

WANDSWORTH BOROUGH COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICES OVERVIEW AND SCRUTINY
COMMITTEE – 16TH JANUARY 2007

EXECUTIVE - 22ND JANUARY 2007

Report of the Director of Education on the Draft Policy between the Council, Schools and the
Police on Offensive Weapons

SUMMARY

Following an initial meeting between the Police and senior Councillors and further meetings between secondary school representatives, the Police and Council Officers, a Draft Policy on Offensive Weapons has been developed. The Draft Policy is attached as an Appendix for approval as basis for consultation with governing bodies, prior to endorsement by governing bodies.

GLOSSARY

ABC	Acceptable Behaviour Contract
ASBO	Anti Social Behaviour Order
DfES	Department for Education and Skills
LA	Local Authority
PSHE	Personal, Social, Health, Education
PSP	Pastoral Support Programme
YOT	Youth Offending Team

RECOMMENDATIONS

1. The Children and Young People's Services Overview and Scrutiny Committee are asked to support the recommendations set out in paragraph 3 below.
2. If the Children and Young People's Services Overview and Scrutiny Committee approve any views, comments, or additional recommendations on this report, these will be submitted to the Executive for consideration.

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3. The Executive are recommended to approve the Draft Policy between the Council, schools and the Police on offensive weapons, attached as an Appendix, as a basis for consultation with governing bodies, with a view to seeking Governors' endorsement.

BACKGROUND

4. In August 2006 the Leader of the Council, the Cabinet Member for Children and Young People's Services, the Cabinet Member for Regeneration and Community Safety and Senior Council officers, met with the Borough Commander and his senior staff to agree a Draft Policy which could be supported by the Council and Police, prior to seeking agreement with schools.
5. During the autumn term meetings have been held with secondary school, Police and Council representatives and the draft has undergone a number of adaptations during this process.

AGREED PRINCIPLES

6. School representatives strongly support the principle of a policy statement on offensive weapons. They believe the Policy should give a clear message, supported by schools, the Police and the Council that offensive weapons will not be tolerated on school premises; students are forbidden to bring offensive weapons to schools; and anyone with an offensive weapon on a school site is likely to receive a permanent exclusion from the school.

FACTORS RELATING TO THE DRAFT POLICY

7. The Department for Education and Skills (DfES) are proposing to provide new guidance to schools on screening for offensive weapons, following the enactment of the Violent Crime Reduction Act 2006, which is not yet in force. Whilst advice to schools may change in the light of the new DfES Guidance, the Draft Policy attached, as an Appendix, is supported by summaries of current guidance in relation to the definition of an offensive weapon and appropriate responses, including the conducting of searches.
8. There are different approaches between schools in relation to the extent to which a pupil's past record and any mitigating circumstances are taken into account and also, in relation to whether or not searches of students are appropriate. The Draft Policy, therefore, acknowledges that different approaches between schools are inevitable and allows Headteachers to retain their discretion on any final decision, taking into account the particular circumstances of each event.
9. If a Wandsworth resident of statutory school age is permanently excluded as a result of carrying or threatening to use or using an offensive weapon, the Local Authority (LA) retains the duty to provide them with a full time supervised education. This takes place in the Pupil Referral Unit if reintegration into a mainstream school is not possible. The Head of the Pupil Referral Unit undertakes careful risk assessments of all students and

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the situations into which they are placed but essentially has to offer “a placement of last resort”.

10. During the course of discussion it was stressed by all parties that a proactive approach to making schools safe, non-threatening environments, is an essential component of such a Policy. It was also stressed that preventative work in relation to offensive weapons should be a key part of each school’s strategy on establishing and maintaining good behaviour within the whole school. The importance of explaining to parents and students the school’s approach to offensive weapons and gaining parents’ support for this approach, were also seen as fundamental.

FUTURE ACTION

11. It was agreed that a more co-ordinated approach could be taken between services to support schools in their preventative work in relation to offensive weapons and to assist students in resisting the negative effects of gang membership. Materials from the Youth Offending Team (YOT), the Connexions Service and the Police, need to be brought together, along with Education materials, in order to develop a coherent and consistent programme of materials for schools and parents. Some of these could be delivered by YOT, Connexions or the Police, whilst others would be more suited for school use. Some materials would be for use with classes or groups of students, whilst others would be individual student programmes. It is proposed, therefore, that a working group, including school representatives, YOT, Police and relevant Education Department staff, compile these programmes and materials.

FINALISING THE POLICY

12. Once the Executive has agreed a Draft Policy, it is proposed that this is circulated to governing bodies for consideration at their spring term meeting, with a view to each secondary school governing body endorsing the Policy, or providing comments which would be necessary before they could provide such endorsement.
13. Primary Headteachers will be asked whether they believe there is a need for such a policy at the primary phase.
14. Following this, a report will return to a future meeting of this Committee, attaching a proposed final Draft Policy.

COMMENTS OF THE DIRECTOR OF FINANCE

15. The Director of Finance advises that costs associated with developing and implementing the policy on Offensive Weapons will be contained within existing budget provision.

PAUL ROBINSON
DIRECTOR OF EDUCATION

The Town Hall

Draft Policy on Offensive Weapons

Wandsworth
SW18 2PU

8th January 2007

BACKGROUND PAPERS

1. “Improving Behaviour and Attendance” – Available from Department for Education and Skills (DfES) - Tel. 020 7925 5000, Website www.dfes.gov.uk
2. “School Security – dealing with Troublemakers” – Available from Department for Education and Skills (DfES) – Tel. 020 7925 5000, Website www.dfes.gov.uk

All reports to Overview and Scrutiny Committees, regulatory and other committees, the Executive and the full Council can be viewed on the Council’s website (www.wandsworth.gov.uk/moderngov) unless the report was published before May 2001, in which case the Committee Secretary, Ms R Williamson (020 8871 7857) rwilliamson@wandsworth.gov.uk can supply if required.

WANDSWORTH BOROUGH COUNCIL

**DRAFT POLICY BETWEEN THE COUNCIL, SCHOOLS AND THE POLICE ON
OFFENSIVE WEAPONS : DECEMBER 2006**

INTRODUCTION

- This policy sets out an agreement that has the full support of Wandsworth Borough Council, the Headteachers and Governing Bodies of all 11 Wandsworth maintained secondary schools and the maintained special schools in Wandsworth with secondary aged pupils, the Francis Barber Pupil Referral Unit and the Police.
- The policy has been agreed as part of a broader strategy to ensure a safer Wandsworth, and Council and Police Officers are working together to develop this strategy in practice.
- The Violent Crime Reduction Act 2006 which is not yet in force includes new powers for Headteachers to search pupils if they suspect a pupil of carrying a blade, a sharply pointed article or other offensive weapon (all referred to collectively in this document as offensive weapons). The DfES will provide guidance for schools on screening pupils for offensive weapons. The Act provides schools with the power to carry out a 'hands on' search. Background guidance for this Policy is based on the current guidance.

POLICY STATEMENT

- **Schools will not tolerate offensive weapons being brought onto school premises. They will make clear to all students and parents that students are forbidden to bring offensive weapons to schools or to school organised activities. They will also make clear that to bring offensive weapons onto a school site will result in permanent exclusion except in exceptional circumstances.**
- The aim of this policy is to prevent and deter the carrying of knives or other offensive weapons by young people in the Borough.
- The Council, the Police, Headteachers and Governors want all schools in Wandsworth to be safe places. They will take positive action to encourage safe, acceptable behaviour and to prevent verbal and physical aggression or intimidation. Threatening language is unacceptable and will be taken seriously.
- Headteachers and Governors will ensure all staff and students feel confident that their safety is of highest priority. For this reason, there will be no tolerance in schools of offensive weapons.
- Any suspicions of offensive weapons being carried, will be followed up with searches if necessary. Schools may also seek parents' consent to carry out random searches

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- Schools will take clear action which will affect the pupil and their parents, if any offensive weapon is found following a search.

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OFFENSIVE WEAPONS : DECEMBER 2006**

BACKGROUND

- DfES Guidance on Exclusions 'Improving Behaviour and Attendance' issued in September 2006 states:

'There will, however, be exceptional circumstances where, in the head teacher's judgement, it is appropriate to permanently exclude a child for a first or "one off" offence. These might include:

- a) *serious actual or threatened violence against another pupil or a member of staff;*
- b) *sexual abuse or assault; (Wandsworth Council Safeguarding procedures would apply here)*
- c) *supplying an illegal drug; or*
- d) *carrying an offensive weapon (for advice on what constitutes an offensive weapon, see School Security – Dealing with Troublemakers – Chapter 6 at www.dfes.gov.uk/schoolsecurity/dwt6offensive_weapons.shtml).*

Schools should consider whether or not to inform the police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g. Youth Offending Teams, social workers, etc.

In cases where a head teacher has permanently excluded a pupil for:

- a) *one of the above offences;*

the Secretary of State would not normally expect the governing body or an Independent Appeal Panel to reinstate the pupil'.

- 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 him for such use by him." Sections 139 and 139A of the Criminal Justice Act 1988 refer to "any article which has a blade or point or is sharply pointed, except a folding pocket knife". A folding pocket knife is one which has a cutting edge of no more than three inches in length, and which must be readily foldable at all times. The exception for folding pocket knives does not of course prevent schools from imposing their own bans on pupils carrying such weapons. There are three categories of offensive weapons:-

"Made" could include a dagger or gun;

"Adapted" could include a broken bottle; and

"Intended" for such use could include a rock or stone.

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Clearly many articles are capable of being an offensive weapon but in the latter category there would need to be evidence of intention to use that particular article as a weapon.

- Schools will work closely with the Police and other agencies in relation to prevention, deterrents and follow up to searches and incidents involving offensive weapons. There is an expectation that where a crime has been committed schools will involve the Police.
- If a Wandsworth resident of statutory school age is permanently excluded as a result of carrying, or threatening to use, or using an offensive weapon, the Local Authority retains the duty to provide them with a full time supervised education. This takes place in the Pupil Referral Unit, if reintegration into a mainstream school is not possible.
- The Headteacher in each school will use his or her professional judgement when deciding whether or not to permanently exclude a student.

PREVENTION

- The Headteacher and staff of each school will work with the Police, in particular the Police School Liaison Officer, the Safer Neighbourhood Team and the School Age Robbery Working Group, to ensure all students are clear about the unacceptability of ever carrying an offensive weapon and that all students understand the dangers of weapon use.
- Materials and programmes will be developed with schools by the Youth Offending Team, the Connexions Service and the Police. These will be for all students, to raise their awareness of the definition of offensive weapons, the risks of carrying an offensive weapon, the dangers it could lead to and the effects of the use of offensive weapons, in particular knives.
- The programmes will be for use with the Personal, Social, Health, Education (PSHE) Citizenship and/or Religious Education curriculum for all pupils, with a view to shaping attitudes and values and building pupils' self esteem and resistance to peer pressure. The programmes will also assist students to develop a positive approach to resisting the negative effects of 'gang' membership. The programmes could also be jointly delivered by schools and other agencies to target groups, used by schools with individual students or victims and used for staff development.
- Schools will routinely consult with students on whether or not they feel safe in and around schools and on ways in which the school can positively promote a safe environment with an unthreatening ethos. School Councils will contribute to this process.
- Schools will reinforce ways in which students can raise concerns about their own safety in and around schools.

DETERRENTS

- Schools will make explicit to students and their parents, all aspects of their Behaviour Policy, their range of strategies to avoid and address unacceptable behaviour. They will also make explicit the steps that they will take to prevent offensive weapons coming into schools and the action which will follow if weapons are found.

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- The school's approach will also be discussed with and explained to parents at information sessions, or Parents' Forums. Schools will expect parents' commitment to their approach through signed Home/School agreements, where appropriate.
- Schools will undertake risk assessments to ensure pupils are not able to make inappropriate use of any implements used as part of the curriculum.

SEARCHES

- Schools will publicise to pupils and parents their approach to searches – the reasons for them, the actions undertaken and the likely outcome if offensive weapons are found.
- Staff undertaking searches will be given appropriate training and guidance.
- All schools will seek to avoid confrontation and any action which could provoke antagonism. Schools will also take steps to minimise pupils' anxiety about searches.
- A search should only be undertaken with the co-operation of the student. If the pupil declines to co-operate, the search should be undertaken by the Police.
- Schools may search an individual student if they have suspicions that they could be carrying an offensive weapon. The student will first be asked to hand over any offensive weapon. The individual student would be searched using metal detectors or hand searched if suspicions remained. They would be asked to remove their shoes and pull down the top of their socks. The search would be undertaken in privacy by an authorised member of staff and with another authorised member of staff present. The staff should be the same sex as the student.
- The student's possessions must be searched in his/her presence and in the presence of another member of staff.
- The pupil's parents would be informed if an individual search, following suspicion, has been undertaken regardless of whether anything had been found.
- If a student refuses to empty pockets or bags or remove shoes, then the school should inform or call the Police.
- Given that it is impractical in most schools to combine daily security searches of all students entering the school, schools may choose to undertake random searches of whole groups, such as tutor groups or particular classes. They will gain the consent of parents before pursuing such an approach.

ACTION FOLLOWING SEARCHES AND/OR THE FINDING OF WEAPONS.

When an offensive weapon is found, the Headteacher may use his or her professional judgement to take into account the personal situation of the student and the context of the incident to decide whether or not to permanently exclude the student. Only in exceptional circumstances would the decision be not to exclude.

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If the student hands over a weapon voluntarily:

- The school will undertake a risk assessment of the student staying in the school. If the Headteacher decides the student should be permanently excluded, the Authority will expect the Governors to support the Head's decision. If the Headteacher decides that the circumstances are exceptional then the student must undergo a personalised programme (taking into account their previous history and the current context). The programme will include analysis with the student of why they felt the need to carry an offensive weapon and the risks and consequences of carrying an offensive weapon.
- The parents will be informed of the situation and follow up action with the student, they will be offered a Parents' Support Programme (personalised for their circumstances and any previous history of working with the family), aimed at raising parents' awareness and providing them with strategies to assert greater authority over their child.
- The student's behaviour will continue to be monitored and appropriate support provided.
- Follow up searches of the student could be undertaken from time to time.
- The offensive weapon will be packaged and handed to the School Police Liaison Officer. There is an expectation that the school will decide to inform the Police of the identity of the owner.

If a weapon is found or handed in following a request and where this is the student's first incident associated with a weapon:

- The school will undertake a risk assessment of the student staying in the school. If the Headteacher decides the student should be permanently excluded, the Authority would not normally expect the Governors to reinstate the pupil. If the Headteacher decides the circumstances are exceptional and if the pupil is not already the subject of a Pastoral Support Programme (PSP), then, following a multi-disciplinary meeting, a PSP will be drawn up. This will set out in detail the pupil's expected behaviour, targets for improvement against which the student's behaviour would be monitored and the support provided to assist them in achieving this. The PSP will be regularly monitored.
- If the student is already the subject of a PSP, then an Acceptable Behaviour Contract (ABC) will be drawn up involving the school, the School Police Liaison Officer and the signed agreement of student and their parents. Such a contract would also set targets for improvement against which the pupils' behaviour would be monitored over a period of time. A breach of ABC will result in a student either being considered for an Anti Social Behaviour Order (ASBO), or referred for criminal prosecution.
- The student will, in addition, undertake a personalised programme of awareness raising. This will include analysis with the student of why they felt the need to carry an offensive weapon and the risks and consequences of carrying an offensive weapon.
- The student will be the subject of follow up searches, where it is judged to be appropriate.
- Parents will be informed and asked to undertake a Parenting Support Programme. This will set out in detail the pupil's expected behaviour and the support provided to assist

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them in achieving this, aimed at raising parents' awareness and providing them with strategies to assert greater authority over their child. This will be regularly monitored.

- If parents refuse to undertake the Parenting Support Programme then, a Parenting Contract will be drawn up. This formally sets out expectations of parents' action and the support provided. If the parent does not comply with the terms of the Parenting Contract, then a Parenting Order will be considered.
- The offensive weapon will be packaged and handed to the School Police Liaison Officer. There is an expectation that the school will decide to inform the Police of the identity of the owner.

INCIDENTS

- If an offensive weapon is found on a student and the student failed to take the opportunity to hand it in, or it is a second incident, this would normally result in permanent exclusion.
- If a student is involved in an incident where he/she is threatening the use of an offensive weapon and is found to be carrying one or if a student is brandishing an offensive weapon, this would normally result in permanent exclusion.

