

Joint Protocol between the Police Service of Scotland, Argyll
and Bute Council and West Dunbartonshire Council

Weapons Incidents in Educational Establishments



Operational Protocol for Weapons Incidents in Educational Establishments

On 28 October 2015 a 16 year old pupil at Cults Academy, Aberdeen, died after being stabbed with a knife by a fellow pupil. This tragic incident led to an independent review of the circumstances being commissioned by the principal public agencies with an interest in the issues raised by the case. This review was published in September 2016 and contains a number of recommendations.

In order to address these recommendations and maximise the safety of young persons within the local authority areas of West Dunbartonshire and Argyll and Bute, this joint protocol has been developed among Argyll and Bute Council, West Dunbartonshire Council and the Police Service of Scotland to ensure a consistent collaborative response to all incidents involving young persons and weapons.

The following operational guidance has been prepared for the benefit of police officers and staff in educational establishments throughout both local authority areas. The recommendations and the joint response to them are included for information at Appendix A and a summary of police powers and duties of search in relation to weapons can be found at Appendix B.

OPERATIONAL GUIDANCE

Incidents which are covered by this protocol are defined as:

- Incidents involving weapons at any educational establishment where any person under 18yrs of age is educated.
- Any incident concerning a child less than 18 years of age being in possession of a weapon anywhere in Argyll and West Dunbartonshire Division.
- Any incident involving a person who is 18 years of age or above and a pupil in an educational establishment being in possession of a weapon anywhere in Argyll and West Dunbartonshire Division.

Any such incident will trigger the operational response detailed below. The term “educational establishment” includes those premises providing further education and operated by a local authority.

Intention

The intention of this document is to detail a strategy which:

- Promotes effective multi-agency working reflecting the principles of Getting It Right for Every Child ("GIRFEC").
- Maximises the safety of all children and young persons in West Dunbartonshire and Argyll and Bute.
- Maximises the safety of all staff, pupils and public within educational establishments in West Dunbartonshire and Argyll and Bute.
- Safeguards the welfare of all persons involved in any weapons related incident including any alleged perpetrator through an effective multi-agency response.
- Develops an effective preventative programme in relation to weapons incidents in educational establishments.

- Ensures all weapons incidents involving children and young persons are thoroughly investigated and that such investigations are supported by all partner agencies named in this protocol.
- Develops an effective communication strategy to update all stakeholders including pupils, parents and carers, school staff and the community as appropriate in the event of a weapons-related incident.

Response to Incidents

1. In the event of an incident involving possession of a weapon or suspected possession of a weapon in an educational establishment, the Senior Management Team in that establishment will react with a proportionate response based on the emergency plans for those premises. **Police Scotland will be contacted immediately via the 999 system** and will coordinate any emergency response. Each incident will be risk assessed and assumed to be at least **Grade 2** by the Control Room (Priority Incident) and any necessary Stay Safe guidance given. All incidents of this nature will have a PS21 (weapon/knife) closure code applied which indicates a weapon was involved.

There will clearly be different levels of response based on the level of risk that an incident is perceived to present. A report of a pupil suspected of having a weapon in their possession, while concerning, will merit a different response to a report of a weapon being used to injure someone. It is important that Senior Management Teams in educational establishments react in a proportionate and justifiable manner to incidents involving weapons.

2. Where staff in an educational establishment are unsure as to whether an incident requires to be reported to the police they are to be encouraged to call 101 and request to speak with a local police supervisor for their area.
3. All intelligence reports received relating to a young person under 18 years being in possession of a knife or weapon will be prioritised and immediately forwarded to the Control Room for assessment and action as per Action 1.
4. All incidents triggering this plan will be brought to the attention of the On Duty Response Inspector, who will adopt the following strategy:
 - **Keep People Safe**
 - **Minimise the Impact of the Incident**
 - **Maximise Investigative Opportunities.**
5. If the incident occurred at a school then the staff will lead in relation to the initial response. Police will deal with any criminality, collaboratively working with partners to ensure a safe resolution to the incident. **An officer of at least the rank of Inspector will be the lead officer for the incident.**
6. Where a person who is a pupil or student in an educational establishment is found in possession of a weapon outwith that establishment the on-duty divisional Police Incident Officer will ensure a referral is submitted to alert the appropriate local authority of the incident.

7. Where a person under 18yrs of age is alleged to have committed an offence involving a weapon, early contact will always be made by the Reporting Officer with a member of Police Scotland's Risk and Concern Hub and **PRIOR to any Standard Prosecution Report ("SPR") being completed.**

Early and Effective Intervention process ("EEI") Expectations:

- For those under 16 years, and for 16 & 17 year olds who are subject to a Compulsory Supervision Order ("CSO"), the Youth Justice Management Unit ("YJMU") should receive a **crime report** with a full description of the circumstances of the incident. Research will be carried out in relation to the accused and checks will be carried out to establish if there is current Social Work involvement and if a CSO in place. The Police Service of Scotland Divisional EEI Coordinator will then determine whether an SPR is required or if a more appropriate response to manage the offender's behaviour can be provided by Social Work.
 - For 16 & 17 year olds there is still a role for the EEI Coordinator, reports to the Procurator Fiscal where the offender is held in police custody pending a court appearance, being the only exception. The presumption would be that an SPR would be submitted to the Procurator Fiscal ("PF") for 16 & 17 year olds however the EEI staff may add additional information for the attention of the PF.
8. Police Service of Scotland Enquiry Officers will fully investigate the matter and ensure all relevant recording processes are completed before they go off duty. These include the updating of the following databases: **Crime Management, the Interim Vulnerable Persons Database ("iVPD"), the Scottish Intelligence Database ("SID"), Police National Computer ("PNC") Markers** and the Police Incident Officer ("PIO") will ensure a fully detailed **update is on the appropriate debrief document** for the attention of the Area Commander.
 9. Consideration should be given to the immediate welfare concerns of both victims and suspects involved in the incident. Appropriate medical attention should be sought whenever necessary and collaborative decisions should be made that have due consideration to the welfare of the young person. School staff should consider the emotional needs of those involved in, or witnessing, the incident. Critical incident guidance should be followed at an appropriate level with advice available from the school's link Education Officer and Educational Psychologist.
 10. In relation to immediate trauma in the event of a serious incident, designated First Aiders from the establishment involved should treat those affected as far as their training and experience allows provided it is safe to do so. If further medical assistance is deemed to be appropriate then the Scottish Ambulance Service should be contacted in the first instance for assistance and support.
 11. At the conclusion of the initial investigation, Enquiry Officers will liaise with the Named Person to ensure a Multi-Agency Meeting takes place as soon as possible. This meeting is to consider welfare concerns as per the **GIRFEC** principles and any additional support the young person needs e.g. one to one mentoring etc.
 12. No release to the media regarding a weapons-related incident will be made without first consulting the Corporate Communications Department of Police Scotland and any corresponding department of the relevant local authority.

Background

On 28 October 2015 a 16 year old pupil at Cults Academy, Aberdeen, died after being stabbed with a knife by a fellow pupil. This tragic incident led to an independent review of the circumstances being commissioned by the principal public agencies with an interest in the issues raised by the case. This review was published in September 2016 and contains a number of recommendations.

In order to address these recommendations and maximise the safety of young persons within the local authority areas of West Dunbartonshire and Argyll and Bute, this joint protocol has been developed to ensure a consistent collaborative response to all incidents involving young persons and weapons.

Recommendations

The recommendations from the review are included in this document along with an appropriate response to each of them.

Recommendation 1: All parents should receive a letter from school at the beginning of Year S1 each year. The letter will set out the school rules and the expectations of the school with regard to weapons. The letter will be signed and returned to school.

The aim of this recommendation is clearly to make parents aware of rules and expectations in relation to weapons. It is not necessary for letters to be signed and returned and the administration involved in this would be particularly difficult and time consuming. A more appropriate action is that in order to inform parents of the expectations of educational establishments in relation to weapons, a statement will be in the handbook issued to all parents and carers which clearly indicates the response to allegations of weapons possession. This statement will contain a notification that unless parents/guardians contact the school to indicate a concern, they are giving their implied consent to the policy. This will be supported by a letter issued to all pupils at the beginning of each session and new enrolments.

Recommendation 2: Pupil forums and pupil councils to be encouraged to develop safe processes to enable pupils to share their knowledge of weapons with teaching staff.

The processes for pupils to report incidents involving weapons to teaching staff are already in place across both local authority areas.

Recommendation 3: Police Scotland shall be notified of each and every incident of weapons possession of which the school become aware.

This recommendation is included in the operational guidance which is listed above. It has been strengthened by adding a requirement for the notification to be immediate.

Recommendation 4: Every incident will be recorded by the school immediately following an allegation or an incident and notified to Senior Managers.

All incidents involving weapons are already recorded in educational establishments as soon as is reasonably practicable and thereafter notified to Senior Management in both local authority areas.

Recommendation 5: The local authority should work with Police Scotland to establish a clear and effective policy on management of offensive weapons in school with partners.

This document is the policy for managing incidents of offensive weapons in schools. The scope of this document has, however, been extended to all educational establishments as well as incidents involving persons under 18 years of age possessing weapons outwith such places.

Recommendation 6: In accordance with the law of Scotland searches must be made with pupil's consent. The Head Teacher or her nominee should undertake searches of pupils where consent is given. Where no consent is forthcoming, the police should be notified if there are grounds to suggest that the child or young person is carrying a knife or other offensive weapon.

Recommendation 7: A specific search and confiscation protocol should be developed by Aberdeen City Council supported by Police Scotland as part of their weapons/knife crime strategy currently under development.

As the Scottish Government has published a code of practice on 11 May 2017 making consensual searching by police officers unlawful, it is not considered appropriate to request teaching staff to undertake such activity. There are no statutory powers available to teaching staff allowing them to search pupils suspected of carrying weapons. Where there is a suspicion or allegation that a student is in possession of a weapon Police Scotland will be notified and attend immediately to assess the circumstances. Where it is appropriate and justified, police officers will use their statutory powers of search in relation to weapons. For clarity, those powers are reproduced in Appendix B. This response to recommendation 6 renders recommendation 7 unnecessary.

Recommendation 8: Individual risk assessments should be completed on all individuals known or suspected to carry offensive weapons.

The existing processes for dealing with possession of weapons by children and young persons all contain more than adequate risk assessment provisions in relation to the safety of all involved. Where a child or young person is in possession of a weapon and criminality is alleged, the existing criminal justice processes adequately assess the risk in that person attending an educational establishment. Similarly, when a child or young person is in possession of a weapon to self-harm the existing child protection processes include the same assessment of risk.

Recommendation 9: Local authorities to work jointly with Police Scotland to develop and deliver age appropriate training for Primary 7, Secondary 1 and Secondary 5 to support the knife crime strategy.

This training is already in place within West Dunbartonshire and Argyll and Bute local authority areas. It is either delivered through Experiential Learning (P7), Choices for Life (S1), Youth Engagement Officer led assemblies (S5) or Community Learning and Development ("CLD") engagement with children/young people.

Recommendation 10: The local authority to develop work with Ben Kinsella Trust to develop appropriate teaching resources and lesson plans.

In both local authority areas this age appropriate training is already delivered. It will continue to be carried out and the Police Scotland Youth Engagement Officers will support this. The delivery

of No Knives Better Lives and the experiential learning programme have sufficient teaching resources and lesson plans and while the work of the Ben Kinsella Trust is recognised and acknowledged, there is no need at present to develop new resources. The effectiveness of such training is of course monitored and if updated or improved resources are required then this recommendation can be revisited.

Recommendation 11 and 12 refer to the Scottish Government only and as such are outwith the scope of this document.

Recommendation 13: Aberdeen City Council 2009 Anti bullying policy to be replaced with a policy developed in conjunction with Respect Me to include the changes introduced by the Children and Young People (Scotland) Act 2014.

Recommendation 14: School anti bullying policies to be written in terms of the new policy.

The anti-bullying policies of both local authorities have already been rewritten to incorporate changes introduced by the Children and Young People (Scotland) Act 2014. As a result, all schools in both areas have also updated their anti-bullying policies.

Recommendation 15: A senior teacher to be trained to respond to the complaints of bullying and agree outcomes with parents.

In all educational establishments a member of the Senior Management Team is trained to respond to complaints of bullying and agree outcomes with parents.

Recommendation 16. The rigour of the business continuity plans for secondary schools be tested using a live scenario based on the 28th October incident.

The business continuity arrangements for schools in West Dunbartonshire were tested on 5 December 2016 at the Head Teacher's Emergency Planning Workshops (Bomb Calls) which was facilitated by Police Scotland. A further such event is planned for Head Teachers in Argyll and Bute. In the event of a live weapons-related incident taking place the Senior Management Team in the educational establishment will instigate a proportionate response based on the normal emergency protocols for that establishment. If the incident becomes a criminal investigation or is declared a major incident, Police Scotland will coordinate the emergency response.

Recommendation 17: The United Kingdom regulatory bodies, Ofcom and the Independent Press Standards Organisation ("IPSO") to consider the imposition of a 24 hour bar on reporting and publication of names involved in a fatal incident to allow for the proper and respectful notification to relatives and those intimately affected by the event.

This recommendation is not a matter for Police Scotland or the Local Authorities.

Recommendation 18: Develop media training for local authority Members and Chief Officers of Police Scotland on the management of communications during adverse events.

In the event of an weapons related event the Police will be the lead agency and Police Scotland's Corporate Communications Department will provide advice and assistance as to any communications issued to the media. For other incidents the interface with the media will be the relevant local authority's press office. As such, specific training for Members and Chief Officers is not required.

Recommendation 19, 20 and 21 were to rectify specific weaknesses in policies belonging to Aberdeen City Council and as such are not reproduced here. The equivalent policies in both local authority areas have been assessed as suitable.

Police Powers of Search in relation to weapons

Criminal Law (Consolidation) (Scotland) Act 1995 Section 48 (as amended by the Criminal Justice (Scotland) Act 2016, Schedule 2, Part 1, Paragraph 12 (c))

Where a constable has reasonable grounds for suspecting that any person is carrying an offensive weapon and has committed or is committing an offence under Section 47 of this Act, the constable may search that person without warrant, and detain him for such time as is reasonably required to permit the search to be carried out; and he shall inform the person of the reason for such detention.

Criminal Law (Consolidation) (Scotland) Act 1995 Section 49B

(1) A constable may enter school premises and search those premises and any person on those premises for—

- (a) Any article to which section 49 of this Act applies, or
- (b) any offensive weapon within the meaning of section 47 of this Act,

If he has reasonable grounds for suspecting that an offence under section 49A of this Act is being, or has been, committed.

(2) If in the course of a search under this section a constable discovers an article or weapon which he has reasonable grounds for believing to be an article or weapon of a kind described in subsection (1) above, he may seize it.

(3) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.

Criminal Law (Consolidation) (Scotland) Act 1995 Section 50 (as amended by the Criminal Justice (Scotland) Act 2016, Schedule 2, Part 1, Paragraph 12 (d))

Where a constable has reasonable grounds for suspecting that a person has with him an article to which section 49 of this Act applies and has committed or is committing an offence under subsection (1) of that section, the constable may search that person without warrant and detain him for such time as is reasonably required to permit the search to be carried out.

Criminal Justice (Scotland) Act 2016 Section 65

- (1) This section applies in relation to a person who is not in police custody.
- (2) It is unlawful for a constable to search the person otherwise than -
 - (a) in accordance with a power of search conferred in express terms by an enactment, or
 - (b) under the authority of a warrant expressly conferring a power of search.

Criminal Justice (Scotland) Act 2016 Section 66

- (1) A person who is not in police custody may be searched by a constable while the person is to be, or is being, taken to or from any place -
 - (a) by virtue of any enactment, warrant or court order requiring or permitting the constable to do so, or
 - (b) in circumstances in which the constable believes that it is necessary to do so with respect to the care or protection of the person.

(2) A search under this section is to be carried out for the purpose of ensuring that the person is not in, or does not remain in possession of any item or substance that could cause harm to the person or someone else.

(3) Anything seized by a constable in the course of a search carried out under this section may be retained by the constable.

Criminal Justice (Scotland) Act 2016 Section 67

- (1) A person who is not in police custody may be searched by a constable if -
 - (a) the person -
 - (i) is seeking to enter, or has entered, relevant premises, or
 - (ii) is seeking to attend, or is attending, a relevant event, and
 - (b) the further criteria are met.

(2) Premises are or an event is relevant if -

- (a) the premises may be entered, or the event may be attended, by members of the public (including where dependent on possession of a ticket or on payment of a charge), and
- (b) the entry or the attendance is controlled, at the time of the entry or the attendance, by or on behalf of the occupier of the premises or the organiser of the event.

(3) The further criteria to be met are that -

- (a) the entry or the attendance is subject to a condition, imposed by the occupier of

the premises or the organiser of the event, that the person consents to being searched, and
(b) the person informs the constable that the person consents to being searched by the constable.

(4) A search under this section is to be carried out for the purpose of ensuring the health, safety or security of people on the premises or at the event.

(5) Anything seized by a constable in the course of a search carried out under this section may be retained by the constable.

Criminal Justice (Scotland) Act 2016 Section 68

(1) Subsection (2) applies when a constable is deciding whether to search a child who is not in police custody.

(2) In taking the decision, the constable must treat the need to safeguard and promote the wellbeing of the child as a primary consideration.

(3) For the purposes of this section, a child is a person who is under 18 years of age.

Signed on behalf of Argyll and Bute Council

Signature: Anne S Paterson

Name: ANNE S PATERSON

Position: HEAD OF SERVICE

Date: 19/9/2017

Place: ARGYLL HOUSE, DUNOON

Signed on behalf of West Dunbartonshire Council

Signature: Laura Mason

Name: Laura Mason

Position: Chief Education Officer

Date: 5 September 2017

Place: Dumbarton

Signed on behalf of the Police Service of Scotland

Signature: Gail McClymont

Name: GAIL MCCLYMONT

Position: SUPERINTENDENT (CP3)

Date: 20/9/17

Place: DUMBARTON
