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<b>OFFENSIVE AND BLADED WEAPONS</b>		

Section 1(4) defines an offensive weapon as “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”. In the case of *R v Simpson(C)*, 78 CAR 115 the court considered this definition and identified three categories of offensive weapon.

1. Offensive per se i.e. those items made for the use of causing injury to the person. Examples are a truncheon, a rice flail, and a butterfly knife.
2. Adapted for use. The example given in the case of Simpson was of a bottle deliberately broken.
3. Intended by the person having it with him for use for causing injury to the person. This definition includes defensively as well as offensively.

### Children and Young People

The CPS recognises the relative lack of maturity and greater vulnerability of children and young people when deciding whether to prosecute.

Prosecutors should refer to the **Legal Guidance** for cases involving children and young people.

It has been agreed between the NPCC and the CPS that a serious response is required for youths aged 16 and 17. This approach is covered in the joint NPCC/CPS **Guidance**

The offensive weapons act and prevention of crime act should be considered and sets the tone for the offensive weapons policy.

### The Prevention of Crime Act 1953

Prohibits the carrying of any offensive weapon in a public place without lawful authority or reasonable excuse. A public place includes private premises to which the public have access. An offensive weapon is defined as any article made or adapted for use for causing injury to the person, or intended by the person for such use. Maximum penalty: Six months imprisonment and/or £5000 fine.

## The Restriction of Offensive Weapons Act 1959

Prohibited the manufacture, sale, hire or offer for sale or hire, and importation of flick knives and gravity knives. Maximum penalty: Six months imprisonment and/or £5000 fine.

## The Criminal Justice Act (CJA) 1988

Created an offence of having an article with a blade or point in a public place without good reason or lawful excuse. An exemption applies to folding pocket knives with a blade of less than three inches. (In my view this is nonsense...three inches 'kills'. This was proven to be the size of the knife that killed Westley). Maximum penalty: Up to two years imprisonment.

CJA 1988 also prohibited the manufacture, sale, hire, offer for sale or hire of a range of weapons specified in the Criminal Justice Act (Offensive Weapons) Order 1988. These are mainly items designed to cause serious injury, for example knuckle dusters, hand claws and certain Martial Arts equipment, or those which can be easily concealed, including swordsticks. Maximum penalty: Six months imprisonment and/or £5000 fine.

## Offensive Weapons Act 1996 - amended the 1988 Act

To prohibit the sale of knives and certain articles with a blade or point to persons under the age of 16. Maximum penalty: Six months imprisonment and/or £5000 fine.

## Knives Act 1997

Created offences relating to the unlawful marketing of knives as suitable for combat, or in ways likely to stimulate or encourage violent behaviour. It also extended the power to stop and search in anticipation of violence contained in the Criminal Justice & Public Order Act 1994. Maximum penalty: Six months imprisonment and/or £5000 fine. (It is interesting, this figure for a fine is the same as that imposed in 1953...£5000. In 1953 this would probably have bought 5 or 6 terraced houses on the outskirts of London).

Section 60 of the Criminal Justice & Order Act 1994, as amended by the Knives Act 1997 - contains a power under which an Officer or Inspector rank or above could, in certain circumstances, authorise Police Officers within a given area to stop and search for offensive weapons.

Weapon Able instruments within the home

In the interest of safety within an SJD Home - kitchen knives are to be stored in a secure place for kitchen use only. Depending on the risk impact, other implements such as screwdrivers should also be locked away in the office. Hammers and heavy weight implement that could be used as a weapon should also be locked away.

## **Declarations**

It is SJD Homes' policy that no weapons will be allowed on any of the organisation's premises. It is important that SJD Homes are safe places to live and work.

At the start of a placement with SJD Homes it is important to refer to the rules of the home which should be a part of the rules of occupancy of the home that bladed objects or offensive weapons such as firearms, ball bearing guns, baseball bats, corrosive items such as acids and other implements of harm are not permitted. These items must be declared and stored securely in the office. Firearms and other similar objects or the police informed regardless of if the placement is to be confirmed.

Refusal to declare or submit such implements should result in a refusal to take on the placement as possession of such items is a potential danger to self and others within the accommodation, shared or solo placements.

## **Procedure**

If staff on duty have reason to believe that any young people have brought guns or weapons onto the site, then the following procedures will be implemented immediately:

1. A telephone call will be made to the line manager or on-call manager to discuss concerns and suspicions and to assess the level of risk.
2. If it is unlikely that staff will be able to remove the weapons easily or it is felt to be risky to the staff members, then the police should be called. If young people, staff, or the public are being threatened then the police should be called immediately.
3. The shift leader will inform the local police as soon as concerns have been reported to them. It is crucial that correct information is given to the police at this stage as the level of police involvement depends upon their understanding of the circumstances.
4. The immediate concern of managers and staff is to ensure that young people are removed from the scene of any incident.
5. The social worker of the young person(s) involved will be informed immediately by telephone and followed up by email. If the incident occurs in out-of-hours' time, then the incident will be reported to the Emergency Duty Team.
6. The local police will conduct room searches of young peoples' rooms.
7. If the incident occurs in a registered children's home, it must be reported to Ofsted both by telephone and email.
8. A full and detailed incident report must be completed before staff leave the premises at the end of their shift and emailed to the relevant manager for onward transmission to

the social workers of all the young people resident in the home and to the Independent Advisor/Regulation 44 visitor.

9. A letter will be given to any young person(s) involved, informing them that their social worker has been contacted and that the incident may result in the closure of their placement.
10. Each incident will be investigated thoroughly by a member of the SJD Homes management team in conjunction with the young person's social worker.
11. Where appropriate, Ofsted will be kept informed. In incidents where the police have been actively involved, they may wish to be included in any de-briefing meetings.
12. An emergency planning meeting should be called. Ofsted should be informed of the decisions made at the planning meeting. Where other residents have been threatened in the course of any such incident their social workers should also be involved in this meeting.
13. If, following investigation of the incident, a decision is made that the young person's placement should *not* be terminated, a second letter will be given to the young person involved informing them that placement would be closed if any other similar incidents occurred.
14. Even if guns or weapons are not found, the situation will still be treated with great concern, which will be expressed through a range of internal processes including group work with the entire young people's group.

#### Finding objects - actions to be taken

Please refer to lone working policy as actions are different where a member of staff does not have the benefit of added support. A silent call to police is advised, confrontation and questioning may not be a good idea.

If staff happen to find such items in the room of a service user, and the knife for instance is determined not to be one of the items provided by the accommodations, it should be confiscated, placed in secure storage in the office and the local police called immediately. They would usually advise on picking up the item or a visit to the accommodation. All this is to be done while communicating the find to the safeguarding lead as well as the social worker allocated to the service user.

A warning letter should be drafted with clear details of what happens next. In the case of finding a firearm staff are advised to lock the room where the item is found and immediately call the police rapid response police as this is a direct criminal activity with very dangerous safety implications for staff and other occupants of the home. In some cases, the best option might be to evacuate the home and wait for the police to arrive.

In cases where the service user has the item in their possession, the police should be called if they do not allow its confiscation. In the case of finding a firearm on the service user, staff should avoid any form of confrontation and discreetly call the police. Staff are to avoid questioning the service user for their own safety.

In cases where a young person has a history of self harm, confiscation must be done with extreme caution and with minimal pressure, avoiding reprimand or confrontation. Where

there is a refusal to hand over the item for safe keeping the police, Safeguarding Lead and Social Worker should be informed immediately.

Room checks are part of the SJD Homes procedures and these need to be established from the service induction day for the young person. Random or regular 3-hour room checks may be a more frequent practice depending on the risk impact of a young person or the possibility of self-harm as dictated in the risk assessment or care history. Room searches are designed to ensure the young person is safe when they are in the home and to also ensure that staff can intervene where there is a danger of overdose, fire safety breaches (Smoking in the room) , un authorised stay overs of visitors etc.

Where there is a refusal to agree to room checks, management must decide on whether to take on the young person as a placement within the accommodation.

It is important that staff are vigilant and watchful of items a young person brings into the accommodation as well as what they are taking out of the accommodation.

