

# School related weapons or potential weapons incidents protocol

Keeping South West London Safe  
Putting victims first – Preventing harm – Working as one team



Kingston and Richmond  
Safeguarding Children Partnership



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## Introduction

The protocol is based on two overarching principles.

- Children and young people involved in school related weapons incidents, including the alleged perpetrators, are vulnerable. These young people need support, protection and education to develop a full understanding of the implications of carrying, and or using, weapons.
- The police and criminal justice process will avoid prosecuting young people involved in these incidents unless such a route is absolutely unavoidable. Police involvement will place a strong emphasis on support, protection and education

This protocol was developed and agreed in July 2019 by:

- schools
- Achieving for Children (AfC) social care
- AfC Exclusions and Reintegration Service
- AfC Education Inclusion Support Service
- Community safety partnerships in Richmond and Kingston
- Metropolitan Police Service, Kingston and Richmond, including dedicated ward officer - children and young person (DWO-CYP)

Please note: the protocol was revised in March 2025 to reflect updated guidance and procedures.

The protocol should be followed where a school-based weapon incident occurs.

Incidents include:

- the carrying in school of knives, weapons or something which could potentially be used as a weapon
- the school being informed about the possibility of a student carrying weapons outside of school
- threatened use of a weapon by a student, whether inside or outside of school

The vast majority of young people attending Kingston and Richmond schools will not be affected by serious violence or carrying weapons. However, where such incidents 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. Kingston and Richmond schools are safe places where learners are offered high quality teaching and learning opportunities enabling them to leave school with opportunities for further education, training and employment.

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

## How to use this protocol

**Flow chart A** gives information on the immediate actions that the school should take when there is an incident involving a weapon or potential weapon which includes the requirement for the school to inform SPA and the police of such an incident

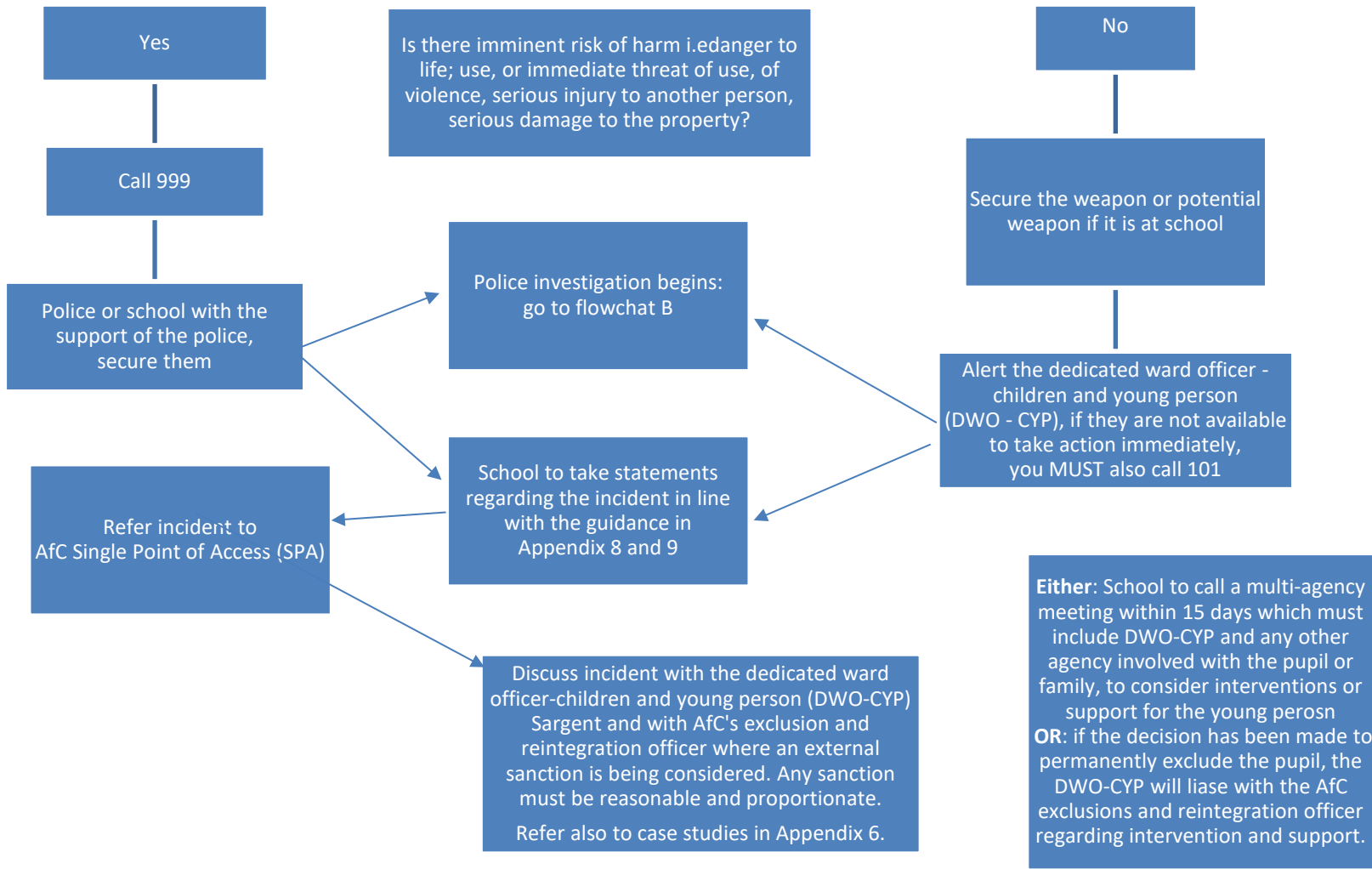
**Flow chart B** shows what actions the police will take having been information of a school related weapons, or potential weapons, incident.

Table 1 shows the range of outcomes in terms of the criminal justice process where a child or young person is found to have been carrying a weapon or potential weapon

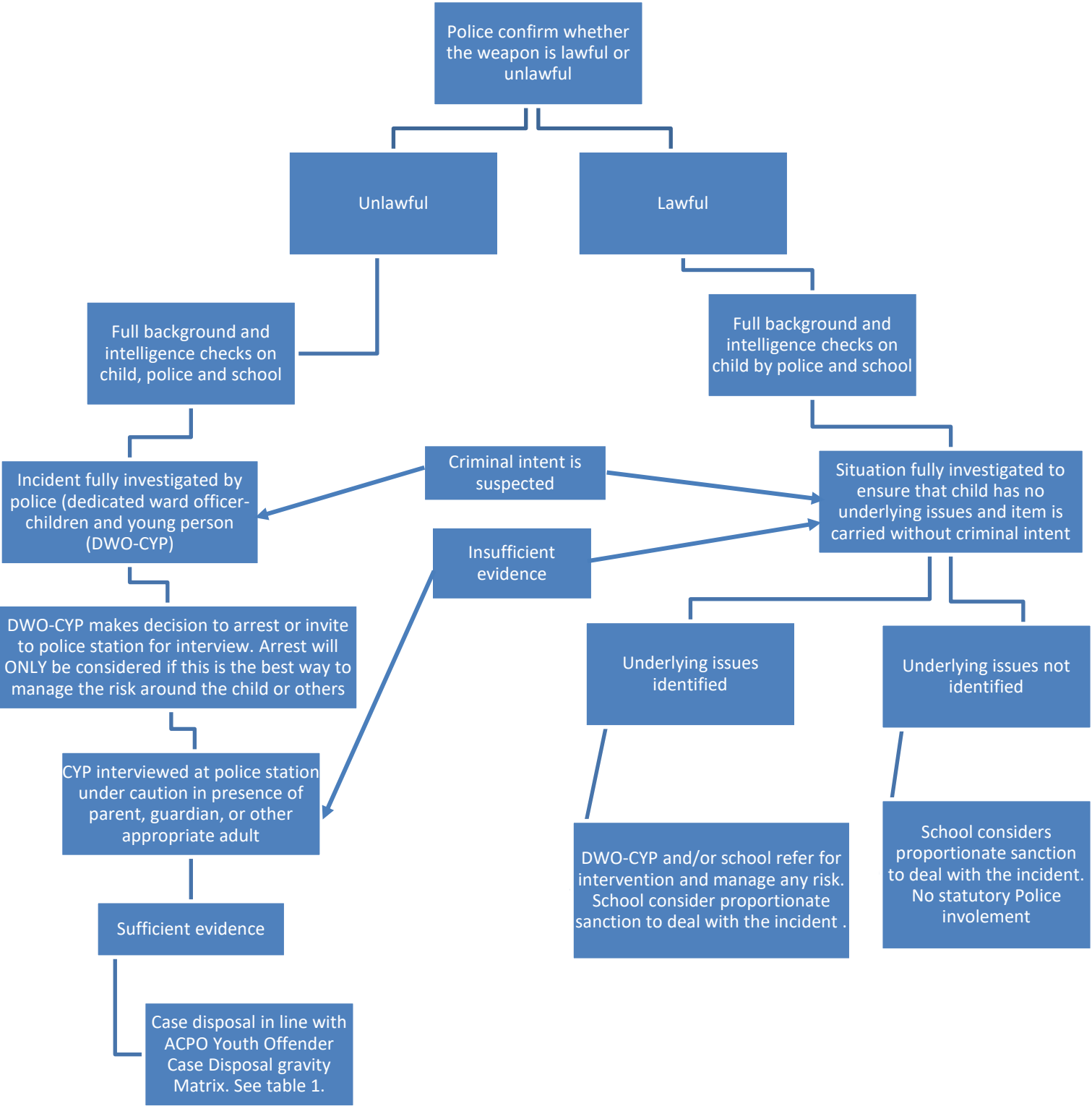
The remainder of the document gives details about the legal framework, and other guidance, upon which this protocol has been developed.

Flow chart A

\*If there is an incident involving a weapon then police must be called. If there is an immediate risk of Harm dial 999. If there is not call 101 and contact the nominated officer. They will be working shifts so may not be on duty. They will contact the school when they are next on duty.



Flow chart B



## Charging and disposal

### Adults (18 and over)

The expectation is that those aged 18 and over will be charged for all knife-related offences. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that prosecuting is in the public interest in accordance with the Code for Crown Prosecutors.

### Children and young people: 16 and 17 years

The starting point for children and young people aged 16 or 17 for simple possession should be to charge unless there are exceptional circumstances that would make it appropriate to issue a youth conditional caution (YCC). Where the suspect has any history of offences of violence, has previously been dealt with for a knife or weapon offence, or the offence under investigation is an offence other than simple possession, then they should be charged.



Children and young people aged 16 or 17

Children and young people: under 16 Years

The starting point for a child aged under 16 for simple possession who has not previously been involved in any violent offending, or offences including knives or weapons should be a youth conditional caution.

There may be circumstances where an alternative disposal may be appropriate, but this should be reserved for truly exceptional cases.

Where the suspect has any history of offences of violence, has previously been dealt with for a knife or weapon offence or the offence under investigation is an offence other than simple possession, then they should be charged.



Children and young people aged under 16



## Crown Prosecution Service (CPS) decision making

The CPS has legal guidance regarding the prosecution of the possession of **knives and other offensive weapons**.

When making charging decisions the CPS is required to follow **the Code for Crown Prosecutors** issued by the Director of Public Prosecutions.

The **Director's Guidance on Charging 6th Edition** (DG6) also applies to cases submitted to the CPS for charging advice, for the first time, after 31 December 2020 irrespective of when the investigation began.

The code states (Section 3.4) that prosecutors must only start or continue a prosecution when the case has passed both stages of the full code test.

The full code test has two stages: (1) the evidential stage, followed by (2) the public interest stage.

### The evidential stage

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must also consider what the defence may be, and how it is likely to affect the prospects of conviction. A case that does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely.

The code states that prosecutors consider the following.

- Can the evidence be used in court?
- Is the evidence reliable?
- Is the evidence credible?

### The public interest stage

In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest. See paragraph 4.9 onwards of the code.

The code states that when deciding the public interest prosecutors should consider a number of questions.

- How serious is the offence committed?
- What is the level of culpability of the suspect?
- What are the circumstances of, and the harm caused to the victim?
- Was the suspect under 18 at the time of the offence?

- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

The code contains explanatory text for each of these questions.

## Appendix 1: Definitions

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’.

Section 1 of the Prevention of Crime Act 1953 and section 139 of the Criminal Justice Act 1988 respectively provide for **offences of having an offensive weapon in a public place without lawful authority or reasonable excuse and having an article with blade or sharply pointed in a public place without lawful authority or good reason**. Section 139A of the Criminal Justice Act 1988 provides that it is an offence to have an article within either of the above offences on school premises.

Sections 139 and 139A of the Criminal Justice Act 1988 apply to any article which **has a blade or point except a folding pocketknife** unless the cutting edge of its blade exceeds 7.62 centimetres (3 inches).

Flow chart B refers to **criminal intent**. In the context of weapons this refers to the intent to cause injury to another person or persons.

The power for officers to enter and search someone on school’s premises - Section 139B of the Criminal Justice Act 1988, provides a power of entry to school premises or further education premises to search for offensive weapons or articles with a blade or sharp point, in connection with the investigation of offences under section 139A.

## Appendix 2: Staff powers

Teachers have a number of legal powers 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 discipline. [Behaviour in schools](#)
- 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. [Behaviour in schools](#)
- 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. [Searching Screening and Confiscation](#)

## **Appendix 3: Decisions about case disposal**

This Child Gravity Matrix is a triage tool to support decision making for officers, to assist in deciding the most appropriate outcome or disposal for those children and young people, under the age of 18 years who offend. This matrix reflects the breadth of options available to the decision maker both statutory (caution, conditional caution or prosecution) and non-statutory (community resolution, deferred prosecution, deferred caution, voluntary diversionary activity).

[Child Gravity Matrix v2.3](#)

## Appendix 4: Resources

**MOPAC [London needs you alive toolkit](#):** Lesson plans, group activities, resources and useful links for schools, colleges, community and faith groups.

**[Home Office and PSHE association](#):** PSHE education lessons to challenge the myths and communicate the realities of carrying a knife to secondary school students

**[Knifeecrimes.org and the Home Office](#):** Online knife, gun and gang related information resource.

**[No knives, better lives](#):** national capacity-building programme that supports primary prevention work related to knife carrying. A variety of materials to support practitioners to deliver the message locally.

## Appendix 5: Case studies

Each of these scenarios has been loosely based on real life events, but with certain details changed to protect identities.

Each one involves an item that could potentially be used as weapon. Actions for all stakeholders including the school are indicated. Exclusion might be a sanction considered by a school where a potential weapon is involved. For each scenario some alternative options and additional actions are suggested.

### Sophie

On the last day of the summer term, Sophie, a Year 10 student, was interviewed on the school site by a social worker and the police regarding an allegation of a sexual assault that she had been the victim of earlier in the week. After the social worker and police left, Sophie went to the toilets and was in there for such a long time that eventually staff went inside to look for her. They found Sophie semi-conscious, slumped on the floor. She had cut both of her wrists with a craft knife that she must have taken from the art room.

#### Actions

##### Immediate

- Call 999 for an ambulance and police, then inform parent and carer and social worker

##### Follow-up actions

- Refer to SPA
- Multi-agency meeting
- Advice sought from CAMHS
- Safety plan written
- Risk assessments for art room (counting knives in and out) re-visited
- Self-harm policy checked

### Miroslav

A crowd of Year 7 boys had formed in the playground and staff went to investigate. They found Miroslav showing the others a penknife, demonstrating all the different blades it had. Staff confiscated the knife and Miroslav was taken to be questioned by the deputy headteacher. He refused to answer when spoken to and just shrugged his shoulders. In a later conversation with his parents, it transpired that he had bought the penknife from a Year 11 student on his way to school with his birthday money. The SENCo confirmed that Miroslav had significant speech and language difficulties.

## Actions

- SPA referral due to Miroslav's vulnerabilities.
- Dedicated ward officer – children and young person SENCo and parents to agree what form the work with Miroslav should take. He may need the implications of having a penknife in school explained visually or as a social story rather than verbally.
- Key worker to investigate the relationship between Miroslav and the Year 11 student involved. Is this an ongoing exploitative relationship or a one off incident?
- Relevant work to be undertaken with the Year 11 student, if they can be identified

## James

A group of Year 9 boys were suspected of smoking at lunchtime. Staff conducted a bag search at the end of lunchtime and discovered that one of the boys, James, had a large kitchen knife in his bag. When questioned, the James claimed that he had found it on his way into school and had picked it up for safekeeping to make sure no younger students picked it up and hurt themselves with it. He had then forgotten to hand it in.

- SPA referral
- Dedicated ward officer – children and young person), consulted and incident investigated further (See flow chart A for options).
- Decision on school sanction should depend on the outcome of the police and social care investigation and student's previous track record

## Liam

A parent phoned in to say that her child was too scared to come into school because he had fallen out with Tom and he knew that Tom's older brother Liam, in Year 11 (16, carries a knife in school. Staff collected Liam from his lesson and told him they needed to conduct a bag search, Liam kept firm hold of the bag, became verbally abusive and threatening to staff and said "Don't make me open this bag, you'll be sorry if you do."

## Actions

### Immediate

- Immediate risk of harm – call 999 for police assistance.

### Follow up actions

- SPA referral
- Contact DWO-CYP
- School action will depend on whether a knife is found, outcome of police and social care investigation, and any mitigating circumstances.



## Appendix 6: Understanding the relationship between knife crime and school exclusion

By Dr Chris Bagley  
Educational Psychologist  
Achieving for Children

There are [significant correlations](#) between youth violence and school exclusion, poverty, gang involvement, drug and alcohol abuse and other factors. Why does this link exist?

Young offenders, both in custody and in the community, are an exceptionally [vulnerable group](#), frequently with a history of trauma, neglect, child protection intervention, social care placements, family breakdown, learning and language difficulties and school exclusion.

In '[Transforming Youth Custody](#)', the Ministry of Justice (MoJ) report that of 15 to 17 year olds in young offender institutions (prison), 88% of young men and 74% of young women had been excluded from school at some point. A later report examining the educational background of young people involved in knife offences showed that the incidence of persistent absence and school exclusions amongst those with knife offences is far greater than among all comparison groups. For example, 83% of knife possession offenders have been persistently absent from school. In contrast, across all state-funded secondary schools, in all year groups, approximately 16.5% of pupils were persistent absentees.

This study also revealed that approximately 21% of kids with knife offences have been permanently excluded, compared with 0.1% in state school generally. The Ministry of Justice reported a 50/50 split between those whose first exclusion was prior to the offence, and those who were excluded at some point after the offence.

'Being excluded is painful because it threatens fundamental human needs, such as belonging and self-esteem... Again and again research has found that strong, harmful reactions are possible even when ostracized by a stranger or for a short amount of time' ([Professor Kipling Williams](#))

Human beings are social animals; we have evolved to socialise in groups. This has an evolutionary basis as maintaining social bonds [promotes survival](#). According to [Baumeister and Leary](#): 'Much of what we do is done in the service of belongingness', which is a 'fundamental motivation'. It is essential for us to develop (a) frequent, positive interactions with the same individuals, and (b) engaging in these interactions within a framework of long-term, stable care and concern. People who lack belongingness are at significantly greater risk of involvement in [criminality](#).

The pain caused by exclusion is deeper and [lasts longer than a physical injury](#). As Baumeister and Leary explain, 'social exclusion may be the most common and important cause of anxiety' and 'depression'. When young people who share a range of social and economic problems form groups, they become more likely to take part in [risky behaviours](#). What's more, research shows that [external threats](#) increase the human tendency to form strong bonds.

The vast majority of violent crime is committed by a tiny fraction of (generally male) young people who have often suffered adverse childhood experiences. As a society, rather than punishing and ostracising vulnerable young people, we need to show them they belong, make them feel valuable and match educational opportunities to their emotional state and learning capacities.

## Appendix 7: Staff taking statements in school

The headteacher must ensure in the first instance that the alleged offence took place under their jurisdiction. Incidents that are under the headteachers jurisdiction are those that occur on the school premises and other premises where a pupil may be registered to receive their education. These may include school journeys, school trips, work experience and college placements.

Alternative full time educational providers with dual registered pupils such as those at Malden Oaks, come under the jurisdiction of the headteacher of their home school, but the senior staff at these full time educational providers will manage all serious incidents that occur on their site. Liaison will then take place between the provision staff and the headteacher of the host school, to develop a way forward as appropriate.

The current [suspension and permanent exclusion guidance](#) outlines that behaviour incidents in the immediate vicinity of the school or on a journey to and from school may result in exclusion from school. The guidance also states that the headteacher may exclude a pupil for behaviour out of school, but not on school business, when there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. The schools behaviour policy should outline that the school will investigate incidents that occur in the interests of natural justice and with the teachers acting in their capacity of 'loco parentis' and with a duty of care.

It is vital that the perpetrator, victim and witnesses must make their statements separately as it results in an objective investigation and the question of collusion is negated.

### Refusal to give a statement

If the perpetrator refuses to give a statement, the school should document this and ensure that they have tried all means to obtain this information depending on the reason given for refusal. It is important for the headteacher to be able to make his decision in the full knowledge of any circumstances that the perpetrator may put forward in mitigation.

### Appropriate person to take statement

The member of staff taking the statement should always be neutral and not have been involved in the incident. This principle has been upheld most recently in a large number of court cases and is considered best practice. It is also best practice that the statement taker and investigator of the case should not be a person involved in ultimate decision making in relation to possible sanctions. Following these principles will ensure that fairness is seen to be done, and no allegations of undue influence or pressure can be made by pupils or parents.

Best practice would suggest that an appropriate adult is also made available to support all pupils particularly if they are distressed or vulnerable. This adult would be there to ensure good communication and understanding of process by the pupil but not act as an advocate or interfere in the investigation.

Where pupils are being interviewed consideration should be given to the following:

- same sex interviewer
- chaperone or appropriate adult
- seating arrangements should be in view of other people for safety reasons

In taking a statement from a pupil, consideration should be given to their age, aptitude and ability in terms of the process and the appropriate format chosen e.g., in supporting younger children or those with special identified educational needs.

Consideration should be given to pupils for whom English is not their first language – such pupils may express their case more accurately in their first language through an interpreter.

### **Setting the ground rules for taking statements from witnesses**

It is important that the staff member taking the statement outlines the ground rules below to ensure the pupil is aware of the procedure.

Pupils might only divulge information to people with whom they feel at ease and in whom they can trust. The interviewer should have the skills to put the pupil at their ease at the start of the interview. Consideration should be given to the environment in which a statement is taken.

- Witnesses should be informed of the time and place of the alleged incident, but given no unnecessary details as their statement needs to reflect their recollection of what occurred.
- Reassure the pupils that the investigation will be fully investigated in a fair manner and outline that this is their opportunity to ensure that their voice is heard.
- Outline that everyone involved with the incident will be asked to give a statement including the alleged perpetrator or victim and all witnesses (both pupils and staff).
- Outline how the statement is to be taken eg, pupil following format with prompts or adult writing it down.
- Outline that the pupil can take as long as necessary for the statement – there are no time restraints of having to return to lessons, etc.
- Outline importance for honesty and that this statement will be used as part of the investigation – this is not a confidential experience the outcome may eventually be shared with others. If appropriate the pupil should be assured that personal information will be treated with sensitivity and not disclosed to anyone unnecessarily.
- The witness should be informed that their statement may be used by the headteacher. Witnesses should also be assured that they will not be asked to attend any meetings in person because they have made a statement. If their statement needs to be used, then it may be done anonymously.
- Outline how the pupil and you will read the statement back to yourselves at the end. The witness should be allowed to correct or add anything that is necessary at this stage. To conclude the process both of you will sign it to show that you both agree that it is a true record of what the pupil stated.

## **Setting the ground rules for taking statements from alleged perpetrators**

The alleged perpetrator must be informed of the basis of the case against him, and this should include a description of the alleged offending behaviour and the time and the place of the incident. The current exclusion guidance (Improving behaviour and attendance: guidance on exclusion from school and Pupil Referral Units Sept 2008) – Para 153 states that ‘the general principle remains that an accused person is entitled to know the substance and the source of the accusation.’ These ground rules for taking statements from witnesses should also be outlined to the alleged perpetrator.

## **Choice of format for taking statement**

The choice of the two formats outlined below should be chosen by the person responsible for taking the statement and should take into account the individual situation and the pupil’s needs.

### **Formatted interview**

This is when the interviewer asks the pupil to complete a formatted statement that contains prompts (Appendix 1 is a model format).

It is important to record the time and place of the interview.

It is important to record the names of the people present at the time the statement was taken.

The pupil completes this on their own and it can be supplemented with questions by the interviewer once the pupil has completed the form.

Any questions asked by the interviewer must be written down as asked and the pupil’s response then written down.

The completed statement must be read back to the student and signed as a true record by both pupil and staff member.

Although witnesses are ideally kept from colluding by keeping separate it is possible to use this format with several witnesses at once in certain circumstances as they can be asked to fill them in without speaking to each other although all in the same room and at the same time.

All statements must be attributed signed and dated by the pupil giving the statement.

The interviewer must also sign the statement and indicate their role in the school.

### **Taking a written statement**

This is when the pupil is asked to give their account verbally with the interviewer allowing the pupil to freely recall what happened.

The interviewer needs to write all the responses down.

The interviewer takes exactly the facts given and does not make any remarks even if they know the facts to be different.

Statements are rarely given in chronological order so added. Information gets written in as it is said referring to when it should have been outlined.

If you need to prompt with a question it must be written down within the statement.

Avoid the use of closed questions unless you have chosen to ask such a question for a reason.

All statements should be attributed signed and dated by the pupil giving the statement.

The interviewer should also sign the statement and outline their role in the school

### **Hearsay evidence**

Hearsay evidence refers to information that a witness has heard, but does not have first-hand knowledge of themselves. It may be useful in eventually establishing facts but must always be treated with caution. As a general rule it is not usually admissible as evidence.

### **Attributing and anonymising statements for use in exclusions**

The current exclusion guidance (Aug 2024) states that all written witness statements must be attributed and signed and dated. If the school has a good reason for protecting the anonymity of a pupil then the original statement should be available for decision makers to peruse to verify their integrity. In exclusion documentation a photocopy of the original statement may be used with the pupils name deleted and supplemented with 'Pupil A', 'Pupil B', etc. as appropriate.

It is normal in the case of statements from pupils that exclusion panels rely on these written statements. It is possible for pupils to appear at exclusion panels as witnesses if they do so voluntarily and are there with parental consent if appropriate.