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Introduction

1.1 Why guidance?

1.1.1 In January 1996, a working group was set up by the previous Government to consider the security of schools. Its members included representatives of teacher associations, schools, governing bodies, parents, the police, local education authorities, the churches, UNISON and government departments and agencies. This report fulfils one of the working group’s recommendations.

1.1.2 In its report\(^1\) the working group noted that:

- there is a range of existing powers available to the police and the criminal justice system to deal with troublemakers in and around schools;
- despite existing laws, schools feel that the police and the criminal justice system do not always provide them with sufficient protection from troublemakers;
- the most common problems which schools face are general nuisance, disturbance, abusive behaviour and vandalism by young people in and around their grounds;
- such trouble can quickly lead to a general atmosphere which makes a more serious incident more likely; and
- there is significant anecdotal evidence that the extent and nature of existing powers are not sufficiently well known and that local practice in the exercise of these powers varies.

1.1.3 The working group therefore recommended, and the Government accepted, that this guidance to the law should be made available.

1.1.4 The working group also asked for guidance on the use of new police powers under the Offensive Weapons Act 1996. This Act makes it an arrestable offence to possess a knife or other offensive weapon on school premises, and creates a power for police to enter and search for such weapons on school premises (see Chapter 6).

1.1.5 This guidance does not, however, constitute an authoritative legal interpretation of the provisions of the Education Acts or other enactments and regulations; that is exclusively a matter for the courts.

1.2 Audience

1.2.1 The guidance is aimed principally at schools and police forces. Others, however, may also find it of interest to and help with their work, including:

- local education authorities;

\(^1\) Publications are listed at Annex B.
• colleges in the further education sector, particularly sixth-form colleges, which may have to deal with similar troublemakers; and

• the Crown Prosecution Service, magistrates and the judiciary, who may from time to time become involved in dealing with cases affecting the security of schools.

1.2.2 Security matters within further education colleges are the responsibility of the principal and the governing body. They can use much of this guidance for establishing their own security procedures, although they should be aware that neither the provisions of section 547 of the Education Act 1996, referred to throughout the guidance, nor the provisions relating to schools under the Offensive Weapons Act 1996, apply to colleges. Colleges may find Chapter 8 of the guidance particularly helpful. It focuses on co-operation with the police, and includes advice on help an institution may receive from the, including on security strategies and local partnerships. Chapter 9 covers the role of the Crown Prosecution Service, magistrates, and the judiciary.

1.3 Definitions

1.3.1 ‘School’ refers to schools maintained by a local education authority (including maintained nursery schools, voluntary-aided schools, boarding schools and pupil referral units), and grant-maintained schools. It also refers to independent schools, City Technology Colleges and non-maintained special schools, except as far as the application of section 547 of the Education Act 1996 is concerned. Schools in the independent sector fall outside the scope of section 547.

1.3.2 ‘School’ is also used to refer to the governing body and/or the headteacher and staff, for example “When calling the police, the school should explain….”. Part 8.3 explains the general management responsibilities for security in schools. Responsibility for particular tasks may fall to different people in different schools, depending on the governing body’s security strategy.

1.3.3 ‘Staff’ generally refers to all those employed at the school and any others working there, such as volunteers. Where a specific group is meant, such as those who have been authorised by the headteacher to be in charge of pupils, this is made clear.

1.3.4 ‘Premises’ generally refers to the whole of a school’s grounds, including its buildings, and both detached and on-site sports fields. Where particular legal provisions have a more specific definition, for example excluding certain dwelling houses, such exceptions are explained. All schools and school grounds are private places, and anyone entering without authority may be asked to leave. This might include parents, as well as pupils, ex-pupils, excluded pupils. Anyone entering without permission is a trespasser.

1.4 General principles of the law

1.4.1 The criminal law applies:

• throughout England and Wales; and
• to all people, except that the age of criminal responsibility is ten years. Children below that age cannot be charged with or convicted of an offence. The common law currently lays down a special rule concerning children of ten years or over but under the age of 14. They are currently presumed to be incapable of committing an offence, but this presumption may be rebutted by proof that they knew that what they were doing was seriously wrong. However, the Government intends to change this in the Crime and Disorder Bill, which at the time of writing is before Parliament.

1.4.2 The entire body of the criminal law is, therefore, potentially relevant to persons and activities inside a school, or to school activities outside school premises. There are only rare exceptions where a particular provision of the law applies differently, or does not apply, within a school. The fact that an offence takes place on school premises does not in any way detract from the seriousness of the incident.

1.4.3 Most criminal offences are investigated by the police and prosecuted by the Crown Prosecution Service. It is sometimes also possible for a prosecution to be undertaken privately either by an individual, such as a teacher, or by some other body, such as a local education authority or teacher union.

1.4.4 The police have special powers, including a wider power of arrest, not available to private citizens. But their powers are limited, and individual police officers are responsible for the way they exercise their powers. A power of arrest is not available in respect of every offence, and a police officer is not bound always to exercise a power of arrest even where it is available.

1.4.5 Any ambiguity or confusion about police powers should be resolved through speaking to the local police commander.

1.4.6 Chapter 3 on trespass also refers to ways in which the civil law may be relevant.

1.5 LEAs and local co-operation

1.5.1 LEAs have a key role to play in school security, particularly in setting an overall security policy for county and voluntary-controlled schools. Many offer support, advice, guidance and training to the schools they maintain. Local authorities are in addition often closely involved in fostering police-school co-operation.

1.6 Good practice

1.6.1 A significant proportion of responses to the consultation included examples of good practice in terms of school/LEA/police co-operation. A brief description of a number of these examples, with contact names, addresses and telephone numbers, is included in Annex A.
1.7 School security strategy

1.7.1 More detailed advice on developing a security strategy, and assessing and managing the risks that individual schools face, can be found in the DfEE publication Improving Security in Schools. This also includes advice on the physical security measures which schools might consider adopting, including intruder alarm systems and CCTV. Details of how to obtain a copy can be found in Annex B.
Summary of key points

2.1 General

2.1.1 The following is a summary of some of the key points outlined in the guidance. It is intended to serve as a quick reference only. Substantive advice is set out in Chapters 3 to 9.

2.2 Trespass

2.2.1 Trespass is generally a civil, rather than a criminal offence. Schools and school grounds are private places, and anyone entering without authority (which might include pupils, ex-pupils, excluded pupils and parents) is trespassing, and may be asked to leave (parts 3.1 - 3.3).

2.2.2 Schools can considering seeking an injunction against persistent trespassers. Breach of an injunction is a contempt of court, for which there are substantial penalties - including imprisonment. Courts rarely, however, grant injunctions against young people (part 3.5).

2.2.3 A trespasser refusing to leave school premises, or entering after being required to leave, may be committing an offence under section 547 of the Education Act 1996. Section 547 says that someone without authority on school premises who causes a nuisance or disturbance, commits an offence (part 3.6).

2.2.4 Section 547 applies to LEA-maintained, voluntary and GM schools; but not to independent schools, sixth-form colleges or other FE establishments funded by the Further Education Funding Council (part 3.6).

2.2.5 Police officers and other authorised people (eg a member of staff) can use reasonable force to remove someone reasonably suspected of committing an offence under section 547 (part 3.7).

2.2.6 Some LEAs make letters available to headteachers, or send letters themselves, warning trespassers of the possibility of action under section 547. An example is attached at Annex D (part 3.7).

2.2.7 Use of a right of way over school premises does not allow someone to roam freely round schools. If a person uses a right of way other than as a right of passage, or if they do anything that is not reasonably part of their journey (such as deliberately disturb people), they may risk being regarded as a trespasser (part 3.9).
2.3 Offences not involving assault

2.3.1 Causing harassment, alarm or distress to staff or pupils, on or off school premises, could be an offence under section 154 of the Criminal Justice and Public Order Act 1994 (part 4.2).

2.3.2 Threatening, abusing or insulting staff or pupils, on or off school premises, could be an offence under section 5 of the Public Order Act 1986 (part 4.3).

2.3.3 Schools should consider various factors in deciding whether to involve the police in incidents of this nature: eg relative age of alleged offender and victim, and extent of challenge to school authority (part 4.4).

2.3.4 The Protection from Harassment Act 1997 introduced two new offences: where a person pursues a course of conduct causing harassment or causing another to fear that violence will be used against them (part 4.5).

2.4 Physical restraint of pupils

2.4.1 With effect from April 1998, schools will have an explicit power under section 550A of the Education Act 1996, to use reasonable force to restrain pupils to prevent them, for example, from committing a crime, causing injury to themselves or others, causing damage to property, or causing serious disruption (part 5.2).

2.5 Assault

2.5.1 Although there is no power of arrest for common assault, it is nevertheless a serious offence, which can be punished by imprisonment. It does not necessarily involve physical injury or even contact (part 5.1).

2.5.2 Assault occasioning actual bodily harm, ie the infliction of significant injury, is an arrestable offence, again punishable by imprisonment (part 5.4).

2.5.3 Schools should report assaults of this nature to the police - though fights between pupils may be treated by schools as disciplinary offences. More serious assaults should always be reported to the police (part 5.4).

2.5.4 Schools can assist the police and the Crown Prosecution Service by ensuring that they systematically record all details of incidents (part 5.3).

2.6 Offensive weapons

2.6.1 It is an offence under the Offensive Weapons Act 1996 to carry, without reason or authority, a knife or offensive weapon in or around schools. This applied to all knives other than folding pen knives with a three inch or smaller blade. Exceptions to this include knives used for educational purposes, and knives carried for religious purposes, eg a Sikh’s kirpan, see Annex F (part 6.1).
2.6.2 Except in cases where there is no doubt that the incident is innocent or poses no threat, the police should always be called (part 6.2).

2.6.3 Where there is a reasonable belief that a pupil might be carrying an offensive weapon, staff can, in exceptional circumstances, and before the police arrive, search a pupil who has agreed to co-operate (part 6.2).

2.6.4 A weapon confiscated should generally be surrendered to the police as soon as possible (part 6.2).

2.6.5 The police can enter and search a school for an offensive weapon. The head’s permission is clearly desirable, though not a legal requirement, where, for example the situation is urgent (part 6.3).

2.7 Other criminal matters

2.7.1 Schools should discuss with police the procedures for reporting cases where violence is not involved (theft, petty vandalism, minor criminal damage and burglary). These incidents will not usually require an emergency response (part 7.1).

2.7.2 Schools should discuss with police how to deal with incidents related to illegal drugs (part 7.3).

2.8 Co-operation between police and schools

2.8.1 Primary responsibility for security rests with schools, but they should aim to involve the police in their security arrangements (parts 8.2 - 8.4).

2.8.2 In the case of the schools they maintain, LEAs also have a key role in monitoring overall security policies. As well as providing their own advice to schools, LEAs can often help to facilitate police-school co-operation (parts 8.3 - 8.4).

2.8.3 Schools should adopt a system of recording and reporting incidents, even minor ones. This can indicate wider trends, and can be of use to the police or Crown Prosecution Service. Schools may discuss with the police the sort and form of information they should keep (part 8.10).

2.8.4 Schools should have an identified contact in their local police force, with whom they are in regular and information contact. But in an emergency they should always dial 999 (part 8.2).

2.8.5 Local police commanders and headteachers should find an opportunity to meet, perhaps once or twice a year (part 8.16).

2.9 Role of CPS, magistrates and judiciary

2.9.1 In deciding whether to pursue a prosecution, the CPS take into account a number of factors, including, for example, the use of a weapon or violence; the circumstances of the victim; and whether the offence is likely to be repeated or is part of
a wider trend (part 9.2).

2.9.2 The systematic recording of incidents by schools can be a useful source of information, through the police, to the CPS in making their decision (part 9.3).
3

Summary of key points

3.1 General

3.1.1 Trespass is not a criminal offence, but a matter which may be pursued through the civil courts. A particular exception, relevant to schools, where trespass may become an offence, is described in part 3.6. Figure 1 summarises the options for dealing with trespassers.

3.2 Trespassers on school premises

3.2.1 Schools are not public places to which any member of the public is entitled to have access (exceptions to this rule are discussed in part 3.9). They are private places, and any person who enters without permission is a trespasser. Trespassers may, therefore, be asked to leave.

3.3 Who is a trespasser?

3.3.1 The headteacher, in exercising day to day management of the school, determines who should have access to the premises. Given the nature of a school’s functions, a wide range of people may have a valid reason to enter and would therefore not be trespassers:

- registered pupils of a school entering the premises during school hours or at other times for purposes reasonably connected with their status as a pupil. They could, however, be trespassers if:
  - excluded, whether permanently or on a fixed term basis from the school, unless arrangements had been made for them to return to the school, for example to collect work; or
  - entry was in breach of pupils’ permission to enter (for example, at hours when pupils were forbidden entry to the school);

- parents or guardians responsible for a pupil at the school. These might expect to have permission to enter school premises at reasonable times, including when:
  - supervising children arriving or leaving the school;
    - attending a meeting with a teacher, or arranging an appointment for a meeting;
## FIGURE 1: TRESPASS

<table>
<thead>
<tr>
<th>Description of Trouble</th>
<th>Options for Action</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person trespasses on school premises (3.2)</td>
<td>School asks person to leave</td>
<td></td>
</tr>
<tr>
<td>Trespasser refuses to leave school premises, or causes or permits nuisance or disturbance (3.6-3.7)</td>
<td>Police officer, or authorised person removes trespasser</td>
<td>Maximum penalty: level 2 fine (£500); parent of 16 year old or younger may be bound over</td>
</tr>
<tr>
<td></td>
<td>LEA/School warns trespasser by letter</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Police officer, authorised person or LEA brings proceedings</td>
<td></td>
</tr>
<tr>
<td>If trespasser causes a breach of the peace (3.8)</td>
<td>Police officer may arrest and charge trespasser</td>
<td>Up to 6 months' imprisonment for failure to comply with any ‘binding over’ order of the court</td>
</tr>
<tr>
<td>Trespasser causes loss or damage, eg by disruption of school activity (3.10)</td>
<td>School may take civil action to seek compensation</td>
<td>Damages may be awarded</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Court may order offender to pay compensation</td>
</tr>
<tr>
<td>Trespasser causes deliberate or reckless damage (3.10)</td>
<td>School reports incident to police; possible offence of criminal damage</td>
<td>If intending to endanger life, or reckless as to danger to life, maximum penalty: life imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other criminal damage, if tried on indictment: maximum penalty: 10 years’ imprisonment</td>
</tr>
<tr>
<td>Trespasser persistently enters school premises (3.5)</td>
<td>LEA/school seeks injunction</td>
<td>Court orders trespasser not to enter school premises; if trespasser breaches injunction, the court can impose substantial penalties.</td>
</tr>
</tbody>
</table>

1 This figure is the maximum prevailing at the date of publication. Maximum fines are regularly uprated by Parliament.
helping in the classroom or acting as parent governors;

- others, such as governors, local authority staff, OFSTED inspectors, suppliers and contractors, authorised users of the premises for “out of hours” activities, those attending sports matches, returning officers for local parliamentary or European elections, and prospective parliamentary candidates.

3.3.2 Parents should be aware that they may be trespassers if they enter schools uninvited, or, if invited, behave in such a way that their behaviour is not conducive to the proper function of the school. Boarding schools may have particular arrangements for parents and guardians to visit boarders. A parent or guardian should not, however, expect to be entitled to enter the school at any time.

3.3.3 Local education authorities and governing bodies have a duty of care to visitors to their premises, which in some cases may extend to trespassers. Further advice is at an Annex E.

3.4 Discouraging trespass

3.4.1 The following steps can be taken by any school, whatever level of security it is seeking to achieve:

- the governing body’s security strategy can make clear that nobody (including governors, staff and pupils) has an unrestricted right of access to the school premises, except those who have a statutory right to enter premises for certain purposes, eg OFSTED inspectors and HSE inspectors;

- local authorities and governing bodies can consider posting notices at entrances to make clear the terms on which people may enter. Such notices should of course be welcoming, but they might also specify, for example, that:
  - during the day parents should act as visitors to the school, complying with appropriate school arrangements;
  - visitors should present themselves at a specified reception point, following a route to it indicated where necessary by signs;
  - suppliers, contractors and commercial deliveries should follow separate arrangements;

- those who have a broad permission to enter – pupils, staff, contractors, “out of hours” users – can be informed, preferably in writing by standard form letters, of the limitations both in terms of time and place as to their permission to enter the premises.

3.4.2 Such arrangements will not of course deter a determined intruder. But they should ensure that those who do not follow visitor procedures are noticed. They also leave no doubt that the school’s premises are private, and thus provide a clear basis for treating as a trespasser any person who enters the premises without permission.
3.4.3 Even where a person thinks that they have permission to enter the school and thus not to enter as a trespasser, it is open to the school to make clear that this assumption is mistaken or is withdrawn. That can be done by a letter or other form of notice addressed to the person.

3.5 Persistent trespass: the case for injunction

3.5.1 In cases of persistent trespass, a school or LEA could consider the possibility of seeking an injunction against the person or people involved. The DfEE is aware of at least one case where a local authority has secured an injunction, and this remedy has been actively and publicly considered in other instances. The threat alone of this sanction may sometimes have proved sufficient.

3.5.2 A court uses an injunction to order a person to do or to refrain from doing a particular act. For example, an injunction could order a named individual not to trespass on the property of a named school. Breach of an injunction is a contempt of court, and the court can bring into force substantial penalties to enforce compliance, including immediate imprisonment in serious cases. Courts will rarely grant injunctions against young people, however, as they are unlikely to appreciate the consequences of breaching the order and have limited means to pay any fine. The judgement in a 1991 Court of Appeal case observed that where the person against whom the injunction is sought is under 17, the possibility of enforcing the injunction by means of a fine should be explored; but that if the minor is still of school age or unemployed, it would be inappropriate for an injunction to be granted.

3.5.3 Schools which wish to use this remedy should seek legal advice, as the procedure for obtaining an injunction can be complex. Local education authorities are likely to be a useful source of advice. Some local authority housing departments also have experience of using this remedy and may be able to provide practical advice.

3.5.4 Schools may wish to be aware of the proposal in the Crime and Disorder Bill, which is before Parliament at the time of writing, for Anti-social Behaviour Orders. It is envisaged that Orders may be used as a last resort against persistent offenders in areas where anti-social behaviour is a problem; and that they may be particularly helpful in dealing with young people against whom it is difficult to obtain injunctions.

3.5.5 The proposal is that the police or local authority would apply to the court for an Order, where a defendant had pursued conduct which had caused alarm or distress to the local community. The court would have the power to place an order on a named individual who would be prohibited from repeating their behaviour. Breach of the Order would constitute a criminal offence. It is currently proposed that Orders would last for two years to provide adequate protection to the community.
3.6 Refusal to leave school premises: nuisance and disturbance

3.6.1 If a trespasser refuses to leave school premises, or enters after being required to leave, their behaviour may give rise to a criminal offence under section 547 of the Education Act 1996. Section 547 says that any person present without lawful authority on school premises, and who causes or permits nuisance or disturbance to the users of such premises, commits an offence. This applies whether or not the users are present at the time. The courts adopt a broad definition of ‘nuisance or disturbance’. This suggests that anything done by a trespasser will be an offence where it disrupts the routine of the school or the duties of its staff.

Definition of a school for the purpose of section 547

3.6.2 The definition of a school for the purpose of this provision is any school maintained by a local education authority (including voluntary-aided schools, boarding schools and pupil referral units) and grant-maintained schools. The definition of premises includes playgrounds, fields and other premises for outdoor recreation, but not teachers’ dwelling houses.

3.6.3 Section 547 does not apply to independent schools, CTCs, non-maintained special schools, sixth form colleges or other further education establishments funded by the Further Education Funding Council. Paragraph 3.8.4 explains the options available to these institutions and the police where a trespasser is causing a disturbance.

3.7 Section 547 powers to remove and to prosecute trespassers

3.7.1 Certain people may remove from the school premises anyone whom they reasonably suspect is committing or has committed an offence under section 547. These are:

- a police constable;
- a person authorised by the local education authority; or
- in a voluntary-aided, special agreement or grant-maintained school, a person authorised by the governors.

It is open to the local education authority under the legislation to authorise a person to take this action in respect of a voluntary or grant-maintained school, but the LEA is required to consult the police, if any, whose jurisdiction includes the school.

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2 The provisions relating to schools in section 40 of the Local Government (Miscellaneous Provisions) Act 1982 have been consolidated unchanged into the Education Act 1996. Section 40 of the 1982 Act will now only apply to LEA-maintained further or higher education institutions. Notices warning of these provisions should in future refer to the Education Act 1996, and documents giving delegated authority should also refer to the Education Act 1996.

3 Glue sniffing in a school playground out of school hours when no staff or pupils were present has been held to be a nuisance or disturbance (Sykes v Holmes and Maw [1985] Crim L R 791). Other examples might be: where a trespasser drives a motorbike onto playing fields and disrupts a PE lesson; or where a trespasser makes a noise outside a classroom preventing a class from being taught.

4 This definition is different from that which applies under the Offensive Weapons Act 1996 (see Chapter 6). The main practical difference is that the Offensive Weapons Act 1996 also applies to independent schools.
required to obtain the consent of the school governors before doing so. There is no requirement in section 547 that the person authorised needs to be an employee of the LEA or school – an external contractor, for example from a security company, could be authorised.

3.7.2 Headteachers need to have a clear understanding with the LEA or governors about the procedures for authorising themselves or some other member of staff, such as the caretaker, to exercise those powers of removal. The authority will not want to authorise staff to use the power who are unwilling to do so. There should also be arrangements for how the power should be exercised – for example, in most cases, it would be appropriate for more than one adult to be present. Any arrangements should be known to the local police, and there should be discussion of the circumstances in which the school would call for police assistance in exercising those powers.

3.7.3 It is important to recognise that section 547 is not intended to deal with the more serious offences and more serious misbehaviour described in chapters 4 to 6. It provides only a limited exception to the principle that trespass is generally a civil rather than criminal matter. Consistent with the relatively low level of misbehaviour which this offence aims to deal with,

- a police officer or other authorised person (see paragraph 3.7.1) may remove a person committing such an offence from the premises. They would be entitled to use reasonable force, to escort them from the premises, if the trespasser declined to leave when required to do so. Authorised staff are not, of course, expected to take such action if they judge that they might put themselves at risk in doing so;

- neither a police officer nor other authorised person would have a power to arrest the trespasser (but see also paragraphs 3.8.4 and 3.8.5);

- any prosecution resulting form the offence will be by summons: the alleged offender cannot be detained in custody or granted bail and be restrained by bail conditions, but must appear in court when summoned;

- the maximum sentence, which the court would apply only in the most serious example of the offence, is a level 2 fine – at present, £500. In addition to any sentence imposed on a person aged 16 or under, that young person’s parent or guardian may be bound over. This would mean that, in the event of further similar offences, the parent or guardian could suffer financial penalties of up to £1,000 ordered by the court.

Prosecution procedure under section 547

3.7.4 Proceedings for this offence may be brought only by:

- a police constable;

- a local education authority – with, in the case of a voluntary or grant-maintained school, the consent of the governing body; or
• in an aided, special agreement or grant-maintained school, a person authorised by the governing body.

3.7.5 The procedure for initiating a prosecution under section 547 will be familiar to the legal department of a local authority, or any solicitor. A school should therefore seek advice from such a source before bringing proceedings.

3.7.6 For a prosecution to succeed there will need to be evidence to confirm the identity of the trespasser, and evidence that his or her behaviour was a ‘nuisance or disturbance’. Schools should ensure that their records of incidents which might result in a prosecution under section 547 cover these points (see part 8.10). Records of earlier incidents may also be useful in assessing the seriousness of a new incident, and may help the police to gather evidence needed for a prosecution.

3.7.7 Many local authorities make letters available to headteachers, or send such letters themselves, which warn trespassers of the possibility of action under section 547. An example of such a letter is at Annex D, but LEA-maintained schools should check with the LEA the test of any letter they plan to send before doing so.

3.8 Police involvement in cases of trespass

3.8.1 In developing their security plans, many schools are deliberately adopting a much more rigorous approach to enforcing their boundaries. Often this will represent a significant change from previous practice, and may run into some resistance from those to whom it is applied, as memories of recent security incidents at schools begin to fade.

3.8.2 Many school sites were designed to provide open access, with several entrances, and local people may have become accustomed to visiting the site. Some open playing fields may have come to be used informally as local recreation grounds. Where schools are trying to change some of these attitudes, they may need the help and support of the police.

3.8.3 The majority of incidents of trespass are non-violent. In practice, therefore, police reaction to trespass on school premises is likely to depend more on the behaviour of those trespassing, and the risk they may represent, than on the commission of an offence under section 547. In that respect, independent schools and sixth-form colleges, to which section 547 does not apply, may in practice be in a position little different from that of state schools.

3.8.4 Although a police officer has no power of arrest for trespass either generally or under section 547, he may have a duty to intervene if there is a breach of the peace, or a serious risk of such a breach. Staff of schools may often know that a challenge to trespassers is liable to lead to a confrontation which could be a breach of the peace justifying the involvement of the police. Police forces should, therefore, be ready to respond to requests for support from schools in dealing with trespassers even where, initially at least, the trespass may be a civil matter.

3.8.5 A police constable also has a general power of arrest. This enables the officer to arrest without warrant for an offence which is not arrestandable, provided one of the general arrest conditions is met. These include, among other things, that the constable has reasonable grounds for believing that the person:
• may cause physical injury to himself or others;
• may cause loss or damage the property;
• many commit an offence against public decency;
• has provided a false name and address;
• or it is necessary to protect a child or other vulnerable person from that person.

3.8.6 There may be a case for calling the police where an officer of aggravated trespass has been committed under section 68 of the Criminal Justice and Public Order Act 1994. This might involve a situation where:

• a school has to deal with a large number of trespassers, or persistent trespass by the same people;
• the behaviour or any of the trespassers appears threatening, unstable or potentially violent;
• the circumstances of the trespass (for example, at a time when others are lawfully present) many give rise to a risk of a clash between different groups; and
• others present on the premises may be particularly vulnerable.

When calling the police in such cases, the school should explain the circumstances, more serious than a peaceful instance of trespass, which have led to the police being called.

3.8.7 The police sometimes ask the public to be on guard for particular people, such as escaped prisoners or others who may be dangerous. Where such a person is seen or suspected to be on school premises, schools should contact the police as requested, and should strictly observe any warning about approaching the person.

3.9 Rights of way across school premises

3.9.1 There are situations where people get into the habit of walking across school grounds, for instance as a short cut. Schools or LEAs may want to discourage this by putting up notices, or locking gates periodically. If they do not do so, a right of way may become established. Once a right of way exists, anyone may pass over it at any time, and it is illegal to obstruct their passage.

3.9.2 Rights of way do not, however, allow someone to roam freely or to leave the route of the way, for instance to enter the school buildings. If a person uses a right of way for any purpose other than as a right of passage, or if they do anything that is not reasonably part of their journey, such as deliberately disturbing people, then they may risk being regarded as a trespasser. Whether a particular action is acceptable depends on what a court would regard as reasonable behaviour. In the open countryside, stopping to look at a view, take a photograph, or talk to a passer-by, would generally be acceptable; on school premises, it might under certain circumstances be regarded as nuisance.

3.9.3 Statutory procedures exist for schools (and others) to seek to have existing
rights of way closed or diverted – separate guidance on this has been published by the
Countryside Commission and the Department of the Environment. Whilst this can be
an expensive and time-consuming process, schools wishing to pursue it should work in
conjunction with the LEA and the local highways authority.

3.9.4 Schools should involve the police in difficult cases related to the improper
use of rights of way, for example where there are threats of personal violence.

3.10 Damage caused by trespassers

3.10.1 A school can seek compensation from a trespasser for any loss or damage
attributable to the trespass (for example, some interruption of the school’s activities).
Any deliberate or reckless damage to another’s property, whether or not committed in
the course of trespass, might constitute the offence of criminal damage, which carries
potentially severe penalties and should be reported to the police.

3.10.2 An action for damages is in practice likely to be an expensive and protracted
procedure. It would only be justifiable where:

• serious loss has resulted; and

• the school can be confident that the trespasser has the means to pay any damages
which may be awarded.

Legal advice should be sought where this remedy is considered.

3.11 Informal use of playing fields

3.11.1 As the advice above makes clear, schools are not obliged to tolerate the
informal public use of playing fields (eg for football matches or walking), but should
consider that doing so can in some instances serve as a deterrent for would-be
trespassers and, indeed, potential criminals.
4

Offences no involving assault

4.1 Offences not involving assault

4.1.1 Below the level of violence associated with an assault (see Chapter 5) there are several offences likely to be relevant to schools. These cover people who harass, alarm, distress, threaten, abuse or insult school staff or pupils. Figure 2 summarises the options for dealing with such trouble.

4.2 Causing intentional harassment, alarm or distress

4.2.1 Section 4 of the Public Order Act 1986 makes it an offence to behave intentionally in a way which causes someone to believe that immediate violence will be used against him, or to provoke the use of violence. Section 4A of the 1986 Act (inserted by section 154 of the Criminal Justice and Public Order Act 1994) makes it an offence to cause intentional harassment, alarm or distress. These offences could happen both on or off the school premises.

4.3 Threatening, abusive, insulting or disorderly behaviour

4.3.1 Section 5 of the Public Order Act 1986 makes it an offence to use threatening, abusive or insulting words or behaviour, or disorderly behaviour, within the hearing or sight of a person to whom it is likely to cause harassment, alarm or distress, even when no intent is involved.

4.3.2 No element of fear about his own safety is necessary on the part of the person harassed, alarmed or distressed. Again, this offence could be committed both on or off school premises.

4.4 Police involvement where a person harasses or threatens others

4.4.1 There may at times be incidents in or around schools, involving pupils and others, which might technically amount to committing these offences but which, on a common sense basis, do not seem to the school to justify involve the police. Schools will know, for example, that it is sometimes more appropriate to reassure upset parents who are behaving in an ‘over the top’ way than to call the police.
**FIGURE 2: OFFENCES NOT INVOLVING VIOLENCE**

<table>
<thead>
<tr>
<th>Description of Trouble</th>
<th>Options for Action</th>
<th>Effect of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person causes intention harassment, alarm or distress (4.2 &amp; 4.4)</td>
<td>Police officer warns person to stop and has power of arrest</td>
<td>Maximum penalty: level 5 fine (£5,000) and/or 6 months’ imprisonment</td>
</tr>
<tr>
<td>Person uses threatening, abusive or insulting words or behaviour, or disorderly behaviour (4.3-4.4)</td>
<td>Police officer warns person to stop and has power of arrest, if person continues behaviour</td>
<td>As above</td>
</tr>
<tr>
<td>Person pursues course of action which causes another harassment (4.5)</td>
<td>Individual should report incidents to police</td>
<td>As above</td>
</tr>
<tr>
<td></td>
<td>Police bring proceedings</td>
<td></td>
</tr>
<tr>
<td>Person pursues course of action which causes another to fear that violence will be used against them (4.5)</td>
<td>Individual should report incidents to police</td>
<td>Maximum penalty: unlimited fine and/or 5 years’ imprisonment</td>
</tr>
<tr>
<td></td>
<td>Police have power of arrest</td>
<td>Court may issue restraining order, breach of which could result in up to 5 years in prison</td>
</tr>
</tbody>
</table>
4.4.2 Factors which a school might regard as point against involving the police are:

- the young age of the alleged offender, especially if a pupil;
- the offence taking place wholly on the school premises, and without any serious or prolonged disruption to school activities;
- the absence of any serious challenge to a teacher’s authority or the safety or security of the school and its pupils.

4.4.3 Factors which a school might regard as pointing towards involving the police are:

- the nature of the threat;
- the greater age and stronger physique of the alleged offender, which might make the incident more threatening to those involved or present;
- the relative youth of those present, who if younger might be more frightened or upset;
- the involvement of persons, such as former pupils, parents or other non-pupils, on school premises as trespassers;
- the fear engendered by a large group of intruders;
- in the case of an incident outside school premises, if it constituted a threat to the safety of school staff or pupils, or was liable to undermine the confidence of staff, parents or pupils in the security of the school. This might apply, for example, where the incident occurred immediately outside the school gates;
- if the incident, though physically remote from the school’s premises, threatened to undermine the confidence of pupils, parents or staff in the safety of pupils while in the school’s care. This might arise, for example, where the incident was directed at staff or pupils during the course of a school outing where the pupils were under the care of authorised school staff;
- the history of previous alleged behaviour.

4.4.4 A police officer has an immediate power of arrest for the offence of intentional harassment, but not for the offence of using threatening (etc) behaviour. In the latter case, an officer does, however, have the power to arrest a person who continues to behave offensively, immediately or shortly after being warned to stop.

4.4.5 The penalty for both offences is a fine not exceeding level 3 (£1,000). Different penalties apply to a child or young person, and a parent or guardian of a child or young person convicted of this offence may be bound over, and might then be fined if that person commits further offences.
4.5 **Protection from Harassment Act 1997**

4.5.1 The Protection from Harassment Act received Royal Assent in April 1997. It introduced two new criminal offences.

4.5.2 The first is where a person pursues a course of conduct which they know, or ought to have known, causes another to fear that violence will be used against them. This offence will catch the most serious cases where a person’s behaviour is so threatening that victims fear for their safety. It will carry a penalty of a maximum of five years’ imprisonment and/or an unlimited fine.

4.5.3 The second is for those cases where a person pursues a course of conduct which they know, or ought to have known, causes another harassment. This is a lower level offence, which will catch the sort of persistent conduct which, although it may not make the victim fear that violence will be used, nonetheless can have devastating effects. It will carry a penalty of a maximum of six months’ imprisonment and/or a level 5 fine.

4.5.4 For both offences, a ‘course of conduct’ must involve conduct on at least two occasions. Conduct includes speech.

4.5.5 The act also introduces a restraining order, available from the criminal court, which will prohibit further harassment or conduct which causes fear of violence. A breach of a restraining order would be a criminal offence, punishable by up to five years in prison.
Assault

5.1 Common assault and battery

5.1.1 An assault is any intentional or reckless act which causes a person to fear or expect immediate unlawful force or personal violence. Battery is the intentional or reckless infliction of unlawful force or personal violence. The two offences may often be committed together. Assault on its own, however, does not necessarily involve physical injury or contact: the apprehension or fear and expectation of such violence is sufficient.

5.1.2 Figure 3 summarises the options for dealing with an assault.

5.2 Staff involvement in restraining pupils

5.2.1 Recent legislation clarifies the position as far as the restraint of pupils is concerned. Section 550A of the Education Act 1996, which was introduced by the Education Act 1997, and which is expected to come into force in April 1998, gives teachers and others authorised by headteachers an explicit power to use reasonable force to control or restrain pupils to prevent them, for example, from committing a crime, causing injury to themselves or others, causing damage to property, or causing serious disruption. The DfEE is expecting to issue guidance on this in due course. This will set out in more detail the circumstances in which reasonable restraint or control might be appropriate; and the degree of force which staff might reasonably use in exercising restraint or control over pupils.

5.3 Police involvement where an assault has taken place

5.3.1 As can be seen from the description in paragraph 5.1.1, common assault covers incidents of a very wide range of seriousness. The factors which might point towards, or against, involving the police in a case where assault is alleged are the same as those set out in part 4.4.5

5.3.2 Even serious incidents may not, however, necessitate a full emergency response, if, by the time the school is able to call the police, the situation has been contained. It will help if schools can discuss with the police, usually in the context of their review of security, the sort of circumstances in which, and the means by which, they should call for police assistance, ie when 999 or direct line is the more appropriate.

5 Different considerations will apply, and are not dealt with here, where it is alleged that a teacher has assaulted a pupil.
<table>
<thead>
<tr>
<th>Description of Trouble</th>
<th>Options for Action</th>
<th>Effect of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person assaults or batters another person (5.1-5.3)</td>
<td>School or PC may restrain assailant with reasonable force to protect victim, and prevent assailant from committing a further crime</td>
<td>Maximum penalty: level 5 fine (£5,000) and/or six months’ imprisonment</td>
</tr>
<tr>
<td></td>
<td>Police officer may arrest assailant, if necessary to prevent a breach of the peace</td>
<td>Different penalties where a young person is involved</td>
</tr>
<tr>
<td>Person assaults another person causing actual bodily harm (5.4)</td>
<td>School should call police</td>
<td>Maximum penalty: 5 years’ imprisonment</td>
</tr>
<tr>
<td></td>
<td>Police officer may arrest assailant</td>
<td></td>
</tr>
</tbody>
</table>
5.3.3 There is no power of arrest for common assault either for a police officer or a private individual. This does not mean that reasonable force cannot be used to restrain an assailant in the prevention of assault or further assault. As noted in Chapter 3, however, a police officer has a common law power to take whatever action is necessary to prevent a breach of the peace. The nature of that action and when it will be exercised will depend on the circumstances of each situation.

5.3.4 Depending on the circumstances of the case, the policy may decide to take no action, or to caution a person who admits the offence, or to charge (see part 8.9). In deciding what action to take, the police must, in line with the Victim’s charter, take account of the views of the victim. Details of where to obtain a copy of the Victim’s Charter are in Annex B. Schools are entitled to draw to the attention of the police, and through them the Crown Prosecution Service, the implications for the pupil, member of staff, or the school and the community generally, where a pupil or member of staff is assaulted. The decision on prosecution, however, must be taken by the Crown Prosecution Service. If they decide to take no action, it is then open to any other person, including the victim, the head, the local authority, the governors or teacher unions and organisations, to start a private prosecution – LEAs may in addition be able to provide advice and support to schools wishing to pursue this action. Under section 127 of the Magistrates’ Court Act 1980, a private prosecution for a summary matter must be pursued within six months of the offence being committed.

5.3.5 Any information which the school can give the police and the Crown Prosecution Service about the circumstances of the offence, or the alleged offender, or the wider background to the offence, will ensure that decisions can be made fairly and properly. The factors set out at part 4.4 give an indication, but not an exhaustive list, of the sort of information that is especially helpful

5.3.6 A school can also assist in the following ways:

• where possible, staff involved should make an immediate note of witnesses or others in a position to provide evidence of the assault. It should be noted that witnesses, for both the prosecution and the defence, can be required to give evidence in court;

• the school should be ready to provide a substantiated account, where relevant, of what led up to the incident, or features relevant to the school which may affect the seriousness of the incident. For example:

  − an incident which may appear trivial when seen in isolation may appear more serious if it is the culmination of a series of escalating incidents which have been properly recorded; and

  − an incident which might be trivial if it occurred between acquaintances in the street could be more serious if it called into question the school’s authority, its reputation or the security of its pupils.

5.3.7 A person guilty of common assault or battery is liable to a maximum penalty, which the courts would apply only in the most serious cases, of a fine not exceeding level

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6 Section 3 of the Criminal Law Act 1967.
5 (£5,000) or imprisonment for six months, or both. Lower penalties apply for those aged between 10 and 17 at the time of the offence.

5.4 **Assault occasioning actual bodily harm**

5.4.1 By section 47 of the Offences Against the Person Act 1861, an assault which causes actual bodily harm to the victim opens the way to more serious penalties, up to imprisonment for five years. The essential additional element, when compared with common assault, is the infliction of significant, but not necessarily permanent or disabling, injury on the victim. Actual bodily harm could include significant bruising, cuts or other injury requiring medical treatment. It also includes psychiatric harm over and above minor emotional upsets.

5.4.2 This is a more serious offence than common assault and, in all but minor cases, schools should refer to the police any assaults which appear to involve actual bodily harm. They should also do so where the assault takes place in a public place off school premises but in circumstances where the school has responsibility for any of those involved. This could include:

- assaults on members of staff on duty where the incident was connected with the school;
- assaults on pupils when on an organised school outing.

5.4.3 Medical evidence may be sought in some cases of actual bodily harm, particularly if the injuries are not readily visible, eg undisplaced fracture, or if psychiatric harm is alleged. A victim’s statement to the police should say what medical treatment, if any, has been received or is being sought; and indicate whether there is consent to the release of the medical evidence if it becomes necessary. Failure to report the details of an incident to the police may also affect the victim’s eligibility to receive compensation under the criminal injuries compensation scheme.

5.4.4 Stiffer penalties are available for more serious assaults resulting in injuries categorised as grievous bodily harm. The police should always be called for more serious assaults than those discussed above.

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7 There may also be some cases amounting in law to assault causing actual bodily harm which the school decides to treat as a disciplinary matter without referring it to the police. This might include some examples where injury arose from a fight between pupils.
Offence Weapons

6.1 Carrying offensive weapons or knives

6.1.1 The law on weapons was both strengthened and extended to schools by the Offensive Weapons Act 1996. The sections of this Act relating to schools came into force on 1 September 1996.

6.1.2 It is now an offence, under section 139A of the Criminal Justice Act 1988 (as inserted by section 4 of the Offensive Weapons Act 1996) to carry an offensive weapon or knife on school premises. This offence is arrestable under section 24(2) of the Police and Criminal Evidence Act 1984 (as amended by section 1 of the Offensive Weapons Act 1996). It is also an offence to carry an offensive weapon or knife in a public place (such as around a school) unless a person has a good reason or lawful authority for having the article with him.

6.1.3 Figure 4 summarises the options for dealing with the carrying of weapons.

Definition of an offensive weapon or knife

6.1.4 Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.” Sections 139 and 139A of the Criminal Justice Act 1988 refer to “any article which has a blade or point or is sharply pointed, except a folding pocket knife”. A folding pocket knife is one which has a cutting edge of no more than three inches in length, and which must be readily foldable at all times.

6.1.5 The exception for folding pocket knives does not of course prevent schools from imposing their own bans on pupils carrying such weapons.

Definition of a school

6.1.6 ‘School’ in this context applies to all schools, including pupil referral units and independent schools, providing primary or secondary education to any of their pupils. It does not, however, apply to establishments, such as sixth-form colleges or colleges of further education, whose functions do not extend to any pupils of compulsory school age (5-16).

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8 ‘Knife’ is used to mean any article with a blade or point (see paragraph 6.1.4).

9 This definition is different from that which applies under section 547 of the Education Act 1996 (see Chapter 3). The main practical different is that section 547 does not apply to independent schools.
6.1.7  ‘Premises’ means land used for the purposes of the school. This would include playing fields for example, but is defined as excluding any land occupied solely as a dwelling by a person employed at the school.

Statutory defences for carrying an offensive weapon

6.1.8  A person who could prove that he had good reason or authority for carrying a knife, for example an officer cadet, would have at his disposal a general defence under the Offensive Weapons Act. There are in addition a number of special exceptions which permit the carrying of knives:

- for use at work (eg knives needed in school kitchens);
- for educational purposes (eg tools needed for National Curriculum technology);
- for religious reasons (eg a sikh’s kirpan); or
- as part of a national costume (eg Scottish highland dress).

6.1.9  Where Sikh pupils wish to carry a kirpan for religious reasons, local education authorities and governing bodies should also be aware of their duties under the Health and Safety at Work etc Act 1974 and the Race Relations Act 1976. Further advice is at Annex F.

6.2  Staff involvement where a weapon is suspected

6.2.1  As a general rule, the police should be called to deal with any incident believed to involve a weapon. There may, however, be isolated exceptions where, in the judgement of the staff the circumstances are wholly innocent, and there is no suggestion of the use of the article as a weapon, the matter can be dealt with on a disciplinary basis. But, if there is any doubt, they should call the police. Schools should give their assessment of the seriousness of the incident to help the police to make their own judgement on the nature and immediacy of the response required.

6.2.2  There may also be some exceptional circumstances where staff made aware that a weapon may be on school premises decide that they need to take action before the police arrive. Where possible, staff should not confront a pupil or person suspected of possessing a weapon in the presence of other pupils. Preferably two or more members of staff should divert the pupil or person to a place where no other pupils are present.

FIGURE 4: WEAPONS

<table>
<thead>
<tr>
<th>Description of Trouble</th>
<th>Options for Action</th>
<th>Effect of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapon or knife is suspected to be on school premises (6.1-6.3)</td>
<td>School should call police</td>
<td>Police officer may enter school and search for weapon; may seize and retain weapon</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Person carries a weapon or knife on school premises in circumstances not subject to statutory defences (6.1-6.3)</td>
<td>School should call police</td>
<td>Police officer may arrest person (nb statutory defences)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carrying a knife: maximum penalty: 2 years’ imprisonment and/or unlimited fine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carrying a weapon: maximum penalty: 4 years’ imprisonment and/or unlimited fine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lower penalties apply to 10-17 year olds; additional penalties may be imposed on parents</td>
</tr>
</tbody>
</table>
6.2.3 Staff are no under obligation to search a pupil themselves, but whether in practice that is the most prudent course of action is likely to be a matter for the members of staff involved, and the circumstances concerned. Immediate preventive action could sometimes nip in the bud a potentially dangerous situation; or it could precipitate it.

6.2.4 Where there was a reasonable belief that a pupil might be carrying an offensive weapon or blade, it might be appropriate for a member of staff to search a pupil who agreed to co-operate. Such an action would come within a teacher’s authority to disciplines a child. However, where the pupil declined to co-operate, a search should always be undertaken by the police. Police officers are trained how to conduct a search of a person, which can be problematic, especially if the person being searched does not wish to co-operate or has concealed the item near intimate parts of the body.

6.2.5 Where the person suspected of carrying a weapon is not a registered pupil at the school, or where an incident involving a pupil takes places outside the school premises, any search should always be undertaken by the police.

Weapons or knives confiscated by schools

6.2.6 Members of staff may on occasion take possession of a knife or other weapon brought to school by a pupil in circumstances which contravene the Offensive Weapons Act 1996. Schools should make their own arrangements as to which members of staff might be authorised to do this. Possession of the weapon in such circumstances by a member of staff is likely to be with good reason or lawful authority, and thus not an offence under the Act. But a member of staff in possession of a weapon in such circumstances should secure it, and either:

- arrange without delay to surrender it to the police; or
- where satisfied that it was reasonable to do so, arrange for it to be taken away by the parent or guardian of the pupil from whom it was taken. However.
  - some weapons are per se offensive (eg flick knives and knuckle dusters) and should in no circumstances be returned;
  - in cases where weapons are returned, a record should be made by the school.

6.3 Police involvement where a weapon is suspected

6.3.1 Section 4 of the Offensive Weapons Act 1996 inserts section 139B into the Criminal Justice Act 1988. The effect is to:

- provide police officers with the power to enter school premises and to search both the premises and any person there for an offensive weapon if they have reasonable grounds for suspecting such a weapon to be on the premises;
allows them to seize and retain any of the prohibited articles described above if found during the course of such a search at a school.

6.3.2 Acting under those powers, the police do not require the permission of the head or any other person before exercising it. They may also use reasonable force to enter, if necessary. It will generally be desirable, however, for police officers intending to use their powers of entry and search to speak to the headteacher or some other representative of the school to warn them of any action which the police think necessary, and to seek their help. Their knowledge of the site and of the school's routine, and of any staff or pupils involved in the incident, is likely to assist the police in handling a potentially dangerous situation.

6.3.3 There will, however, be urgent cases where police officers will need to enter school premises without waiting to obtain permission, for example:

- when pursuing suspects believed to be armed with a knife or other weapon who enter school premises; or
- when dealing with other reports of a knife or other offensive weapon on school premises in circumstances which suggest that immediate action is required.

Searching of people

6.3.4 While the police have statutory powers, under the Offensive Weapons Act, to search on belief that an offence has been committed, they will normally apply the test of ‘reasonableness’ to any decision on when to search a person. It would be good practice for the police to follow Code A of the Police and Criminal Evidence Act in its entirety (see also paragraph 6.3.6). This specifies such things as that:

- where any search involves the removal of more than the outer coat, jacket, gloves and headgear, the police officer conducting the search must be of the same sex as the person being searched; and
- the garments mentioned above may be removed in public, although a search must be conducted out of public view.

Arrests on school premises

6.3.5 Unless the circumstances make it unavoidable, it is preferable for police officers to avoid making arrests on school premises. If it proves necessary to arrest a pupil on school premises, the police should where possible seek the co-operation of the school to enable the arrest to be made discreetly. For example, authorised school staff may be able to isolate the pupil from others before police make the arrest.

6.3.6 Schools should note that police procedures when dealing with juveniles are governed by Codes of Practice made under the Police and Criminal Evidence Act 1984.
(PACE) and approved by Parliament. Under PACE, a juvenile is any person under 17 years of age. In addition to the safeguards which apply in respect of any arrested person (the right to be informed of the reason for the arrest, and the right to free independent legal advice), in the case of a juvenile the police must inform an ‘appropriate adult’ of the grounds for the arrest. They must also ask the adult to come to the police station where the juvenile is held in order to assist the juvenile. Where juveniles are arrested at their place of education, the principal or the principal’s nominee must be informed.

6.3.7 An ‘appropriate adult’ may be:

- the juvenile’s parent or guardian;
- a social worker; or
- failing either of those, another responsible adult aged 18 or over who is not a police officer nor employed by the police.

This means that a juvenile arrested at a school or in any other place will not be interviewed alone. In rare cases a teacher may be asked by the police to act as an appropriate adult where no other suitable person is available.

Penalties

6.3.8 The maximum penalties for these offences are no substantial. Where tried at the Crown Court:

- the maximum penalty for the new offence of possessing a knife on school premises, as defined in the Criminal Justice Act 1988, is two years’ imprisonment or an unlimited fine, or both;
- the more serious offence of possessing an offensive weapon, as defined in the Prevention of Crime Act 1953, on school premises carries a maximum penalty of four years’ imprisonment or an unlimited fine, or both.

6.3.9 Lower penalties apply to those aged 10-17 at the time of the offence. Additional penalties may be imposed on the parents or guardians of children or young people who commit such offences.
Other criminal matters not involving the threat or use of violence

7.1 *Theft, petty vandalism, minor criminal damage and burglary*

7.1.1 Criminal incidents of this sort are likely to need to be reported to the police, but are unlikely to need an emergency response, unless the intruder is still present. Schools should discuss with the police procedures for informing them of such incidents in such a way as to make clear when an emergency response is not expected. Cases where an emergency response is required, for example where there is reason to think an offender is still on the premises, should be clearly identified. Insurers may require all incidents to be reported to the police.

7.1.2 Measures to reduce the risk of incidents like these include the installation of alarm systems. This topic is addressed in part 8.7.

7.2 *Confiscation of Alcohol (Young Persons) Act 1997*

7.2.1 This Act came into force on 1 August 1997, and was designed for situations where young people drinking in the street causes a nuisance to others, or may lead to further bad behaviour.

7.2.2 The Act provides the police with a discretionary power to confiscate anything they reasonably believe to be alcohol from a person under the age of 18 drinking in a public place to which he or she has unlawfully gained access.

7.2.3 It is an offence if a person under 18 refuses to hand over alcoholic drink when requested to do so, or to give his name and address. This carries a power of arrest and on conviction is subject to a level 2 fine, currently £500.

7.3 *Drug-related incidents*

7.3.1 DfEE circular 4/95 and Welsh Office circular 54/95 give guidance on managing drug-related incidents on school premises.

7.3.2 Schools are advised to liaise closely with their local Drug Action Team and with the local police force to ensure that there is an agreed policy for dealing with the range of incidents which might arise involving illegal drugs. The police should be informed when illegal drugs are found on a pupil or on school premises.

7.3.3 They should also be informed where school staff are aware of possible drug-dealing activities outside school premises. This is in the interest of safeguarding the health and safety of young people in the area.
8

Co-operation between police and schools

8.1 Why co-operate?

8.1.1 Chapters 3 to 7 discuss how schools and the police can use the law to keep schools safe and secure. Obtaining the full protection of the law for schools will require close co-operation. This Chapter therefore looks at:

- how schools, LEAs and police can create effective local partnerships;
- support which the local education authority and senior levels in the police force can give; and
- wider supporting partnerships in the local community involving parents, neighbours of schools and others.

8.2 Principles of co-operation

8.2.1 There are three underlying principles:

- the primary responsibility for planning a school’s security arrangements rests with the governing body of the school, not the police force;
- though their procedures may differ, police forces want to establish satisfactory working relationships with local schools. Schools should therefore aim to involve the police in, and keep them informed about, their security arrangements;
- a school’s contacts with the police will have different purposes, and will involve different police officers. For example, officers who assist the school in curriculum-related matters such as drug awareness will not necessarily be involved in responding to emergencies. In an emergency a school should not attempt to contact a particular police officer, however well known to the school – in an emergency dial 999.

8.2 Management responsibility for security in schools

8.3.1 The Health and Safety at Work etc Act 1974 and associated regulations require employers to do all that is reasonably practicable to ensure:

- the health, safety and welfare at work of employees; and
- the health and safety of non-employees such as pupils, students and visitors.

10 The general principles in this Chapter also apply to further education and sixth-form colleges.
In terms of the safety of individuals, this means that employers should look at what the risks may be and take sensible measures to tackle them.

8.3.2 Management responsibility for school security is usually shared between the local education authority (for LEA-maintained schools), the governing body and the headteacher.  

- The main role of the local education authority is to maintain an overall policy for security within its schools, possibly as part of its health and safety policy, and to support and monitor its implementation. This includes the provision of resources.

- The governing body sets a more detailed strategy for their particular school. The governors’ role is particularly important in grant-maintained and voluntary-aided schools since they have sole responsibility or health and safety matters.

- The headteacher implements the security strategy agreed by the governors on a day to day basis.

8.3.3 Community and other activities, such as sports, childcare, adult further education or meetings, may take place out of school hours. At these times, control of the school may be held by another body, such as a management committee, or shared between the governing body and another body.

8.3.4 The police can make an important contribution at each level of this management chain.

8.4 School security strategies

8.4.1 Although school security strategies are the responsibility of each school, some police forces do offer help:

- through joint arrangements established with the local authority;

- by offering direct advice at local level through crime prevention officers (now sometimes called crime reduction officers) or others in the police service such as dedicated schools liaison officers or the local beat team;

- through crime prevention design advisors or architectural liaison officers.

8.4.2 When conducting an initial risk assessment, or when subsequently reviewing it, schools should ask the local police whether they wish to be involved in the process. In some areas, the police may choose to be involved from the beginning in drawing up the risk assessment, and in reviewing security arrangements. In other areas the police may prefer to review the school’s initial assessment, offering any comments on it where

11 Further guidance on responsibilities, as well as on security strategies, risk assessment and recording of incidents, is contained in DfEE’s ‘Improving Security in Schools’.

12 DfEE’s ‘Our School – Your School’ gives further details of the type of activities which may take place on school premises after school hours and of the legal position concerning control of the premises. Some schools have noted that increased community use leads to a decrease in vandalism and other trouble out of school hours.
necessary. Schools should give the police an opportunity to comment while the risk assessment, and any related security plan for the school, is still being prepared or under review, before the strategy is finalised.

8.4.3 Police forces may find it useful to examine strategies at an early stage because a school’s plan is intended to provide advice to staff and others about:

- procedures likely to involve the police;
- the arrangements for liaison with the headteacher;
- advice on when to call the police in an emergency and the information to be provided to the police when doing so; and
- procedures for maintain contact with the local police.

The opportunity to comment on a school’s security strategy would therefore help the police to ensure that the advice being given to schools is consistent with the police needs and their own arrangements for responding to emergencies or other incidents involving schools.

8.4.4 While the police may be able to offer useful comments and advice in some circumstances, schools should understand that their risk assessment and security strategies are not in any sense subject to the approval of the local police.

8.5 Community safety

8.5.1 Schools will wish to be aware of the new framework being put in place for crime prevention as part of the Crime and Disorder Bill, which is before Parliament at the time of writing. A joint duty will be laid on the police and local authorities to form a multi-agency partnership, which will have responsibility for community safety. Many other bodies will be able to contribute to this work, including schools, other statutory agencies, and the voluntary and business sectors.

8.5.2 The partnerships will undertake an audit of crime and disorder, identifying specific local problems. These problems will be given a priority and a strategy drawn up to tackle them. It is hoped that publication of the audit will increase public input and confidence in the process.

8.6 Emergencies

8.6.1 Like other members of the public, schools are entitled to expect the police to respond helpfully and professionally to reasonable calls for their help. Many police forces set targets for response times to emergencies.

8.6.2 The police are likely to give particular attention to requests from schools, given the nature of a school’s responsibilities for potentially vulnerable young people in their care. But the police have many calls on their resources, and schools must, when
calling the police, give sufficient information to enable the police to make an informed judgement of the scale of response required. It will help if schools can discuss with the police, usually in the context of their review of security, the sort of circumstances in which they should call for police assistance. This will enable the police to explain how they would be likely to respond in differing circumstances.

8.7 Ways of raising an alarm

8.7.1 Policy and planning for dealing with assaults on staff and pupils should include consideration of the means of summoning help. Possible measures include personal attack alarms, which in some cases can be connected to the school’s alarm system; or personal radio equipment or telephones. Equipment available varies locally, and the pace of technical development means that advice given now could quickly become outdated. The best course would be for schools to ask the local police for help and advice.

8.7.2 Schools should in particular consider the security of staff in isolated parts of school buildings or when working alone out of school hours. Boarding schools should similarly consider the security of pupils and staff who are accommodated around the clock. Different considerations also apply to the security of staff when off school premises, when escorting groups of pupils, or perhaps visiting the parents or guardians of pupils during the evening.

8.7.3 Any question of installing, modifying or extending an alarm system at a school should take account of the risks arising from false alarms. In 1996, over 88% of all alarm calls to the police (not only those from schools) were false alarms, representing a serious drain on police resources. The policy of the Association of Chief Police Officers, which all police forces apply, is summarised at Annex C.

8.7.4 A school’s alarm system should be designed, operated (by key-holders and staff) and maintained so as to minimise the incidence of false alarms. Police forces recognise the difficulties which some schools face, and apply their policy accordingly. Where a high incidence of false alarms occurs, however, the police response is likely to be withdrawn. This may mean that a key-holder might have to attend the school following an alarm activation without the support of the police.

8.8 Media interest in incidents involving schools

8.8.1 Ideally, consultation should take place between those with an interest, eg the police, the school, parents, the LEA and its press officers, before talking to the press about an incident and before any press release is issued. This helps avoid the possibility of the police investigation being compromised. It should also stop partial or misleading information being released which might prejudice a case or damage the school’s reputation.

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13 HSE’s ‘Violence to Staff in the Education Sector’ provides useful practical advice about ways of reducing risks, which schools could include in their strategies. The Suzy Lamplugh Trust’s book ‘Personal Safety for Schools’ also offers advice on these issues.
8.8.2 It is normal for the police to inform the media about incidents, as this can help them with their investigations. If schools believe there are good reasons for not doing so, they should discuss this with the police. The police do not give out personal details about victims or offenders, except in exceptional circumstances. They will ask the victim, where possible, about what information is to be given.

8.9 After an incident

8.9.1 Police officers attending an incident or dealing with an enquiry will normally provide details about themselves and how they can be contacted. If they do not, schools should ask for these details and keep them for reference.

8.9.2 Depending on the circumstances of the case, the police may decide to take no action, or to caution a person who admits the offence, or to charge.

8.9.3 Home Office circular 18/1994 gives advice on the cautioning of offenders. The use of cautions is for the police to decide; there are no hard and fast rules for their use. The questions asked by the police in each case are:

- whether the caution is likely to be effective; and
- whether the caution is appropriate to the offence.

8.9.4 The Government intends to replace cautions for young offenders with a new Final Warning scheme. Measures to implement these proposals are included in the Crime and Disorder Bill.

8.9.5 If the police charge the offender, a file will be submitted to the Crown Prosecution Service. In making the decision to prosecute, the Crown Prosecutor must review the case in accordance with the principles set out in the Code for Crown Prosecutors.

8.9.6 Once the police have taken action concerning an incident, it is normal practice to report back to the person who reported the incident. This will give the school an opportunity to discuss with the police officer involved the way in which the incident is being dealt with and any other concerns. If the school is dissatisfied with any aspect of the handling of the incident, they should contact a more senior officer, such as the duty sergeant or local sector commander.

8.9.7 The police will also keep the victim of the crime informed of progress with their investigations. This can be by letter or in person, depending on the case. The victim may also be referred to Victim Support, in which case further information in relation to court proceedings may be given. Further details of the sort of service that victims of crime should expect are set out in the Victim’s Charter.
8.10 **Reporting and recording incidents**

8.10.1 Schools should consider, as part of their security plan, using a system of recording and reporting incidents. This would include incidents, perhaps of a quite minor nature, which might become significant if they recurred and became persistent. Staff might be expected to record in a book incidents such as:

- minor trespass;
- minor aggressive behaviour by persons other than pupils around the school site;
- matters reported by pupils.

This could enable staff who experience such problems to assess whether a particular incident, which might in itself be minor, was part of a wider or developing pattern needing to be taken more seriously. It would be desirable for a senior member of the school’s staff to have the responsibility of checking the book regularly, to see whether any such patterns were emerging and to consider the need for any consequent action. If the school is considering storing such information on computer, they should seek advice from the Data Protection Registrar.

8.10.2 Some police forces give schools incident report forms to help them obtain the information they need. Local education authorities may also provide standard forms. Schools may wish to discuss with the local police the sort of information which they should keep, and whether they should use a standard form. An example of a report form for recording the details of a variety of incidents is at Annex G. Schools may wish to consider having a separate form for incidents involving theft and damage to property.

8.10.3 The systematic recording by schools of minor incidents giving rise to concern may help the police to see the context more clearly when considering whether a prosecution is justified. Such records, though they may not in themselves amount to evidence, may indicate where first-hand evidence about an incident may be obtained, for example from a witness. Such information may be of value, for the same reason, to the Crown Prosecution Service when considering the public interest in whether a prosecution should proceed (see Chapter 9).

8.11 **Reporting incidents of racial harassment**

8.11.1 Schools may have already established systems for recording and dealing with incidents of racial harassment, in line with the good practice guidance of the Racial Attacks Group. They may also be working jointly with agencies such as the police and local authorities to develop policies and practices for countering racial harassment. Such policies and systems are likely to cover both incidents arising within the school and as a result of actions by troublemakers from outside the school. Although this issue thus goes somewhat wider than others considered in this guidance, schools should seek to ensure that their various reporting systems complement one another as far as possible.
8.12 Reporting and notifying injuries

8.12.1 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR 1995)\textsuperscript{14} places a statutory duty on LEAs and schools to take action following a reportable injury, disease or dangerous occurrence. LEAs and schools must in certain circumstances notify the area office of the Health and Safety Executive, and keep a record of such an accident.

8.12.2 In the case of an employee, this is an accident (including any resulting from non-consensual physical violence) which arises out of or in connection with work and:

- results in death or major injury; or
- causes an employee to be away from work or unable to do their normal work for more than three days.

8.12.3 In the case of a pupil or visitor, this is an accident which arises out of or in connection with work and:

- results in death or injury resulting in transfer to hospital for treatment.

8.13 Disclosure of information about sex offenders

8.13.1 Schools will wish to be aware of the implications of the Sex Offenders Act 1997, which came into force on 1 September 1997 – and, in particular, the question of disclosure of information received under the Act.

8.13.2 Part 1 of the Act imposes a requirement on certain sex offenders to notify the police of their names and addresses. It will be for the police to decide when and to whom this information should be disclosed. Disclosure will generally be to identified individuals, including to those with responsibilities for children, eg headteachers. The police should ensure that the handling of information after disclosure is discussed, including, for example, whether headteachers might inform parents – probably in general terms – of the risk to children.

8.13.3 Interim guidance on the handling of information received under the Act is set out in Appendix A to Home Office circular HOC 39/1997. The Government expects to issue further guidance on due course.\textsuperscript{#}

8.14 Reporting to parents

8.14.1 Governing bodies give parents and others a wide range of information in their annual report\textsuperscript{15}. This must include information on:

- school security; and

\textsuperscript{14} HSE’s Guide to RIDDOR 95 contains further details
\textsuperscript{15} DfEE circulars 11/96 and 12/96 give further details, as does the Governors Guide to the Law series.
• steps taken by the governing body to develop or strengthen links with the community, including the police.

8.15  
**Partnership with neighbours**

8.15.1  Many police forces and local education authorities encourage schools to participate in neighbourhood watch schemes, or to establish localised school watch schemes with their neighbours. Police forces should be told of, and consulted about, such schemes. Police involvement in preparing and reviewing school security plans will ensure that this aspect is not overlooked. Some LEAs have useful procedures for sharing information on various types of incident between neighbouring schools.

8.15.2  More informal arrangements can also be useful. Local neighbours of a school could, for example, be made aware that if they have problems with disorderly conduct on the school site outside school hours, they can ask the local police to initiate nuisance and disturbance procedures — though the resident must be prepared to be a witness in court.

8.16  
**Routine contacts**

8.16.1  As well as the specific co-operation recommended above, an effective working relationship between schools and the police requires regular contact and communication:

• in some areas there are established arrangements for regular meetings at a senior level between the local education authority or regional groups of authorities and the police force for the area;

• in some areas, police officers work with school staff and education welfare officers to promote regular school attendance through community-based initiatives such as ‘Truancy Watch’ schemes;

• in some police forces, officers are encouraged to become school governors.

8.16.2  Headteachers and local police commanders, typically at the level of superintendent, chief inspector or inspector, should find an opportunity to meet each other perhaps once or twice a year:

• to review any problems that may arise;

• to ensure that the school’s arrangements for police liaison are satisfactory; and

• to ensure that arrangements for calling police help in an emergency have been properly promulgated to the staff of the school, and are understood.

8.16.3  Many police forces also provide curriculum help to schools, for example drugs education or ‘stranger danger’. These fall outside the subjects covered by this guidance. Officers engaged in such duties, however close their working relationship with
some members of the school, should not be regarded as part of an emergency response procedure, and time should not be wasted in trying to contact them in an emergency.

8.16.4 Below the level of the local police commander, schools should have an identified point of contact with the local police who is in informal and quite frequent contact with the school. This ensures that schools and police can keep each other informed about matters relevant to the safety and security of the school, its staff and its pupils. In some police forces this role may be discharged by a dedicated schools liaison officer; in others it may be the responsibility of the local beat team.

8.16.5 Such arrangements can:

- give early warning of problems affecting the school’s security;
- give the police information enabling them to respond more effectively to emergencies which may subsequently arise; and
- enable the staff of the school to handle more confidently matters affecting pupils which could involve the police.

Because of the need to respect confidentiality of information held by schools and police, headteachers may want to make sure they know about the sort of contacts described above, ensuring either that arrangements for such contacts are channelled through the head, or that they are reported to the head.

8.17 Complaints

8.17.1 The police aim to provide a high standard of service, but things sometimes go wrong. Complaints can be reported to the local duty inspector. If this is still not satisfactory, schools are advised under the Victim’s Charter to:

- ask at their local police station for a leaflet explaining how to complain;
- write to the Chief Constable.

Where a complaint is about a police officer acting unfairly or incorrectly, the matter will be overseen by the Police Complaints Authority.
Role of the Crown Prosecution Service, magistrates and the judiciary

9.1 The Crown Prosecution Service

9.1.1 The Crown Prosecution Service, in exercising their statutory responsibility for deciding upon and conducting prosecutions, are wholly independent of the Government. So also are magistrates and the judiciary. This guidance therefore cannot be addressed to them, but nevertheless aims to deal indirectly with concerns which some schools have expressed.

9.1.2 The role of the Crown Prosecution Service is explained in the Code for Crown Prosecutors. It is the duty of the Crown Prosecution Service to make sure that the right person is prosecuted for the right offence and that all relevant facts are given to the court (paragraph 2.2 of the Code).

9.2 The evidential and public interest tests

9.2.1 In deciding whether to allow a charge to proceed to prosecution, the Crown Prosecution Service must consider two issues:

- they must be satisfied in each case that there is sufficient evidence to provide realistic prospect of conviction of the defendant on that charge (paragraph 5 of the Code). If there is insufficient usable and reliable evidence the case will fail this test and can go no further;

- if there is a realistic prospect of conviction they must then make a difficult judgement about whether a prosecution would be in the public interest (paragraph 6 of the Code). In serious cases a prosecution will generally take place unless there are public interest factors tending against prosecution. Crown Prosecutors must balance factors for and against prosecution carefully and fairly. Although there may be public interest factors against prosecution in a particular case, the prosecutor will often decide that the prosecution should proceed and that those factors should be put to the court for consideration when sentencing.

9.2.2 Factors bearing on public interest often relate to the seriousness of the offence and the circumstances of the offender. Examples of the public interest factors in favour of prosecution are:

- a weapon was used or violence was threatened during the commission of the offence (paragraph 6.4(b) of the Code);

- the offence was committed against a person serving the public (examples given are a police or prison officer or a nurse, but similar considerations could apply to a member of the staff of a school) (paragraph 6.49 (c));
• the victim of the offence was vulnerable, has been put into considerable fear, or suffered personal attack, damage or disturbance (paragraph 6.4(h));

• there are grounds for believing that the offence is likely to be continued or repeated, for example by a history of recurring conduct (paragraph 6.4 (m));

• the offence, though not serious in itself, is widespread in the area where it was committed (paragraph 6.4 (n)).

9.2.3 These examples are quoted to reassure schools that the Crown Prosecution Service does take into account factors which schools are likely to recognise as reflecting their concerns\textsuperscript{16}. That does not, of course, mean that a prosecution will always be justified on public interest grounds merely because a school is involved or affected. The Code goes on to identify, in paragraph 6.5, other public interest factors which in a particular case may point against prosecution, and which the Crown Prosecution Service are equally obliged to take into account.

9.3 The role of schools in questions of prosecution

9.3.1 The Crown Prosecution Service’s decision is for them alone, and schools cannot influence them directly. But in assisting the police with the investigation of offences affecting a school, a school will have the opportunity to ensure that the police understand, and are able to draw to the attention of the Crown Prosecution Service, any information which may be useful to them in assessing the public interest in the prosecution proceeding. This might include information about the circumstances of the offence:

• did it challenge the authority of the staff of the school? Did it do so in a public place?

• Did it frighten pupils, whether or not they were threatened directly?

• Was the offence likely to damage the reputation of the school so as to undermine the confidence of parents, pupils or the community in the secure and stable environment which schools aim to provide?

9.3.2 The more systematic recording of incidents recommended in part 8.10 may also assist in enabling the school to establish whether the offence is prevalent in the area, though the police may have more widely based information about that. A school’s record of a pattern of continuing incidents may point the police towards sources of evidence about the present offence or previous ones, and about incidents relevant to assessing the seriousness of the present offence.

9.3.3 Detailed information made available by schools will assist the police and the CPS in deciding whether to proceed to prosecution and in any subsequent court proceedings.

\textsuperscript{16} The principles in this Chapter also apply to independent schools and to further education and sixth-form colleges.
9.4  
**School contacts with the Crown Prosecution Service**

9.4.1 The Crown Prosecution Service’s independence in reaching decisions about prosecution means that Crown Prosecutors cannot discuss individual cases with schools or anyone else. But the Crown Prosecution Service wants its policy and practice to be understood by the public generally. Its Code for Crown Prosecutors is available to schools as to any other member of the public, and if a school or a group of teachers identified general concerns about its practice in their area, they could approach the Crown Prosecutor about whether a discussion of such general issues would be helpful. The address for the Crown Prosecutor is listed under Crown Prosecution Service in telephone directories, or can be obtained from the local police.

9.5  
**The role of the magistracy and the judiciary**

9.5.1 Similarly, it is not open to schools to influence the judiciary in the conduct of particular cases. It is the duty of the court to decide cases on the basis of the evidence before it. Some background information, however, may be taken into consideration by the court when considering sentence. The court will, for example, take account of the offences of which the defendant has been convicted and any that they may have admitted and asked the court to take into consideration. Background information relating to the offender’s personal circumstances may also be taken into account in determining the appropriate sentence.

9.5.2 A high proportion of criminal cases in England and Wales – well over 90% - are tried by lay magistrates drawn from the community in the areas where they sit. In discharging their responsibilities, it is important for magistrates to understand local concerns and important also that local people should understand the responsibilities which magistrates discharge on behalf of their fellow citizens.

9.5.3 For that reason the Magistrates’ Association has an active programme of explaining the work of the magistracy to employers, colleges and schools. Many schools will be aware of this programme, Magistrates in the Community, originally established in 1991 as the Schools Project. The project covers issues of interest to pupils at primary and secondary level as well as to staff. Schools wishing to take advantage of such opportunities provided by the Magistrates’ Association can make contact with their local branch through the Clerk to the Justices at the Magistrates’ Court in the area. Schools wishing to discuss with Magistrates’ Court more general matters of interest should contact the Clerk to the Justices at the local Magistrates’ Court.

9.6  
**Complaints**

9.6.1 The Crown Prosecution Service and courts aim to provide a high standard of service. The Victim’s Charter gives details about how to complain in particular circumstances.
ANNEX A

EXAMPLES OF GOOD PRACTICE

In the course of the consultation on this guidance, respondents drew the attention of the DfEE and the Home Office to a significant number of examples of good practice in terms of police/school/LEA co-operation, many of which are set out below. It is hoped that schools, LEAs and the police will be able to share and make use of this practice, which is intended to be a sample of what is currently going on throughout the country, rather than an exhaustive list. We had too many examples of some aspects of good practice to include them individually, e.g. risk management groups including representatives of LEAs, police, Fire Service and others, and training provided by police and LEAs for school staff and governors. Further examples of LEA practice on school security more generally can be found in the DfEE document Directory of Local Authority Practice on School Security.

Nottinghamshire Constabulary

A school watch scheme has been established, which provides a forum where misunderstandings and misconceptions between schools and police can be addressed. This scheme embraces 33 schools, each of which have contributed to a communal fund which is used to promote good citizenship by pupils/students.

To enable swift communication, a joint paging system allowing access within 30 seconds is used.

For more information contact:

PC Karl-Heinz Bloch – School Liaison Officer
Devin Brown – Crime Prevention Officer
Oxclose Lane Police Station
Oxclose Lane Police Station
Nottingham NG5 6FZ
Oxclose Lane
Tel: 0115 967 0999 ext 4450
Tel: 0115 967 0999 ext 4350

Cambridgeshire County Council

The LEA issued guidance to all its schools on Managing the Risk of Malicious Intrusion and People Causing a Nuisance on School Sites. This includes examples of warning signs to potential trespassers, an incident record and a security checklist.

For more information contact:

Chris East
Kevin Manley – Assistant Director of Education (Schools)
Cambridgeshire County Council
Castle Court
Shire Hall
Castle Hill
Cambridgeshire County Council
Castle Court
Shire Hall
Castle Hill

The DfEE cannot formally vouch for or endorse any particular example.
Derbyshire County Council

Derbyshire County Council has produced a set of three documents for schools, _Crisis Affecting Schools – a Derbyshire Approach_, _Security Management in Schools_, and _When Tragedy Strikes a School Community_. The latter gives detailed advice on how schools can respond positively in the aftermath of traumatic events, including on providing support and counselling for pupils, and responding to the media. The guidance was produced in liaison with Derbyshire Constabulary.

For more information contact:

Simon Beasley – Risk Manager
Derbyshire County Council
Corporate Resources Department
Treasurer’s Division
County Hall
Matlock
Derbyshire DE4 3AH
Tel: 01629 585975

Suffolk Constabulary and Suffolk LEA

In 1996 the Suffolk Constabulary and Suffolk LEA together produced guidance notes for headteachers, _Dealing with Nuisance and Criminal Incidents_, and _Directory of Police Service and Contacts_. The guidance was distributed to all schools in Suffolk and made available to all police officers within the county. This local policy document is intended to complement guidance issued at national level by the DfEE.

For more information contact:

Tim Newton – Education Policy Officer
St Andrews House
County Hall
Ipswich
Suffolk IP4 1LS
Tel: 01473 584690

Gloucestershire Constabulary/Gloucestershire LEA

A local multi-agency working group produced a booklet _Safe and Sound_ and accompanying posters. The booklet includes advice on how to deal with aggression as well as details of key local contacts.

For more information contact:
Greater Manchester Police

The Greater Manchester Police (GMP) has a standardised approach to drug incidents in schools which is detailed in their document *Drugs in Schools*. This has been distributed to all GMP divisions and local education authorities. School liaison officers are equipped with pagers so that schools can contact them to seek advice during school hours.

The GMP have devised, in conjunction with other agencies, including the local education authorities, a multi-agency reporting system for racial incidents. This enables schools to report a racial incident to the police using a form which is standard for all agencies and enables the police to work with schools to tackle these problems.

**For more information contact:**

Inspector K Mulligan  
Greater Manchester Police  
Y (Community Affairs) Branch  
PO Box 22 (S West PDO)  
Chester House  
Boyer Street  
Manchester M16 0RE  
Tel: 0161 856 2212

Sussex Police

In 1995 the Community Crime Prevention Department prepared a booklet, *Security Standards for Schools*, providing advice on physical security measures. It has helped one local authority in producing a handbook *Safeguarding Schools – Planning for Security and Emergencies*, which provides advice on aspects of security and safety for staff and pupils.

Design advice is provided to new schools automatically through the Force liaison scheme with local authority planning departments.

**For more information contact:**

Mr Peter Hardy – HQ Community Safety Department  
Sussex Police  
Police Station  
New Town  
Uckfield  
East Sussex TN22 5DL  
Tel: 01444 445895
**Hertfordshire Constabulary**

Members of the Special Constabulary undertake regular patrols of those school premises which have a history of criminal damage. The patrols are timed to coincide with those periods when there is a higher chance of damage occurring, eg holidays, weekends and evenings. In areas where patrols have taken place there has been a marked reduction in damage.

30 Youth Action Groups have been formed within schools in Hertfordshire. Steered by a multi-agency group, these undertake crime prevention and community safety projects, designed to improve their environment.

The Safe School Initiative is being trailed in 35 schools. It is a holistic approach to school risk management which comprises four main elements:

- development of a school security/risk management group
- involvement of pupils in classroom activity to support safety/risk management in schools
- advice on security issues
- certification of a school that adopts a responsible attitude to safety/security

This approach was developed by West Mercia Constabulary and Hereford and Worcester LEA, and has been approved by ACPO.

**For more information contact:**

Chief Inspector Charles Kraina – Force Crime Prevention Officer
Hertfordshire Constabulary
Stanborough Road
Welwyn Garden City
AL8 6XF
Tel: 01707 354612

**Leicestershire LEA**

The LEA and Leicestershire Constabulary have worked together to produce a sample record form for logging incidents with a view to securing successful prosecutions. In addition, they have produced sample letters relating to section 547 of the Education Act 1996 for schools to use which warn trespassers about the possibility of legal action.

The LEA has introduced a crisis line – a special phone line to provide immediate assistance to schools in the event of emergencies. Details are included in the authority’s *Circular on Crisilne and Emergency Planning for Schools* (Ref: G33/96).

**For more information contact:**

Julie Attenborough or Peter Dunworth – Administration, Committees and Secretariat
Northumbria Police

A Voice Mail Box System (VMX) has been introduced. Each Area Command uses a telephone/computer system to cascade information to Neighbourhood Watch contacts. A number have incorporated the system into local schools, providing a two way flow of information.

Newcastle East Area Command run a School Watch system in partnership with 28 schools in the area. Each school is linked to the system via a message pager. The pagers, a dedicated telephone line and a scheme co-ordinator are supported by a telecommunications company. The system has successfully replaced a time consuming a telephone ‘cascade’ system: general security and warnings can now be passed on within 30 seconds, for the price of a local phone call. As all the messages are monitored by the police and local authority, response to emergency situations is almost immediate.

For more information contact:

PC 3424 Keith Tunnicliffe – Crime Prevention Officer
Clifford Street Police Station
Byker
Newcastle upon Tyne NE6 1EA
Tel: 0191 214 6555 ext 62256

Hammersmith and Fulham LEA

The authority has produced a number of guidance documents for schools on security issues including on Dealing with Threats from Terrorism, which provides advice on managing bomb threats, both actual and malicious. This was prepared and circulated following discussions with the police over the responsibility for searching premises following the receipt of bomb threats.

For more information contact:

Kevin Corrigan – Principal Officer, Site Care
London Borough of Hammersmith and Fulham
Education Department
Town Hall
King Street
Hammersmith
London W6 9JU
Tel: 0181-748 3020 ext 3653
**Newham LEA**

A working group on intrusions was set up as a result of the report of the DfEE’s Working Group on School Security. The group included representatives from the LEA, the police and local headteachers. It produced a report looking at the existing law and how it applied to schools, and made recommendations for police and schools on dealing with intruders, many of which are reflected in this guidance.

**For more information contact:**

Eltaz Bodalbhai – Schools Support Service  
Newham LEA  
Education Department  
Broadway House  
322 High Street  
Stratford  
London E15 1AJ  
Tel: 0181 557 8630 ext 42114 or 0181 555 5552 ext 42335

**Milton Keynes Council**

All schools are provided with a draft security policy document to adapt to their own needs. They are encouraged to develop a Lone Working Policy and to develop a procedure for re-occupation of the school premises to complement their evacuation procedures. This can be effective as a way of minimising risks from intruders, and is also useful in the event of stray dogs, and accidents in the vicinity of the school.

**For more information contact:**

Mark Dolling – Capital projects Officer  
Education Planning, Learning and Development Directorate  
Saxon Court  
Avebury Boulevard  
Milton Keynes MK9 3HS  
Tel: 01908 253375

**Croydon LEA**

The authority has produced *Guidelines for Schools in cases of Disturbance caused by Parents/Carers and/or any other Person whilst on School Premises*. These guidelines have been agreed by the teacher associations and have been used successfully to ban, for a specified time up to a term, four people from school premises who had caused a disturbance. They were sent to all schools with a reminder of the need to record all incidents using the authority’s standard report form.

**For more information contact:**

Terry Osborn – Group Director (Planning and Client Services)  
London Borough of Croydon  
Education Department
Sandwell LEA

The authority has produced a document *Dealing with Security and Intruders during the School Day*, which explains the need to make a judgement defining an intruder and then assessing the risk posed by them. It also gives practical advice on how to challenge an intruder, and on appropriate security measures to minimise risk. Post-incident advice is also included.

For more information contact:

Colin Wilkes – Sandwell Education and Community Services
PO Box 41
High Street
West Bromwich  B70 9LT
Tel: 0121 569 8158

Staffordshire LEA

Staffordshire LEA has produced a guidance handbook for its establishments that promotes good building management and housekeeping practices, and adherence to individual risk management policies as the most effective barriers to crime. The emphasis is on low cost procedural changes following the identification of potential risks.

For more information contact:

Bob Hordern or Chris Grocott
Development and Building Services
Education Offices
Tipping Street
Stafford  ST16 2DH
Tel: 01785 278623 or 01785 278708
ANNEX B

PUBLICATIONS MENTIONED IN THIS GUIDANCE


**Countryside Commission**

John Dower House, Crescent Place, Cheltenham, Gloucestershire GL50 3RA
Tel: 01242 521381.

**DfEE Publications Centre,**

PO Box 5050, Sudbury, Suffolk CO10 6ZQ.
Tel: 0845 6022260; fax: 0845 6033360; minicom 0845 6055560.

**Home Office Publications Centre,**

PO Box 1024, 50 Queen Anne’s Gate, London SW1H 9AT
Tel: 0171-273 3072; fax: 0171-273 2191.

**HSE Books,**

PO Box 1999, Sudbury, Suffolk CO10 6FS.
Tel: 01787 881165; fax: 01787 313995.
ANNEX C

POLICE RESPONSE TO INTRUDER ALARM SYSTEMS ON SCHOOL PREMISES

1. An increasing proportion of schools are being equipped with intruder alarm systems intended to detect burglary, damage or intrusion when the school’s premises are unoccupied. In some cases these systems may incorporate personal alarms enabling staff working in isolated parts of school premises to raise the alarm.

2. This note summarises the policy adopted by police forces on the advice of the Association of Chief Police Officers (ACPO). The policy is applied by all police forces, though there may be minor local variations. Schools can obtain more detailed information about local practice from their local police.

3. Security firms recognised by one of the five independent alarms inspectorates, such as the National Approval Council for Security Systems (NACOSS) should be familiar with the ACPO policy and the consequent requirements for alarm systems. Details of the inspectorates can be obtained from the police.

Incidence of false alarm calls

4. The policy described below was adopted by ACPO because of the very high rate of false alarms experienced by police forces from alarm systems generally – not of course exclusively from schools. In 1996, over 88% of calls to the police from this source were false alarms. This is a serious drain on police resources, and may result in unnecessary risks to police officers and others as a result of making an emergency response to such calls. Several forces have experienced significant reductions in the false alarm rate since introducing the policy described below.

Types of alarm system

5. There are two distinct categories of alarm system in general use. The first category, normally referred to by police forces as Type A systems, are remote signalling alarms which, when activated, pass a signal automatically to a commercial alarm receiving centre built and operated to BS 5979, who then alert the police in accordance with procedures agreed between the police force and the alarm company. This category includes personal attack alarms which, when activated, trigger a signal from the local alarm system to the alarm receiving centre. Police forces will only establish agree procedures in this way with firms who comply with certain standards (see paragraph 6).

6. The second category, known to the police as Type B alarms, include all audible-only alarms (ie those which sound a siren or bell at the premises but are not connected to an alarm receiving centre); automatic dialling alarms (which dial a prearranged number and play a recorded message when activated); and alarm systems connected to an alarm receiving centre not complying with the arrangements set out in paragraph 5.
Police forces establish procedures for Type A alarm systems only with firms who meet certain standards have undertaken checks on their staff. Both large and small companies, offering differing levels of service, have met these standards. Police forces’ procedures agreed with such firms ensure that the police hold details of premises protected by Type A alarms, and provide arrangements for calling out keyholders.

The police do not recommend individual companies but require them to be inspected by one of the independent alarms inspectorates, which ensure that standards are maintained and deal with complaints. The police will not agree to issue a reference number to any alarm system that has not been installed by a member of one of the recognised inspectorates. Firms which claim to install Type A alarm systems will be able to show supporting evidence of their inspection and acceptance by the police.

**Police response**

The normal police response to the activation of a Type A alarm will be immediate – that is to say, police officers will treat the call as an emergency and will arrive at the scene as soon as possible.

The police response to activation of a Type B alarm will not be immediate unless, in addition to the activation of the alarm, there is some other indication to suggest that an offence is in progress. In the absence of such an indication that the activation of the alarm was valid, the police will normally expect the premises to be checked by a keyholder without attendance by the police.

No Type B intruder alarm system should, under any circumstances, be programmed to ring a police station. In addition, automatic-dial calls routed to an alarm company or private premises will not receive a police response unless keyholders have attended the scene and can report suspicious circumstances or a crime.

It is ACPO policy for police forces to downgrade the response to a Type A alarm system if an unacceptable level of false alarms is experienced. Under this policy, after four false alarms within any twelve month period, the alarm company and the person responsible for the site at which the alarm is fitted will be warned that police response to future activations will be downgraded to a less urgent level – normally, that the police will attend as soon as possible, subject to other higher priority demands on police resources at the time. This lower level of response remains higher than that provided to Type B alarms. The normal higher level of response would be reinstated after three months if during that period the alarm company can report that remedial action has been taken and that no false alarms have been experienced from the installation since the problem was remedied.

If remedial action is not taken, or is not successful, after seven false alarms to the police during any twelve month period from a Type A alarm, the response will be withdrawn. That means that the police would not respond unless there were some other indication, in addition to the alarm, that an offence was in progress.

In applying this policy, the police recognise that what initially appears to be a false alarm may subsequently turn out to have been justified. In such cases, on the basis of a report from the
alarm company, the police will not treat such an activation as a false alarm.

15 The policy also requires alarm receiving centres to have agreed procedures for filtering out calls which have a high probability of being false and passing them to the keyholder only. Such calls are not passed to the police unless a crime is discovered and would not count against the school, if found to be false.

16 Even where a poor experience of false alarms leads the police to downgrade their response to a Type A alarm system, they will maintain an emergency response to alarms generated by personal attack alarms connected to that system. This response will, however, be withdrawn, if more than seven further false alarms subsequently occur.

Application of this policy to schools

17 Experience has shown that alarm systems which are properly designed and operated can readily meet Type A standards.

18 Schools which already have alarm systems are likely to be familiar in general terms with the policy outlined above. Schools considering installing or upgrading alarm systems should consider carefully the limited security provided by systems not meeting Type A standards. Costs of installation, and running costs, of Type A systems will be higher than those of a Type B system but those costs can be contained by limiting those parts of the school – the high risk areas – which alarm systems are to cover, and sometimes by arranging for centralised secure storage of movable items within the secure area instead of extending security more widely on the site.

19 Thirty per cent of false alarms are caused by staff or operator error and can be avoided. Keyholders, whether at the local authority or the school, should therefore be aware of what is required of the, and staff who operate alarm systems should be properly trained. Remedial action should be taken after each and every false alarm.

20 This policy is applied to all alarm systems, and not just to those at schools. Where there are particular crime problems at a school, the chief police officer has the discretion to waive this policy. The difficulties caused for police forces by the very serious level of false alarms mean, however, that schools cannot expect to be exempted from this policy if their alarm systems prove to be persistently unreliable.

21 Reducing false alarms by ‘confirming’ activity within the alarm premises is to be encouraged. Activity can be confirmed by one or all of the following methods:

- **audibly** – by the installation of microphones
- **visually** – by the installation of special cameras
- **sequentially** – by one alarm detector confirming activation of another.

Further information on the above technology can be obtained from the alarm companies or a
force crime prevention officer.
ANNEX D

EXAMPLE OF A WARNING LETTER TO TRESPASSERS

Note: the text of the letter below is intended merely to indicate the possible content and tone of such a letter. It may need amendment to suit local circumstances, depending also on who is to send the letter. County and controlled schools should seek with the LEA before sending out a letter of this kind themselves. Where the trespasser is a child the letter should be sent to the parent or guardian.

To [the trespasser]

Section 547 of the Education Act 1996

It has been reported to me that [you] were seen on the premises of [school] on [date] at [time]. [Description of what the trespasser was doing].

The school’s premises are private property and [you] had no permission to enter them. [Refer if necessary to aspects of behaviour which were particularly disruptive].

Trespass on a school’s premises, causing nuisance or disturbance, is a criminal offence. The purpose of this letter is to warn you that you must not trespass again on the school’s premises. If you do, and cause a nuisance or disturbance, [the governors/the education authority] will not hesitate to bring proceedings under section 547 of the Education Act 1996. The maximum penalty for this offence is a fine of £500.
ANNEX E

A SCHOOL’S DUTY OF CARE TO VISITORS

1. An occupier of premises is under a duty to take reasonable care to make sure that any visitor will be safe whilst on the premises. The occupier of a school has not been defined but it is likely to be the governing body and, in the case of LEA-maintained schools, also the local education authority during school hours.

2. That duty of care could extend in certain cases to trespassers. Under the Occupier’s Liability Act 1984, if the owner or occupier is aware of a danger on the premises, they may be under a duty to take reasonable precautions to prevent injury to those whom they may reasonably expect to be in the vicinity. This might include trespassers and uninvited visitors who, again, they have reasonable grounds to expect may enter the premises.

3. An occupier needs to take particular care where, as in the case of a school, there is reason to expect that visitors or trespassers might include children. In practice, notices warning against unauthorised entry to schools as recommended in this guidance, and the normal standards of design and maintenance of school buildings which take account of the presence of pupils on the site, are likely to meet these obligations.
ANNEX F

WEARING KIRPANS IN SCHOOLS

1 As explained in paragraph 6.1.8, the carrying of a knife for religious purposes is a statutory defence under section 4 of the Offensive Weapons Act 1996.

2 Sikhs who have been initiated in a ceremony called Amrit Pahul are required to carry a kirpan at all times. The kirpan is a ceremonial sword and is one of the five sacred symbols of the Sikh faith. Both male and female children can be initiated. There is no lower age limit, but the child must be old enough to understand the significance of the ceremony. Children of primary school age have undergone the ceremony.

3 Some Sikhs believe that it is sufficient for the kirpan to be symbolic, so that kirpans as small as one and a half inches long can be worn under clothing and sealed so that they cannot be drawn. Kirpans may sometimes be secured in protective padding. Other Sikhs believe that the Kirpan must be around eight inches long, with a five inch blade.

4 Governing bodies of all schools and, in the case of county and controlled schools, LEAs, have responsibilities under health and safety legislation to ensure the welfare of those within schools. It is for them to decide whether to allow Sikh children to wear a kirpan in schools. They will need to be able to satisfy themselves that the kirpan does not present a health and safety risk either to the child wearing it or to other pupils and staff.

5 LEAs and governing bodies also need to be aware of the possible impact of the Race Relations Act 1976. The courts have ruled that Sikhs are a ‘racial group’ for the purposes of the Act. Depending on the circumstances, a rule which operated to forbid the wearing of a kirpan, or resulted in, for example, the exclusion of a pupil who insisted on wearing one, might be alleged to constitute unlawful indirect discrimination under section 17 of the Act. A requirement will not be indirectly discriminatory, however, if it is adopted for a legitimate objective and is an appropriate and reasonably necessary means of achieving this objective. In particular cases it may be appropriate to take legal advice.

6 Schools should be fully aware of the religious observances of Sikhs and the need to deal with this issue sensitively. It should normally be possible to reach a compromise between the religious practice of the Sikh community on the one hand, and the understandable concerns of schools and non-Sikh parents on the other, for example by permitting the wearing of symbolic kirpans secured as described above.

7 A number of LEAs have produced detailed guidelines on this issue, which have been drawn up after local consultation with both the Sikh community and schools. In respect of county and controlled schools, LEAs should offer advice where difficulties arise over this issue. Any guidelines produced by LEAs should not require schools to admit children wearing kirpans if they meet certain specifications. The governing body and staff at the school will have their own responsibilities relating to the conduct of the school and the welfare of pupils, on which they will need to make a judgement.
ANNEX G

INCIDENT REPORT FORM

(Includes trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to personal property).

This form should be completed as fully as possible. A number of staff should complete the form for an incident involving or witnessed by a pupil. Please use continuation sheet if necessary.

Date of incident .....................................  Day of week ...........................................  Time ............................

1.  Member of staff reporting incident

Name .............................................................................................................................................................. ..........................................

Work address (if different from school address).

Position ..........................................................................................................................................................

2.  Personal details of person assaulted/verbally abused
    (if appropriate)

Name .............................................................................................................................................................. ..........................................

Work address (if different from school address)/home address (if pupil)

Job/Position (if member of staff) ................................................................................................................................

Dept/Section/Class ...........................................................................................................................................

Age .................................................................................... Sex ..................................................................................

3.  Details of trespasser/assailant(s) (if known)

4.  Witness(es) if any

Name .............................................................................................................................................................. ..........................................

Address ............................................................................................................................................................. ..........................................

Age (approx) ................................................................................. Sex .............................................................................

Other information
5. **Details of incident**
   a) **Type of incident** (eg if trespass, was the trespasser causing a nuisance or disturbance and how, if assault, give details of any injury suffered, treatment received etc)

   b) **Location of incident** (attach sketch if appropriate)

   c) **Other details**: describe incident, including, where relevant, events leading up to it; relevant details of trespasser/assailant not given above; if a weapon was involved, who else was present

6. **Outcome**: (eg whether police called; whether trespasser was removed from premises under section 547; whether parents contacted; what happened after the incident; any legal action)

7. **Other information (to be completed as appropriate)**
   a) Possible contributory factors

   b) Is trespasser/assailant known to have been involved in any previous incidents **YES/NO**

   c) Give date and brief details of (b) if known
d) Had any measures been taken to try to prevent an incident of this type occurring? If so, what?

Could they be improved?

e) If no measures had been taken beforehand, could action now be taken? If so, what?

f) Any other relevant information

Signed .......................................................... Date ..........................................................

Please return as soon as possible to:
# ANNEX H

## LOCAL CONTACTS

**Local Education Authority contacts:**

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Phone number</td>
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<tr>
<td>Out of hours number</td>
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<td>Phone number</td>
<td>Fax number</td>
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<tr>
<td>Address</td>
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</table>
Police contact (other than 999)

‘Everyday’ contact/school liaison officer
Name                             Position
Phone number                     Fax number
Address

Local police commander

Name                             Position
Phone number                     Fax number
Out of hours number
Address

Other police contact

Name                             Position
Phone number                     Fax number
Address

Fire Prevention Officer

Name                             Position
Phone number                     Fax number
Address
### Alarm company

<table>
<thead>
<tr>
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<th>Position</th>
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</thead>
<tbody>
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<td>Contact</td>
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<td>Phone number</td>
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### Other security suppliers (CCTV etc)

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### Health and Safety/Security representative on governing body

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<td>Phone number</td>
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<tr>
<td>(work)</td>
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<tr>
<td>Address</td>
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