**Offensive Weapons Policy**

**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.”*

This policy takes guidance from

* Offensive Weapons Act 2019 (OWA)
* DfE ‘Searching, screening and confiscation Advice for headteachers, school staff and governing bodies’ July 2022
* DfE ‘Use of reasonable force’ July 2013
* [Criminal Justice Act 1988 (CJA).](https://www.legislation.gov.uk/ukpga/1988/33/contents)

The Offensive Weapons Act 2019 (OWA) introduced new offences such as [possession of a corrosive substance in a public place, threatening with a blade, offensive weapon or corrosive substance in a private place,] possession of certain prohibited knives in a private place  and amended the definitions and defences to certain existing offences.

The vast majority of young people attending The Tutorial Foundation 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 have a duty and a responsibility to protect and safeguard their learners and staff. The Tutorial Foundation is a safe place 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 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.

**Pupils Must NEVER:**

Bring into The Tutorial Foundation or take on a School visit a knife, a gun, corrosive substance or any other implement which has the potential to cause harm to others

**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 head teachers and school staff on the power to discipline.
* 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.
* 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.
* At the Tutorial Foundation the use of a hand held wand will be used daily for any student with a record of carrying or using offensive weapons

**Guidance on searches**

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 July 2022. This advice applies to all schools in England.

**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 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 to contact the Bromley Safe Neighbourhood Team.
* 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 Bromley Safe Neighbourhood Team or if unavailable 101.
* Where weapons come into staff possession they will be retained for collection by the Police Officer.
* 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.

**Subsequent actions**

* In consultation with or on advice of police school staff should document the incident and collect witness statements. Staff will 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 Head teacher. 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.
* The Head teacher may decide on a Restorative Justice meeting between all parties, where appropriate and diversionary support for perpetrator from Youth Offending Service and the relevant Council Anti-social Behaviour Team. This can also be supported by a Safer Schools officer.
* School based consequences could include:
* Restorative justice
* Internal exclusion
* Fixed term exclusion (for further investigation)
* Permanent exclusion

**External Support**

The Tutorial Foundation may decide to call upon various outside agencies to assist in training staff and students about the risks of offensive weapons and the consequences of carrying them and bringing them into schools.

This may include:

* **Support from the Police**

To advise and support the 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.

* **Presentations**

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

* **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. .

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.

Policy Sign off and review

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|  | By whom | Date |
| Policy signed off by | Julia Low | 01.11.19 |
| Reviewed by | Sharon Oakes | 08/11/2022 |
| Next Review By | Julia Low | 01.11.2022 |