

Knife Crime and Youth Violence Protocol for Education.

Guidance document for Further Education.

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Author(s):

Marie Stock and Paul Nolan

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The Greater Manchester Violence Reduction Unit's Vision

Enabling a whole community – a partnership approach to how violence is fundamentally viewed, prevented and managed at primary, secondary and tertiary stages of development.'

Introduction

This protocol and the guidance within this document is for Further Education (Further and Higher Education Act 1992). It is to be used when a young person or adult student is found in possession of a weapon on the education site.

This document has been created to enable Further Education Sites to have a consistent approach when dealing with weapons and to understand the legal requirements around this. It is expected that there will be a multi-agency approach involving the Police, Children's' Services and the Youth Justice Team to support the College and identify suitable early interventions to disrupt current behaviour patterns and influence positive changes for children under 18years old. The multi-agency approach for adult pupils will involve the Police, Local Authority and Social Services to identify suitable early interventions to disrupt current behaviour patterns and influence positive changes.

Within this document you will find the following:

1. Procedure Flow Chart
2. Recording Techniques and advice on how to record accurately.
3. Further Education and Higher Education Act; *Sections 85AA through 85AD*
4. Safer Search Techniques
5. Safe Handling of Bladed Weapons
6. A legislation guide with case studies and examples of reporting forms used to inform the police of an event
7. Commissioned Engagement Guidance – to be completed by each GM Borough and local offer
8. An example of an event reporting form with risk assessment.

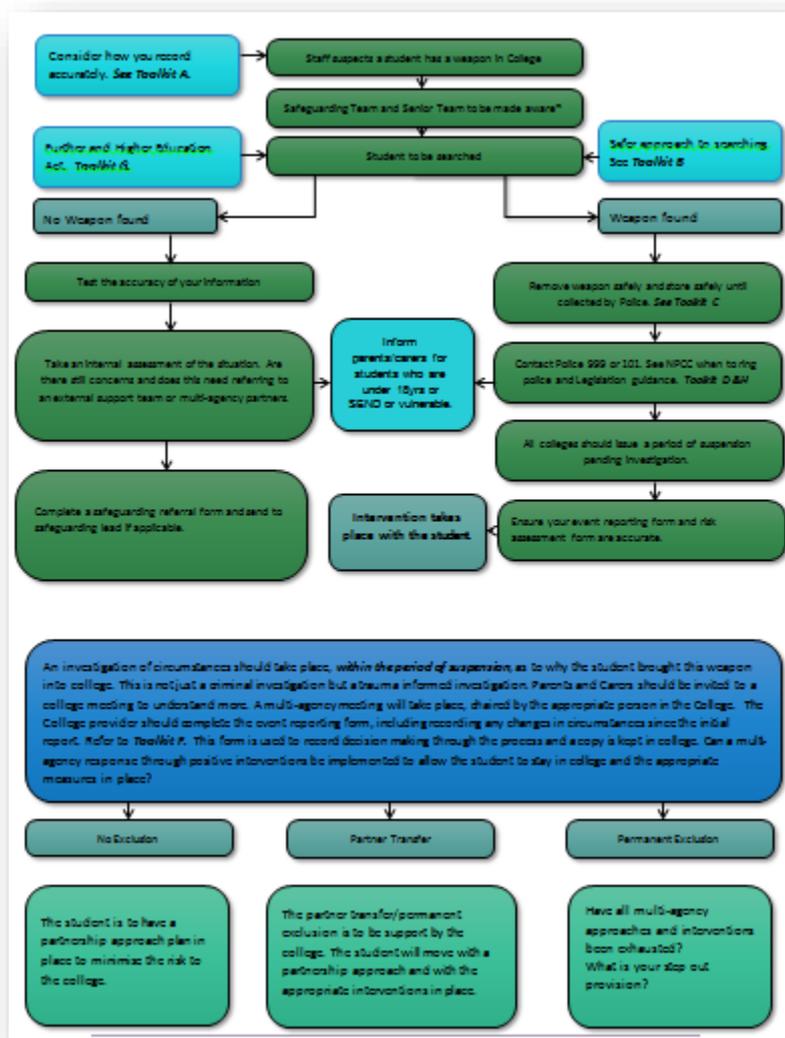
This document is designed to provide guidance and it should sit alongside your policies and procedures relating to safeguarding, managed moves and exclusions.

Flow chart key

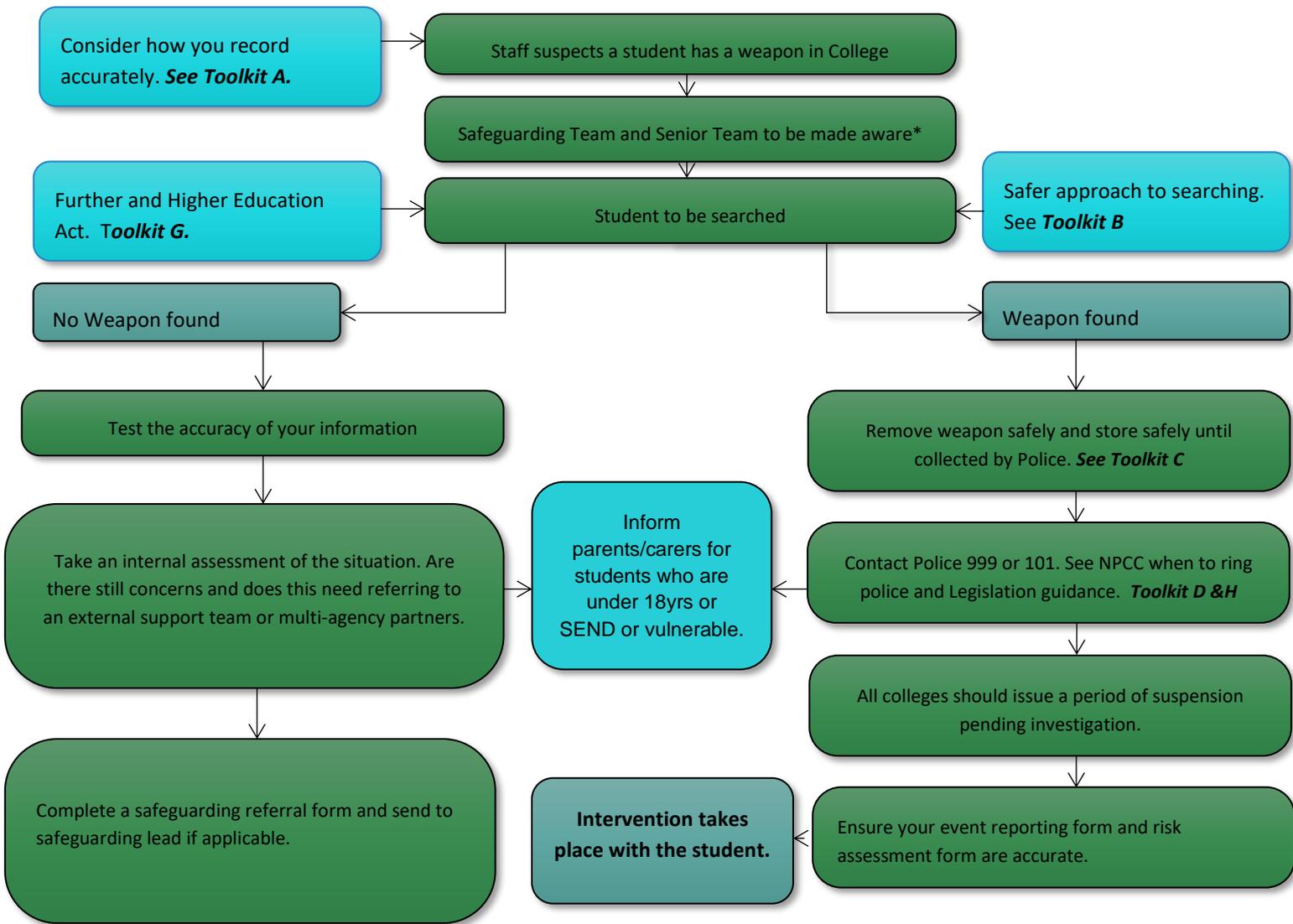
Colour and shape	Meaning
Green Rectangle	College Action
Cyan Rectangle	Consideration for the College
Teal shaded Rectangle	Title statement
Teal Rectangle	Be-spoke intervention process that should be managed through an identified organisation in each district.
Blue Rectangle	Multi-agency approach, all parties have a responsibility to support the school in making a decision regarding the child's welfare

Fig A.

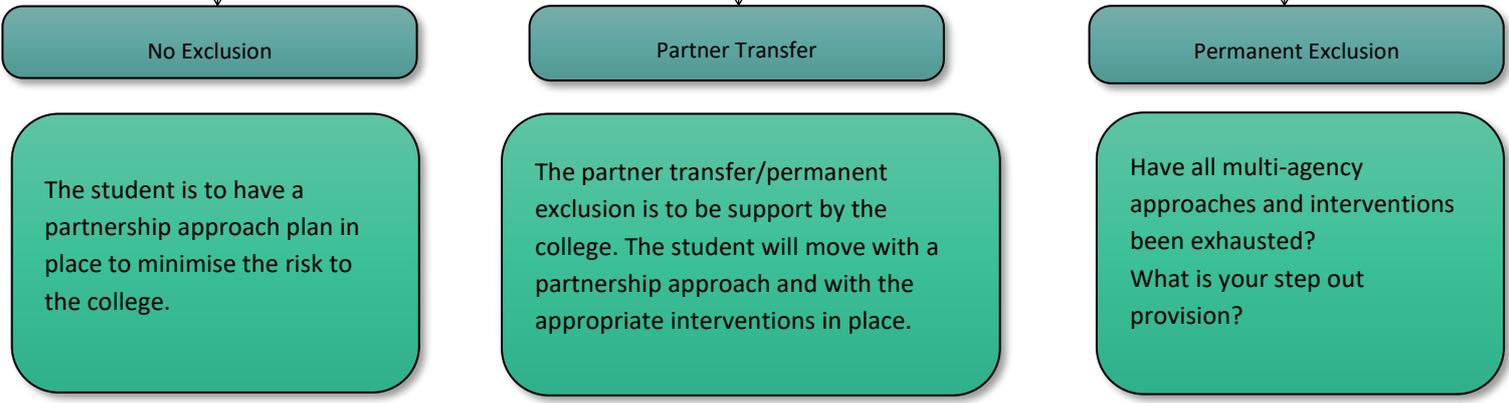
Minimised image of the flow chart, for the purpose of referencing the key.



The expectation is that safeguarding teams would inform Principal and Senior team.



An investigation of circumstances should take place, **within the period of suspension**, as to why the student brought this weapon into college. This is not just a criminal investigation but a trauma informed investigation. Parents and Carers should be invited to a college meeting to understand more. A multi-agency meeting will take place, chaired by the appropriate person in the College. The College provider should complete the event reporting form, including recording any changes in circumstances since the initial report. Refer to **Toolkit F**. This form is used to record decision making through the process and a copy is kept in college. Can a multi-agency response through positive interventions be implemented to allow the student to stay in college and the appropriate measures in place?



Toolkit A.

Guidance on event recording.

This document is useful in developing a practice within colleges of asking the right kind of questions to ensure the appropriate action is taken.

The person the information is reported to may not be the person ringing the police or contacting the safeguarding lead in the Local Authority so it is important the information is recorded accurately.

In the case where a pupil reports an event to a member of staff it is crucial that a written record begins at the earliest opportunity. This record will ensure that when information is disseminated between members of staff the information is accurate.

Remember, it is very likely that this information will lead to action and some cases an increased chance of restraint or searching between college staff and a student. Is the action necessary and proportionate in the circumstances?

Consider using open questions;

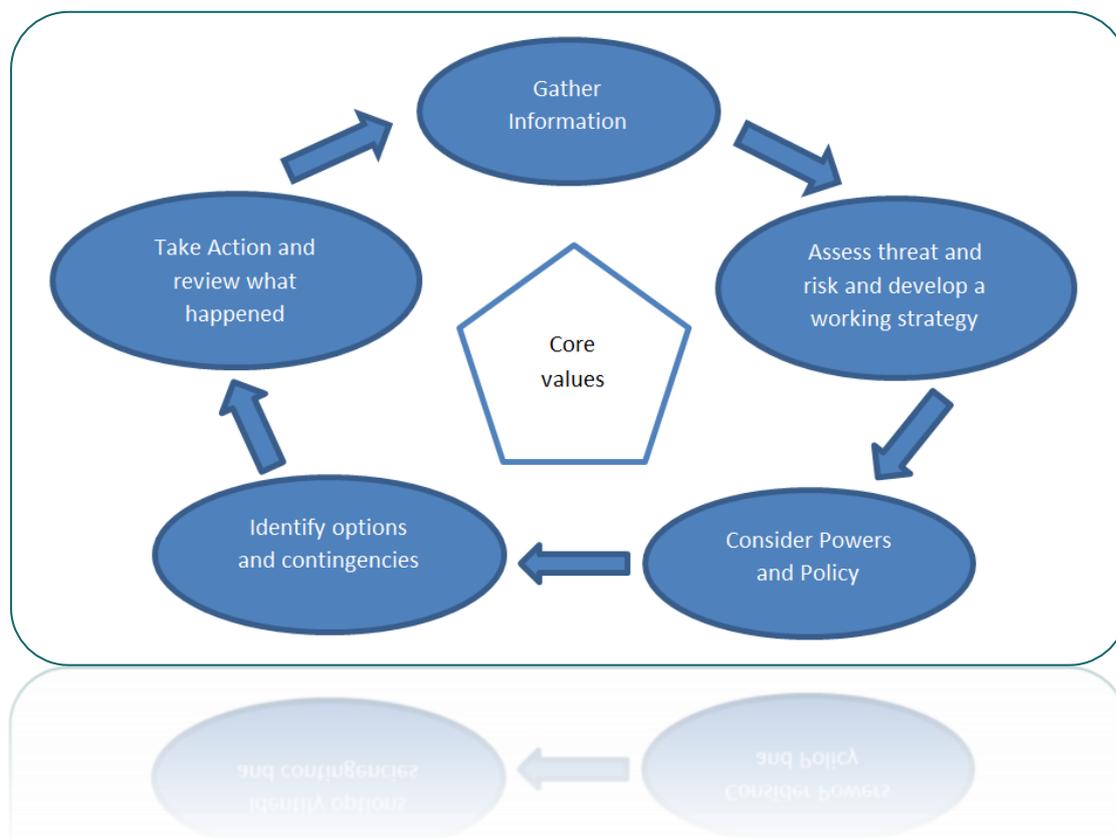
What, Where, When, Who, Why and How.

It is important to test the accuracy (provenance) of the information. If a student tells a teacher that another pupil has a weapon it's useful information but further questions to ascertain how they know this; where did they see the weapon; why have they brought it into school; how did they find out that they had the weapon makes the information more valuable and will lead to a greater confidence in dealing with the event.

Where a member of staff suspects a student has possession of a weapon in school it is equally important to record the same information. If and when the action is questioned the member of staff and the college are confident that their decision making was structured and informed.

The National Decision making model provides a framework to help you make informed choices based on the information you have and behavioural policies with your establishment.

Fig A is The National Decision Making model. (NDM)



There is a real balance between the necessity for speed in taking action and taking enough time to be sure about the details of the event. It is critical to ask the right questions at the earliest opportunity to build provenance around an event.

Fig B – Suggested format for information collection.

Time	Date	Reporting person	Information
			<p>ADVOKATE.</p> <p>A –Amount of time the observation took place and when was the weapon seen</p> <p>D –How far away were you when you saw the weapon?</p> <p>V – Visibility, are there any reasons why the sighting would be doubted e.g. darker nights at winter?</p> <p>O –Obstructions, was the weapon seen clearly, where there any other items or people in the way?</p> <p>K – Is the student with the weapon known to them and if so how.</p> <p>A –Any reasons for the student to make the disclosure, why are they telling you, why do they know the student has a weapon?</p> <p>T –Time-lapse – how much time has passed between the sighting and the reporting?</p> <p>E –Errors, has the person who is taking the report noticed any obvious errors e.g. Student A is named but staff know that Student A is not on site or the description is not accurate.</p>

ADVOKATE – is a useful acronym to use and is used by the police when taking statements from witnesses.

It is recommended that your recording documentation would form part of a chronology, so that when the information is handed from one member of staff to another or one agency to another, there is continuity.

Toolkit B

Some considerations for the safer searching of students.

Each Education site will have its own procedures around scanning and searching and their use of the powers under the Further and Higher Education Act.

Whether the college has a policy of searching all students as a condition of entry, an agreement that a specific student is to be searched on a daily basis or searching based on specific information, there are some safer techniques that can be considered.

Fig A - Search Wand



There are several brands of wands available. Most operate by emitting a sound when they detect metal. Some can be used on silent and will vibrate rather than making a sound.

The wands are a good means of confirming suspicion and they do so in a manner that avoids physical contact between the designated member of staff and student.

Communication strategy prior to and during search

Conversation between student and staff should always remain professional. Your intention is to search the young person/adult and it is important to have a no surprise approach. You may want to consider approaching the conversation in the following manner.

Think of the acronym **GOWISE**

- G** State your **Grounds** for search; be confident in your powers under the Further and Higher Education Act. If you have a written record as per Appendix A you will understand the value of the information.
- O** Tell the pupil what the **Object** of the search is – you may be concerned of a blade they may be concerned about something else in their bag

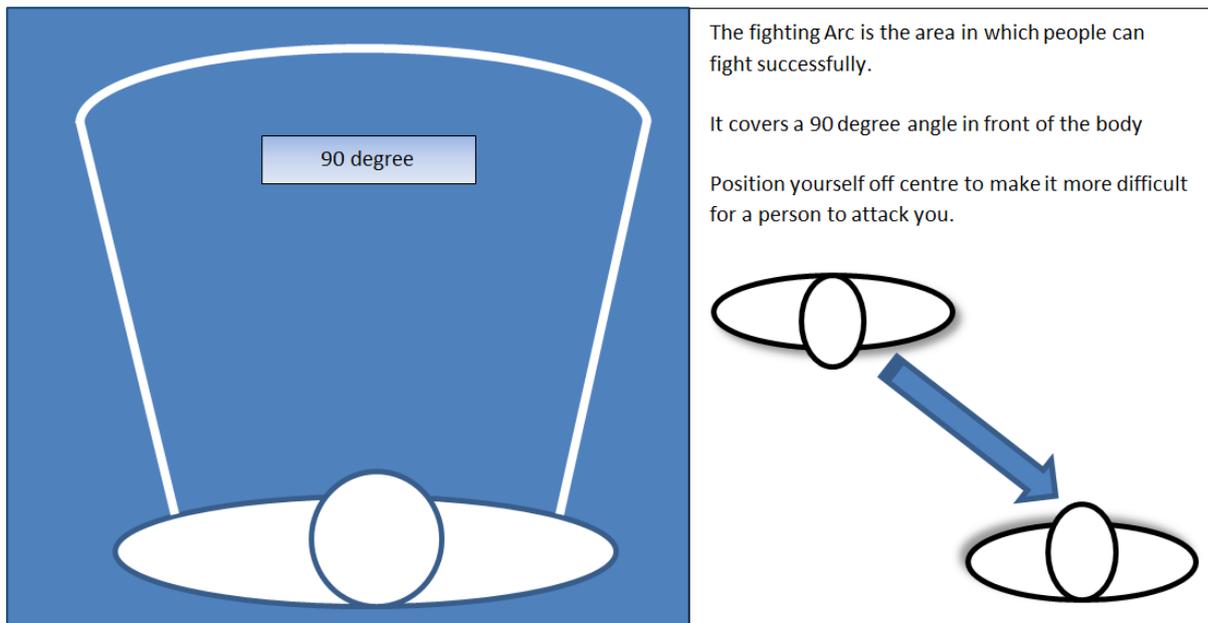
- W** Consider What position you hold in the college and how that affects your power -are you designated?
- I** your Identity; the student may know you but they may not.
- S** Search, tell them how you are going to search them. Reassure them that their dignity and safety is paramount
- E** Everything you do should be recorded.

Search Technique

There should be two people present during a search. One designated person to search (they should be the same sex as the person being searched) and one witness. The designated person's job is to conduct the search and the witness will engage the student in conversation, watch for any escalation of behaviour and act as a safety officer.

We should approach in a manner that doesn't invite confrontation, for example remaining out of the "fighting arc".

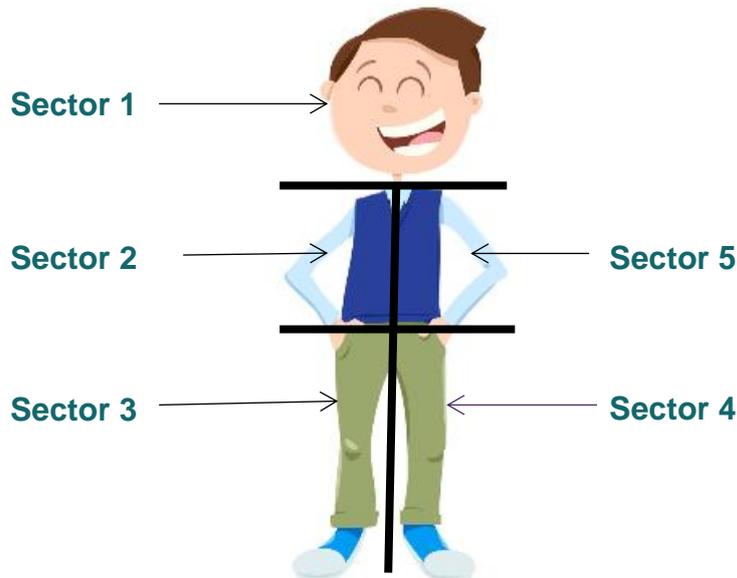
Fig B – Illustration of a fighting arc.



The designated searcher should consider the following guidance as it gives a structured, systematic approach to searching;

Imagine the body split into 5 areas (see Fig C)

Fig C –Sectors of the body



Other considerations.

Your College may operate a challenge policy rather than a search policy. Any student who is believed to be carrying a weapon and is challenged but refuses to be searched is non-compliant and you should consider;

- How accurate is the information that they have a weapon? see Toolkit A
- What does the risk to other students, staff, the student (consider self-harm) or the community look like?
- Does the information you have and the perceived risk require you to contact the police as a matter of urgency?
- Is there scope to ask the student to accompany members of staff to a quiet room where they can reflect and be given time to consider their actions, with a view to handing the weapon over safely.
- Should the young person be directed off site and the police contacted on 101 – consider the Threat, Harm, Opportunity and Risk around the student. Consider the effect on the student, other students, your staff and local community before directing them off.
- This should be recorded.
- Ensure the safety of the college site.

Toolkit C

Guidance for the safer handling of Bladed weapons.

In order to ensure the safe handling of a weapon with a blade we are suggesting that you have access to a Knife Tube. Sites that take part in training offered by the GM VRU will be given a knife tube. This tube is similar to Fig A and they come in a variety of sizes. The advice is for the colleges to use the tube and request a like for like replacement when the police take the weapon away from your site.

Where possible use gloves that are slash proof to handle weapons. In all cases be aware of the blade especially in spring loaded and butterfly knives as they can cut fingers when opening, especially if you are unfamiliar with the mechanics.

Fig A – Knife Tubes



In the absence of knife tubes use these techniques to cover the blade prior to securing the weapon in college.

Fig B – Bubble Wrap the blade and tape it



Fig C – Cardboard Wrap the blade and tape it



Fig D – Newspaper around the blade and tape it.



Toolkit D

Legislation guidance

Examples of where an immediate police response is required - dial 999

Where a young person has a weapon and there is;

- A danger to life
- Use of immediate or the threat of immediate use of violence
- Serious injury caused to a person
- Serious damage to property.

There are a number of pieces of legislation that cover the possession of, the use and the threat of the use of weapons in public spaces and college. This toolkit will cover definitions and how they would apply, depending on circumstances

It will go some way to explain the criminal justice process and how this will affect the student, the aim is not to criminalise but it is to ensure that the student is subject to appropriate interventions or criminal proceedings based on the circumstances.

KEY TERMS

Blade/Sharply pointed article – case law shows that the sharpness of the blade is not critical, so a blunt knife is still a bladed article. The sharply pointed article is one that has been sharpened so that its usual purpose has changed. An example would be a sharpened screw driver.

Offensive weapon – any article - (*includes knives and sharply pointed articles*) made or adapted for use for causing injury to the person, or intended by the person having it with them for such use or by some other person.

Youth Caution - A Youth Caution is a formal warning that is kept on record by the police. It can be given to young people under the age of 18 who have committed a criminal offence.

Conditional Caution - A Youth Conditional Caution is a formal warning that is kept on record by the police. It can be given to young people under the age of 18 who have committed a criminal offence. The conditional aspect means that a number of statutory interventions are put in place so that the young person must engage with Youth Justice.

Out of Court Disposal (OoCD) - are a way of dealing with less serious offending. An offender has to admit they are guilty of an offence to be issued with an out of court disposal and be eligible in terms of previous recorded offending (if the student has received previous out of court disposal one may not be open as an offer to them). The Youth Justice Service and Crown Prosecution Service will conduct an

assessment of the young person's needs and balance that against the severity of the crime. OoCD are interventions that can be educationally based, victim focused or community based.

Folding pocket knife - in order to be exempt from certain pieces of legislation the folding pocket knife's blade must be less than 3 inches and cannot lock into position.

Case Study 1

Circumstances where a person is in a public place with a blade or sharply pointed article.

Section 1 of the Prevention of Crime Act 1953.

Prohibits the possession of an **offensive weapon** in a public place.

Section 139 of the Criminal Justice Act 1988.

Prohibits having with you; in a public place any article that has a blade or is sharply pointed. Folding pocket knives with a blade less than 3 inch are exempt.

Arrest or Voluntary Attendance to a police station, arranged by an officer, based on risk presented at the time.

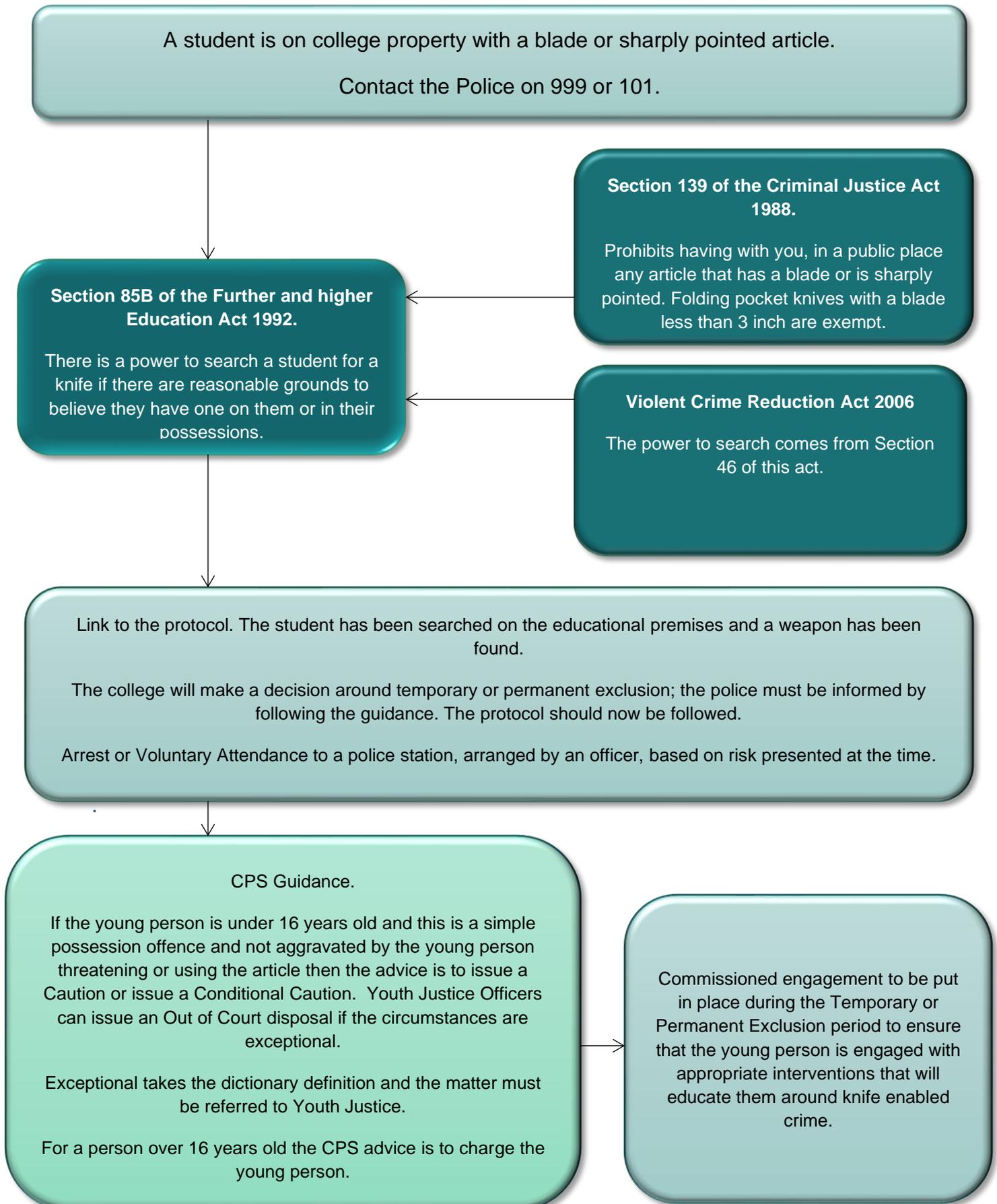
CPS Guidance.

If the person is over 16 years old the advice is to charge, unless there are exceptional circumstances.

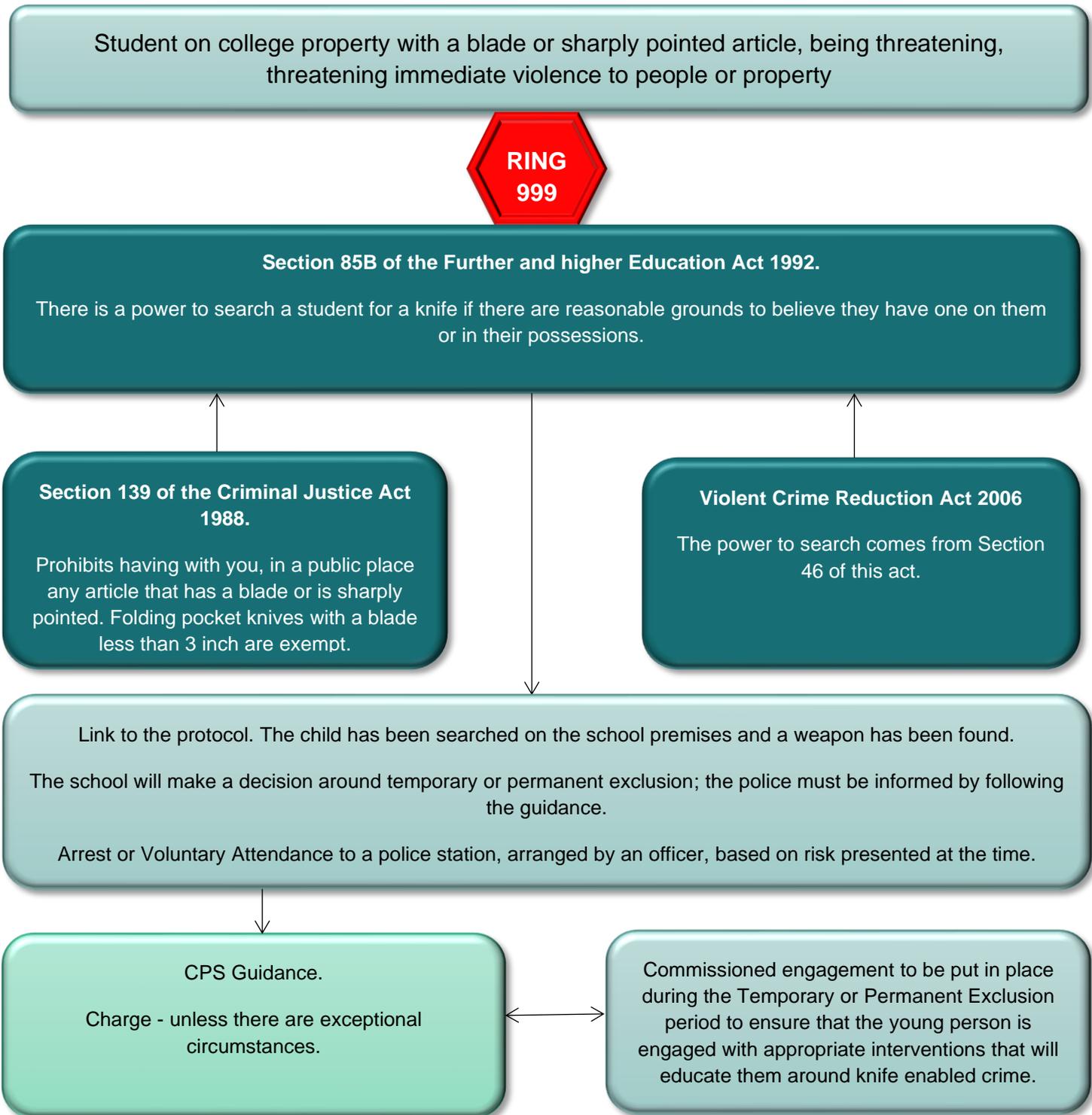
Exceptional takes the dictionary definition and the matter must be referred to Youth Justice for the children under 18yr olds.

Adults will be referred to the Crown Prosecution Service.

Case Study 2



Case Study 3



Toolkit E

Commissioned activities.

This section is where you would store the bespoke commissioned activity for your Borough/Area.

Toolkit F

Example of an event recording form and risk assessment form

Instructions.

- When reporting a concern just complete Section 1
- In all other circumstances where action is taken complete the whole form
- Email the completed form to Principal/Vice Principal of College

Section 1 : Event details

Date		Time	
Site		Room or Location	

What are you reporting?

Where did the information regarding the knife/weapon come from?

Name of reporting party and contact details.

Forename
Family Name
Home address
Contact email
Contact Mobile/telephone
Employee Number

It is vital that the information recorded by the college is accurate and that we test the validity of the information being passed to us. If someone says they have seen a weapon we should feel that we can ask probing questions – this is not to question what they have seen but it is to gather accurate information with provenance.

What time and date is this reporting being completed?

Section 2 –Reporting member of staff

Role with organisation

Forename

Family name

Employee number

Contact email and number

Section3 – Witness details

Witness name and Contact details (email and mobile)

Do they have any material evidence – footage on mobile/device?

1

2

3

Section 4 – Event Summary, Investigation.

1. Name of the young person, DOB, Address, GP.
2. Parent/Carer/Next of kin details.
3. Contact address, email and mobile and relationship to the young person.
4. Parties present and involved in the event.
5. Circumstances of the event, consider the environment and the individual when discussing causes. Action taken – who has been contacted, contact details and any reference numbers.
6. Has consent been given to share information given to share information

ADVOKATE

A –Amount of time the observation took place and when was the weapon seen

D –How far away were you when you saw the weapon?

V – Visibility, are there any reasons why the sighting would be doubted e.g. darker nights at winter?

O –Obstructions, was the weapon seen clearly, where there any other items or people in the way?

K – Is the child with the weapon known to them and if so how.

A –Any reasons for the child to make the disclosure, why are they telling you, why do they know the child has a weapon?

T –Time-lapse – how much time has passed between the sighting and the reporting?

E –Errors, has the person who is taking the report noticed any obvious errors e.g. Child A is named but staff know that Child A is not on site or the description is not accurate.

Section 5 – Action Timetable

Contact 1 – Time, Date and Location

Parties present

Risk Assessment include Corrective Actions

Commissioned Engagement

Contact 2 – Time, Date and Location

Parties present

Risk Assessment

Commissioned Engagement

Toolkit G



Further and Higher Education Act 1992

<https://www.legislation.gov.uk/ukpga/1992/13/section/85AA/data.pdf>

PART III

MISCELLANEOUS AND GENERAL

Power of members of staff to search students for prohibited items: England

This section applies where a member of staff of an institution within the further education sector in England [or a 16 to 19 Academy,] has reasonable grounds for suspecting that a student at the institution may have a prohibited item with him or her or in his or her possessions; and falls within section 85AB(1).

The member of staff may search the student (“S”) or S's possessions for that item (but this is subject to subsection (5)).

For the purposes of this section and section 85AC each of the following is a “**prohibited item**”

- 1) **An article to which section 139 of the Criminal Justice Act 1988 applies** (knives and blades etc.);
- 2) **An offensive weapon**, within the meaning of the Prevention of Crime Act 1953;
- 3) **Alcohol**, within the meaning of section 191 of the Licensing Act 2003;
- 4) **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 S to have in S's possession;
- 5) **A stolen article**;
- 6) An article that the member of staff reasonably suspects has been, or is likely to be, used;
 - a) to commit an offence, or
 - b) to cause personal injury to, or damage to the property of, any person (including S);
 - c) An article of a kind specified in regulations.

In subsection (3)(e) “stolen”, in relation to an article, has the same meaning as it virtue of section 24 of the Theft Act 1968 in the provisions of that Act relating to goods which have been stolen.

A member of staff **may not** under this section search S or S's possessions for alcohol if S is aged 18 or over.

In this section and section 85AB

“**Member of staff**”, in relation to an institution within the further education sector [or a 16 to 19 Academy], means any person who works at that institution whether or not as its employee;

“**Possessions**”, in relation to S, includes any goods over which S has or appears to have control.

The powers conferred by this section and sections 85AB and 85AC are in addition to any powers exercisable by the member of staff in question apart from those sections and are not to be construed as restricting such powers.

85AB Power of search under section 85AA: supplementary U.K.

- (1) A person may carry out a search under section 85AA only if that person;
 - (a) Is the principal of the institution; or
 - (b) Has been authorised by the principal to carry out the search.
- (2) An authorisation for the purposes of subsection (1) (b) may be given in relation to
 - (a) Searches under section 85AA generally;
 - (b) A particular search under that section;
 - (c) A particular description of searches under that section.
- (3) Nothing in any enactment, instrument or agreement shall be construed as authorising a principal of an institution within the further education sector in England [or a principal of a 16 to 19 Academy,] to require a person other than a member of the security staff of the institution to carry out a search under section 85AA.
- (4) A search under section 85AA may be carried out only where—
 - (a) The member of staff and S are on the premises of the institution; or
 - (b) They are elsewhere and the member of staff has lawful control or charge of S.
- (5) A person exercising the power in section 85AA may use such force as is reasonable in the circumstances for exercising that power.
- (6) A person carrying out a search of S under section 85AA—
 - (a) May not require S to remove any clothing other than outer clothing;
 - (b) Must be of the same sex as S [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 S if it is reasonably practicable to do so.

[(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 S or in the presence of another member of staff (as the case may be).]

(7) S's possessions may not be searched under section 85AA except in the presence of—

(a) S; and

(b) Another member of staff [unless the condition in subsection (7A) is satisfied] .

(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.]

(8) In this section—

- “**member of the security staff**”, in relation to an institution, means a member of staff whose work at the institution consists wholly or mainly of security-related activities;
-
- “**outer clothing**” means

(a) Any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or

(b) A hat, shoes, boots, gloves or a scarf.

85AC Power to seize items found during search under section 85AA U.K.

(1) A person carrying out a search under section 85AA 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, but may not seize alcohol from S under this section where S is aged 18 or over.

(2) A person exercising the power in subsection (1) may use such force as is reasonable in the circumstances for exercising that power.

(3) A person who seizes alcohol under subsection (1) may retain or dispose of the alcohol and its container.

(4) A person who seizes a controlled drug under subsection (1)—

(a) Must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but

(b) May dispose of it if the person thinks that there is a good reason to do so.

(5) A person who seizes a stolen article under subsection (1)—

(a) Must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but

(b) May return it to its owner (or, if returning it to its owner is not practicable, may retain it or dispose of it) if the person thinks that there is a good reason to do so.

(6) In determining, for the purposes of subsections (4) and (5), whether there is a good reason to dispose of a controlled drug or to return a stolen article to its owner, retain it or dispose of it, the person must have regard to any guidance issued by the Secretary of State.

(6A) A person who seizes an item that is a prohibited item by virtue of section 85AA (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.

In deciding what to do with an item under this subsection, the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.

(6B) Subsections (6C) and (6D) apply to an item that—

- (a) Has been seized under subsection (1),
- (b) Is a prohibited item by virtue of section 85AA(3) (ea), and
- (c) Is an electronic device.

(6C) the person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.

(6D) Following an examination under subsection (6C), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.

(6E) In determining whether there is a good reason for the purposes of subsection (6C) or (6D), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.]

(7) Regulations may prescribe what must or may be done by a person who, under subsection (1), seizes an article of a kind specified in regulations under section 85AA(3)(f) (or an article which the person has reasonable grounds for suspecting to be such an article).

(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.

(9) Subsection (8)(c) is subject to subsections (3), (4) and regulations made under subsection (7).

(10) In subsections (3) to (8), references to alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies and an offensive weapon include references to anything which a person has reasonable grounds for suspecting is alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies or an offensive weapon.]

F85ADSection 85AC: supplementary U.K.

(1)The Police (Property) Act 1897 (disposal of property in the possession of the police) applies to property which has come into the possession of a police constable under section 85AC(4)(a), (5)(a),(6A)(a)] or (8) as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

(2)Subsection (3) applies where a person—

(a) seizes, retains or disposes of an item within subsection (2A)] under section 85AC; and

(b) Proves that the seizure, retention or disposal was lawful.

(2A) The items referred to in subsection (2) (a) are—

(a) Alcohol or its container;

(b) A controlled drug;

(c) A stolen article;

(d) An article that is a prohibited item by virtue of section 85AA(3)(ea).

(2B) Subsection (3) also applies where a person—

(a) Erases data or a file from an electronic device under section 85AC(6D); and

(b) Proves that the erasure was lawful.

(3) That person is not liable in any proceedings in respect of—

(a) The seizure, retention [disposal or erasure] ; or

(b) Any damage or loss which arises in consequence of it.

(4) Subsections (2) [F6 , (2B)] and (3) do not prevent any person from relying on any defence on which the person is entitled to rely apart from those subsections.

(5) Regulations under section 85AC(7) may make provision corresponding to any provision of this section.]

85C Power of members of staff to use force U.K.

(1) A member of the staff of an institution which is within the further education sector [or is a 16 to 19 Academy] may use such force as is reasonable in the circumstances for the purpose of preventing a student at the institution from doing (or continuing to do) any of the following, namely

(a) **Committing any offence,**

(b) **Causing personal injury** to, or damage to the property of, any person (including the student himself), or

(c) **Prejudicing** the maintenance of good order and discipline at the institution or among any of its students, whether during a teaching session or otherwise.

(2) The power conferred by subsection (1) may be exercised only where—

(a) The member of the staff and the student are on the premises of the institution, or

(b) They are elsewhere and the member of the staff has lawful control or charge of the student.

(3) Subsection (1) does not authorise anything to be done in relation to a student which constitutes the giving of corporal punishment within the meaning of section 548 of the Education Act 1996.

(4) The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

(5) In this section, “member of the staff”, in relation to an institution within the further education sector [For a 16 to 19 Academy], means any person who works at that institution whether or not as its employee.]

Toolkit H

National Police Chiefs' Council and Child Centered Policing.

NPCC - guidance on when to call the police.

Page 16 is specific to Weapons

