers to search and screen pupils for offensive weapons¹

Schools in England have powers to search and screen pupils and confiscate prohibited items. The Department for Education released Departmental Advice entitled Searching, screening and confiscation in February 2014. This advice applies to all schools in England.

What is a “prohibited item”?

- Prohibited items include:

- knives or weapons;
- alcohol;
- illegal drugs;
- stolen items;
- tobacco and cigarette papers;
- fireworks;
- corrosive substances;
- pornographic images;
- any article that a member of staff reasonably suspects has been, or is likely to be, used to commit an offence or injure a person or damage property; and
- any item which a school policy specifies as banned and able to be searched for.

Schools should clearly state in their behaviour policy which items are prohibited. The headteacher must publicise this policy in writing to staff, pupils and parents annually. Maintained schools must do so in accordance with section 89 Education and Inspections Act 2006. Academy schools must do so in accordance with the School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012 Offensive Weapons.

Screening pupils at school

Schools can force pupils to be screened by a walk through or hand-held metal detector whether or not they suspect the pupil of having a weapon and without that pupil's consent. Any member of staff can screen pupils. This type of screening without physical contact differs from the power to search pupils, as explained below.

If a pupil refuses to be screened, the school may refuse to allow the pupil on to the premises. This will be treated as an unauthorised absence and not an exclusion. For more information on unauthorised absences see our information page on School attendance and absence.

Searching pupils with consent

School staff can search pupils with their consent for any item. The consent does not have to be in writing. If a member of staff suspects that a pupil has a prohibited item and the pupil refuses to agree to be searched then the school can punish the pupil in accordance with their school policy.

A headteacher or a member of staff authorised by the headteacher can carry out the search for prohibited items where there are reasonable grounds for suspecting that a pupil is in possession of a prohibited item. The member of staff must be the same sex as the pupil and another member of staff should act as a witness. However, a search can be carried out by a member of staff who is of the opposite sex to the pupil and without a witness where the staff member reasonably believes that there is a risk of serious harm to a person if such a search is not carried out immediately and it is not reasonably practicable to call another member of staff. In such cases, staff should take into account the increased expectation of privacy for older pupils.

What are reasonable grounds for suspicion?

Members of staff must decide in each case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or notice a pupil behaving in a suspicious manner. The school can rely on CCTV footage to help reach their decision. These powers apply regardless of whether any prohibited item is found on the pupil.

Where can searches be carried out?

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control of the pupil e.g. on school trips in England or in training settings.

What requirements are there during the search?

The extent of search

Pupils can only be required to remove 'outer clothing'. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear. Outer clothing includes hats, shoes, boots, gloves and scarves. The power to search without consent permits a personal search

involving the removal of outer clothing and searching of pockets. Staff cannot carry out an intimate search; this can only be carried out by the police.

Searching a pupil's possessions

A pupil's possessions can only be searched with the pupil and another member of staff present unless there is a risk of serious harm to a person if the search is not carried out immediately and it is not reasonably practicable to summon another member of staff. 'Possessions' mean any goods over which the pupil has or appears to have control including desks, lockers and bags.

Searching lockers and desks

Schools can search lockers and desks with the pupil's consent. Schools can make it a precondition of having a desk or locker that pupils will agree to a search whether or not the pupil is present. If a pupil refuses to allow the search then schools can still carry out the search for prohibited items.

Use of force

When conducting a search for any prohibited item as listed above on this page, members of staff can use such force as is reasonable, given the circumstances and where there is a risk to pupils, perpetrator, staff or premises. However force cannot be used to search for items solely banned under school rules.

When can a school confiscate items?

Section 91 of the Education and Inspections Act 2006* gives schools power to discipline pupils which enables a member of staff to confiscate, keep or dispose of pupil's property as a disciplinary measure where it is reasonable to do so. Staff have a defence to any complaint provided they act within their legal powers. The law protects members of staff from liability for any loss of or damage to any confiscated item (see prohibited items above), provided that they have acted lawfully.

* http://www.legislation.gov.uk/ukpga/2006/40/pdfs/ukpga_20060040_en.pdf

Items confiscated pursuant to a 'with consent' search.

Staff can use their discretion to confiscate, keep or destroy any item found provided it is reasonable in the circumstances. If any item is thought to be a weapon it must be passed to the police.

Items confiscated pursuant to a 'without consent' search.

A member of staff can seize anything that they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

Is there a duty to inform parents about a search?

There is no obligation on schools to inform or seek the consent of parents before a search. It is good practice, and a Lewisham recommendation, for schools to inform a pupil's parents/guardians where alcohol, illegal or harmful substances are found (unless there are safeguarding concerns) although there is no legal requirement to do so.

Schools do not have to make or keep a record of a search. It would be good practice and a Lewisham recommendation to keep a record of any searches to create an audit trail for any potential complaints. Any complaints about screening or searching should be dealt with through the normal school complaints procedure. See our information page on Complaints to schools for more details on how to do this.

Appendix 3

Factors to consider when assessing an offensive weapons incident in school

Mitigating Factors (-)	Aggravating Factors (+)
<ul style="list-style-type: none"> ▪ Previous good character and/or exemplary conduct ▪ Genuine mistake or misunderstanding (eg did not remember the knife was in the offenders possession) ▪ Vulnerability of the offender ▪ Mental disorder or learning disability ▪ Particularly young or immature pupil ▪ Offender is or was at time of offence suffering from significant mental or physical ill-health and offence is not likely to be repeated ▪ A permanent exclusion might exacerbate any physical or mental ill-health ▪ Participated in incident due to peer pressure/bullying ▪ Offender was influenced by others more criminally sophisticated ▪ Provocation from victim or victim's group and offender reacted impulsively ▪ Little or no planning ▪ Co-operation with the school ▪ Unstable upbringing including but not limited to numerous care placements, exposure to drug and alcohol abuse, lack of attendance at school, lack of familial presence or support, victim of neglect and/or abuse, exposure to familial criminal behaviour ▪ Determination and/or demonstration of steps taken to address incident ▪ The offence is minor and offender has put right harm or loss caused; has expressed regret; offered reparation or compensation ▪ The offence is so old that the relevance of any response is minimised, i.e. there has been a long delay between the offence occurring and the point of decision making – Unless the offence is serious; the offender contributed to the delay; the offence only recently came to light; or the complexity of the offence has contributed to long investigation. 	<ul style="list-style-type: none"> ▪ Weapon used or violence threatened ▪ Evidence of planning/premeditation ▪ Pupil in a group or gang or offence was committed by a group ▪ Offender was ringleader/organiser ▪ Established evidence of community/wider impact ▪ Deliberate humiliation of victim, including but not limited to filming of the incident, deliberately committing the incident before a group of peers with the intent of causing additional distress or circulating details/photos/videos etc of the incident on social media or within peer groups ▪ Victim is targeted due to a vulnerability (or a perceived vulnerability), deliberately put in considerable fear or suffered personal attack, damage or disturbance ▪ Offence motivated by discrimination against victim's racial or ethnic origin, religious beliefs, gender, political views or sexual preference ▪ Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting in the resolution of the incident ▪ Incident committed with intent to commit a sexual offence ▪ Location of the incident (eg public ie incident is known within the school and/or the wider school community ▪ Attempts to conceal/dispose of evidence ▪ Failure to respond to warnings about behaviour ▪ There are grounds for believing the offence is likely to be repeated or continued – e.g. by a history of recurring conduct

In law for 10-15 year olds, possession only of an offensive weapon usually results in a Youth Caution or a Youth Conditional Caution. The young person can be charged but this is only likely if the circumstances of the possession eg the degree of danger and the concern caused to pupils and staff warrant a charge.

This chimes well with many schools response to possession which can be to facilitate a managed move for a first possession of a knife.

Threatening with a blade or offensive weapon in public or at school normally results in a charge for 10-15 year olds, and again schools would normally permanently exclude for such an incident.

With offensive weapons, as with any major incident that puts a child at risk of permanent exclusion, it is good practice to consider the impact of any decision on the child, and, as is in sentence guidance, schools should also consider the welfare of the child (see mitigating factors, vulnerability of 'offender').

The fact that a sentence threshold is crossed does not necessarily mean that is the sentence that should be imposed.

When sentencing, new draft guidelines will require courts to assess the seriousness of the offence by considering the following non-exhaustive mitigating and aggravating factors.

Appendix 4 References

1. <http://childlawadvice.org.uk/information-pages/school-powers-to-search-and-screen-pupils/>
http://www.legislation.gov.uk/ukpga/2006/40/pdfs/ukpga_20060040_en.pdf
2. ACPO Youth Offender Case Disposal Gravity Factor Matrix (March 2013)
<http://cps.gov.uk/legal/assets/uploads/files/Gravity%20Matrix%20May09.pdf>
3. Draft Sentencing Guidelines on bladed articles and offensive weapons (March 2017)
<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/1028/1028.pdf>
4. <https://www.sentencingcouncil.org.uk/wp-content/uploads/Draft-guideline-Bladed-articles-and-offensive-weapons-guideline.pdf>

Appendix 3 – Police Contact details

Officer	Email	Phone
Team Leader PS Kevin LEA 210SE	Kevin.Lea@met.police.uk	0207 232 7618
PC Gary ARTERTON 3752SE	Gary.arterton@met.police.uk	0207 232 7618
PC Leigh HAMMOND 4965SE	Leigh.M.Hammond@met.police.uk	0207 232 7618
PC Christopher QUINN 3430SE	Christopher.Quinn2@met.police.uk	0207 232 7618
PC Mustafa ALTINDAL 1105SE	Mustafa.Altindal@met.police.uk	0207 232 7618
PC Sophie OMAN 3541SE	Sophie.Oman@met.police.uk	0207 232 7618
PC Ian WHITE 1198SE	Ian.White2@met.police.uk	0207 232 7618
PC Connor LOCKETT 2340SE	Connor.Lockett@met.police.uk	0207 232 7618
PC Paul SHAW 3355SE	Paul.Shaw@met.police.uk	0207 232 7618
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