

Offensive Weapons Policy

At Path 4 we consider that the safety of students, teaching and non-teaching staff, parents and visitors is of paramount importance, and must be protected through the minimisation of risk of harm.

This policy on offensive weapons is part of our dedication to safeguarding all who are involved at any time with Path 4. It is not a reflection on the students who attend.

Legislation

It is an offence, under section 139A of the Criminal Justice Act 1988, to carry an offensive weapon or knife on school premises. The definition of school premises here is in its widest sense, including not just the buildings, but the outdoor area within the school's curtilage. 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 of 1996 and makes provision for members of staff to search pupils. This came into force on 31 May 2007. Part 7 of the Education and Inspections Act 2006 (which came into force on 1 April 2007) sets out the responsibilities of schools in relation to discipline. Schools general powers to discipline are set out in Section 91; Section 93 specifically deals with the powers of school staff to use reasonable force to maintain good order and discipline at a school, as well as preventing the commission of an offence, personal injury or damage to property. Section 94 provides a defence in any proceedings relating to the confiscation of pupils' possessions.

Heads of Centre and staff authorised by them have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item.

Prohibited items are:

- Knives or weapons
- Alcohol
- Illegal Drugs
- Stolen items
- Tobacco and cigarette papers
- E Cigarettes / Vapes
- Fireworks
- Pornographic images

Any article that staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage the property of, any person (including the student)

Heads of Centre and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. School staff can seize any item, however found, which they consider harmful or detrimental to school discipline.

The DfE believes that should a school wish to implement these powers, their use would be justified to keep pupils and staff safe in school, and therefore unlikely to contravene basic rights as laid down in the Human Rights Act of 1998. Schools are able to use blanket 'non-contact' or minimal contact screening for weapons without needing consent or grounds of suspicion to do so. Where a member of staff has reasonable grounds to suspect that a student is carrying a weapon, Path 4 staff will then be able to use the new powers to carry out a "hands on" search without consent.

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. However, it is the policy of Path 4 that no offensive weapon may be carried whilst travelling to or from Path 4, nor shall such a weapon, whether intended as a dangerous implement or not, be brought on the premises. Students do not require knives as part of the curriculum.

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.' Sections 139 and 139A of the Criminal Justice Act 1988 refer to any article that has a blade or point or is sharply pointed.

Schools are advised that, although not covered by legislation, they can impose their own ban on pupils carrying folding pocket knives or Swiss Army knives. It is the decision of Path 4, that any type of pocket knife, or blade, including razor blades, shall be deemed as offensive weapons. In the same way, anything designed, adapted or intended to be used in causing injury' will come under these regulations; for instance a baseball bat or cue used to threaten someone or a pen sharpened and thrown at someone deliberately.

Dealing with an incident involving offensive weapons.

If a member of staff has reason to believe that a student may be in possession of an illegal or dangerous weapon they will immediately inform the Head of Centre.

In the first instance, the Head of Centre should ensure that the student is taken away from other students before informing them of the reason. The Head of Centre should then seek to confirm their suspicion by questioning the student. It is advisable that an adult witness is present.

If the student confirms that they are carrying an offensive weapon, the Head of Centre will remind

the student about the school policy and the penalties attached to carrying such a weapon. The student should be asked to place the weapon on a safe surface. Even if the student appears to be co-operative a member of staff should not reach out a hand for a knife or other sharp weapon.

If the student refuses to hand over the weapon, staff should 'talk down' to calm the student and prevent or reduce escalation. If the student persists in refusing, a search should not be carried out as the student has already admitted possession but is unwilling to comply. Police should be called immediately and the two staff should remain with the student at all times, continuing to use de-escalation techniques.

If the student denies possession of an offensive weapon, the Head of Centre should request a search. A 'with-consent' search is preferable. The statutory constraints listed below do not apply, however we recommend that staff proceed by following them.

If the student refuses a search the Head of Centre will decide if a search should be conducted following Path 4 guidelines (see below). The Head of Centre should consider the risks involved and if in doubt should regard safety first and contact the Police immediately. If it is considered safe to proceed without immediate Police involvement then:

Searches should only be carried out by Path 4 staff and never by volunteers. The second person present to witness the search can be anyone who, by the authority of the Head of Centre, has lawful control or charge of the students. At Path 4 we will endeavour to use only trained and paid members of staff for both roles.

Two members of staff must be present at a without-consent search of a pupil or his/her possessions.

During such a search, the searcher and preferably the witness staff also must be of the same sex as the pupil searched. A pupil's possessions can be searched without consent, with a second person present, if they are of the opposite gender. The student must be present.

The law permits such searches to take place off site such as on a Path 4 visit. The same procedures apply.

Staff may ask students to remove outer clothing only. Should a student offer to remove clothes beneath the outer clothes, staff must ask the student not to do so.

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.

If a pupil is un-co-operative with any reasonable requests made during the search, it is far safer to call the police than for a member of staff to proceed with the search at potential risk to themselves, the pupil or anyone else.

Sanctions

Students who carry an offensive weapon will be given a fixed-term exclusion as of immediate effect pending a full investigation. Staff will carry out the investigation in no more than 4 days from the event, including a thorough risk assessment of the student and the risk to others.

A meeting involving the Head of Centre, Assistant Head of Centre and Management Committee, will be held to determine whether it is feasible to continue working with this student at Path 4.

AT NO POINT DO CENTRES WORK IN ISOLATION IN THESE CASES

Students will be expected to attend a meeting with their parent/carer and a representative from the referring school. Depending on the severity of the incident this meeting may also include Police/YOT representative, social worker and any other agency involved with the student.

At this meeting it will be determined whether the student will be returning to Path 4 or whether this will indicate the termination of their placement. If the student is to return, they will be required to engage with external agencies and to sign a new behaviour contract with Path 4.

Legislative Links:

The Education Act 1996/ Education and Inspections Act 1996

Education (Independent School Standards)(England) Regulations 2010

School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012

Searching, screening and confiscation: advice for schools Feb 2014 (Ref: DFE-00034-2014) update on Screening and searching pupils for weapons: guidance for school staff (DCSF 2007)

Signed: *Moinul Islam*

Position: Head of center

Date: 20/07/2024

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Date: 20/07/2024

To be reviewed annually.