









## Crimes reported to the police

When the decision is made to report an incident to the police for investigation, due to the seriousness of the incident or for other aggravating circumstances, the school or college should cease their own investigation, having asked only enough questions to establish the basic facts of the incident. Every effort should be made by the school or college to preserve any relevant evidence.

Initial enquiries undertaken by the school or college should be fully documented as they may be required if the matter goes to court. This includes recording questions asked to young people and their replies.

Where a crime is reported to the police, it will be recorded as a crime and an investigation will commence.

Whilst the age of criminal responsibility is ten, if the alleged perpetrator of a crime is under ten, it may still be necessary to involve the police. The police will take a welfare approach in these cases rather than a criminal justice approach.

## Arresting on school or college premises

Arresting on school or college premises should be avoided unless the seriousness and urgency of an incident deems the arrest absolutely necessary. The head teacher should always be made aware of the situation and the arrest should be conducted as discreetly as possible.

In any incident where a crime may have occurred schools and colleges should consider:

- The seriousness of the incident. Whether an incident is 'serious' will be a matter of judgement and will depend on the type of incident.
- Whether there are any aggravating factors. These factors increase the level of risk, or highlight the need for a wider investigation and the need for the involvement of a range of agencies as well as the police
- Whether the young people involved have any vulnerabilities.
- Whether this could be part of a pattern of behaviour also occurring in the community, in which case the police will want to be involved.

The context of the offence is really important and the school or college are in the best position to gather together all the relevant information prior to making a decision whether or not to report to the police. The decision and the rationale behind it should both be recorded.

## What are hate or prejudice based incidents?

Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone perceives them to be. The police and Crown Prosecution Service have agreed a common definition of hate incidents.

An incident is considered a hate incident when the victim or anyone else believes that the incident was motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation

If you believe something is a hate or prejudiced based incident it should be recorded as such by the person you are reporting it to. All police forces record hate incidents based on these five personal characteristics.

## When is a hate or prejudice incident also a hate crime?

When hate incidents become criminal offences they are known as hate crimes. Any criminal offence is a hate crime if it is motivated by hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.



# GUIDANCE

The following guide outlines questions schools or colleges should ask for different types of incidents and possible aggravating offence factors to be considered. The context of the offence should always be taken into consideration and the vulnerabilities previously outlined taken into account.

## Assault – see flowchart

An act which intentionally or recklessly causes violence to another.

The school or college should first establish:

### Are there any injuries?

If there are any suspected broken bones or significant injuries then seek medical help first, then call the police on 101.

If no significant injuries are apparent consider:

- What has happened?
- Who is involved?
- Is there any history between the individuals involved?
- Are there any safeguarding concerns? If YES – Refer to Keeping children safe in education and follow local safeguarding protocols

### Are there any aggravating factors?

- Is there a significant age gap between the individuals involved, ie more than a year apart?
- Is there any evidence of injuries?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- What is the impact on the victim?
- What are the victim's wishes?
- Are there any hate elements?
- Is the assault gang-related?
- Were weapons involved? (see weapons flow chart for the definition of a weapon)

## Criminal damage including arson – see flowchart

To destroy or damage property belonging to another either intending to do so or being reckless as to whether damage is caused.

The school or college should be able to deal with most incidents of criminal damage.

### What has happened and who is involved? Are there any aggravating factors?

Schools or colleges will need to decide whether to involve the police by establishing:

- Is the damage of a high value? (What constitutes high value is a professional judgement call for the school)
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the damage?
- What is the impact on the victim?
- What are the victim's wishes?
- Is there a hate element?

Schools or colleges may decide that the presence of aggravating factors requires the police to be involved.

## Cybercrime – see flowchart

Cybercrime is criminal activity committed using computers and/or the internet. It can involve malicious attacks on computer software, including:

- Breaking IT rules
- Unauthorised access to computers
- Denial of Service or other computer interference and impairment

- Acts causing serious damage to or loss of data
- 'Hacking'
- Cheating at online gaming

This guidance has a focus on offences committed by young people rather than external cybercrime and cyber security. Further guidance can be found at [www.ncsc.gov.uk](http://www.ncsc.gov.uk)

The school or college should first establish:

- What has happened?
- Who is involved?
- Is this part of a pattern of behaviour?
- Are there any safeguarding concerns? If YES – Refer to Keeping children safe in education – (link) and follow local safeguarding protocols

### Are there any aggravating factors?

- Did this incident cause any disruption to the school? eg. loss of access to website and online learning platforms or school communication networks disrupted.
- Did the school suffer a loss of data or corruption of files?
- Did the school suffer loss of teaching time resulting on an impact on other students?
- Is there a hate element?
- Have they expressed any ideological motivation or reason for their actions?
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Is the behaviour related to gang activity or an Organised Crime Group?
- Do the young people involved have any additional relevant vulnerabilities? This could include:
  - Neurodiversity including Autistic Spectrum Disorder
  - Mental health concerns
  - Living in a chaotic or dysfunctional household or one in which their skills are not likely to be fostered at home
  - In a household with inappropriate ideological influences



- Gang or Organised Crime Group associations
- Socially isolated

### Cyber Choices Program

Wherever possible, students should be referred into the Cyber Choices Program. This initiative is aimed at 12-18 year olds supported by the National Crime Agency and the Home Office, together with regional and local police force cyber specialists.

The objective of the program is to encourage students to use their cyber skills positively by highlighting alternative opportunities, along with providing victim awareness and deterrents, such as the potential penalties for continuing along the cybercriminal pathway.

## Drugs – see flowchart

**Possession:** It is an offence for any person to unlawfully have a controlled drug in their possession.

**Supply:** It is an offence to either supply, be concerned in the supply, offer to supply or be concerned in making an offer to supply a controlled drug.

The school or college should first establish:

### What has happened?

- Have drugs been found?
- Who is involved?
- Are there suspicions of drug dealing?

### If drugs are found

- Is it on school or college premises?
- Seize the substance – it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it, or hand it to the police.

- If the substance needs to be kept pending police collection, then it should be securely stored in the school safe.
- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.

### If a student is under the influence of a substance

- If a student is suspected of being under the influence of drugs or alcohol on its premises, the school or college must prioritise the safety of the young person and those around them. If necessary it should be dealt with as a medical emergency, administering first aid and summoning appropriate support. Depending on the circumstances, parents or the police may need to be contacted.
- If the student is seen to be at risk the school or college's safeguarding policy will come into effect and social services may need to be contacted.
- If the student is taken to hospital in an ambulance or receives medical attention at a hospital, parents and carers and the police must be informed. As the student has been placed at significant risk or harm, the police will need to investigate potential offences in relation to the misuse or illegal taking of substances.

### A student suspected to be in possession of drugs

- Ask the student to turn out their pockets and bags. Given the circumstance, the designated member of staff is permitted to use reasonable force when conducting a search. However, if a pupil is not compliant or a more personal search is required, consider calling the police to conduct the search.
- The student should be supervised at all times to ensure they have no opportunity to dispose of any substance.
- Ensure that a second adult witness is present throughout and that any action taken is recorded.
- If a substance is found – seize substance – it is legal to possess an illegal substance in order to prevent an offence being committed and then destroy it or hand it to the

police. If the substance needs to be kept pending police collection, it should be stored in the school or college safe. Seal the sample in a plastic bag and include details of the date and time of the seizure/find and witness present.

- Schools and colleges are allowed to dispose of substances. If this action is taken, a witness must be present and the action recorded.
- If a small quantity is found, a school or college can manage the incident in line with their drug policy – consider a referral to a local young person drug service for support and intervention.

The law does not require a school or college to divulge to the police the name of the pupil from whom the drugs were taken but it is advisable to do so;

- Record full details of the incident, including the police incident reference number;
- inform parents/carers, unless this is not in the best interests of the student;
- identify any safeguarding concerns and develop a support and disciplinary response.

### Are there any aggravating factors?

- What age are the students involved?
- Is there a large amount or the substance prepared for dealing?
- Are there signs and symptoms of problematic drug use e.g. change of appearance/behaviour?
- Is there any indication of links to gangs or county lines?

### If there are rumours of drug use within the school or college

School and college staff are best placed to decide on the most appropriate response to tackling drugs within their school. This is most effective when:

- It is supported by the whole school or college community; with a current schools drugs and alcohol policy in place



- Drug education is part of a well-planned programme of PSHE education delivered in a supportive environment, where students are aware of the school or college rules, feel able to engage in open discussion and feel confident about asking for help if necessary;
- Staff have access to high quality training and support

### Involving the police

It is essential to work in partnership with local officers for support and advice and where required, operational intervention.

### Drug Dogs and Drug Testing

The National Police Chief's Council does not recommend that drug dogs and drug testing should be used for searches where there is no evidence of the presence of drugs on school or college premises.

### Prevention

Schools and colleges should ensure that students have access to and knowledge of up-to-date information on sources of help. This includes local and national helplines (including FRANK for drugs, NHS Smoking Services for tobacco and Drinkline for alcohol), youth and community services and drug services. These sources can be used as part of, or in addition to, the school or college's own drug and alcohol education.

When evaluating the behaviour and safety of students under the Ofsted inspection framework, inspectors will consider student's ability to assess and manage risk appropriately and to keep themselves safe. In supplementary PSHE guidance for subject survey visits, students awareness of the dangers of substance misuse is included in the criteria for inspectors when grading the quality of PSHE delivery.

### Behaviour Management

Any response to drug-related incidents must balance the needs of the individual students with the wider school and college

community. In deciding what action to take, schools and colleges should follow their own disciplinary procedures.

Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. More detail on excluding students can be found in the [DfE exclusion guidance](#).

Drug use can be a symptom of other problems and schools and colleges should be ready to involve or refer students to other services when needed. It is important that schools and colleges are aware of the relevant youth and family support services available in their local area.

Sources of advice and local services should be listed in the school or college drug policy for reference. The senior member of staff responsible for drugs should have established relationships with local agencies to understand what support is available.

Schools and colleges can have a key role in identifying students at risk of drug misuse. The process of identifying needs should aim to distinguish between students who require general information and education, those who could benefit from targeted prevention, and those who require a detailed needs assessment and more intensive support.

## Harassment – see flowchart

Causing alarm or distress to another on more than one occasion, which they either know or should have known would amount to harassment of the other.

Harassment can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

- What has happened?
- Who is involved?
- What is the nature of previous incidents?

- Are there any safeguarding concerns? If YES – Refer to [Keeping children safe in education](#) and follow local safeguarding protocols

### Are there any aggravating factors?

- Is there evidence of escalating behaviour?
- Are there any on line elements?
- Is it sexual harassment? If YES – refer to [Sexual harassment guidance](#)
- Are there any hate elements?
- What is the impact on the victim?
- What are the victims' wishes?

## Theft – see flowchart

A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

Schools and colleges should take steps to establish what has happened and who is involved. The school or college would normally deal with such an incident internally unless there were aggravating factors present.

The following questions will support the school or college in the decision making process.

### Are there any aggravating factors?

- Is the stolen goods of a high value? The definition of high value here is a professional judgment call to be made by the school
- Is there evidence of escalating behaviour? Or previous incidents of a similar nature?
- Have any threats or violence been used in the course of the theft?
  - What is the impact on the victim?
  - What are the victim's wishes?
  - Is there a hate element?



## Weapons – see flowchart

An offensive weapon is any article which is made, intended or adapted to cause injury. Offensive weapon can be broken down into two categories:

a) Those that are made as an offensive weapon (e.g. knuckle-duster, dagger, gun) or adapted (e.g. broken bottle) for use for causing injury to the person; and

b) Weapons not made or adapted as an offensive weapon (e.g. kitchen knife, spanner, hammer) but intended by the person having in possession of it to cause injury to another

Possession of a weapon, particularly a knife on school or college premises is often an indicator of vulnerabilities for the young person concerned and therefore a multi-agency approach is important, instigated by a police referral. The school or college should not be expected to manage the situation in isolation.

School staff do have the power to search for weapons, using force as is reasonable in the circumstances. It is important that staff do not put themselves at risk.

### Offences

Section 139A of the Criminal Justice Act 1988 creates the offence of possessing an article with a blade or sharp point or an offensive weapon on school premises.

Section 1 of the Prevention of Crime Act 1953 prohibits the possession in any public place of an offensive weapon without lawful authority or excuse.

Section 139 of the Criminal Justice Act 1988 prohibits having with you, in a public place any article which has a blade or is sharply pointed, (including a folding pocket knife if the cutting edge of its blade exceeds 7.62cm/3 inches)

139A(1) Any person who has an article to which section 139 of this Act applies with him on school premises shall be guilty of an offence.

139A(2) Any person who has an offensive weapon within the meaning of section 1 of the Prevention of Crime Act 1953 with him on school premises shall be guilty of an offence.

### Defences

139A(3) It shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.

139A(4) Without prejudice to the generality of subsection (3) above, it shall be a defence for a person charged with an offence under subsection (1) or (2) above to prove that he had the article or weapon in question with him:-  
(a) For use at work, (b) for educational purposes, (c) for religious reasons, or (d) as part of any national costume.

### BB guns (plastic pellet guns)

The possession of these types of guns under legislation is not an offence as they are deemed to be toys. However, if from a school or college's perspective they breach school rules, they could be seized and retained under the Education Act.

If an item is found which is suspected to be a gun, and it cannot be ascertained whether it is a genuine firearm or a BB gun, it should always be treated as a firearm and the police called to make that decision.

Possession of these items becomes an offence when a person is misled into believing they are genuine firearms in order to provoke fear; the BB gun may then be classed as an imitation firearm. Circumstances giving rise to this belief may include use:

1. in connection with a robbery
2. To threaten someone
3. As a weapon to assault someone, e.g. pellet injures

### Contacting the police

The presumption would be to contact the police unless in exceptional circumstances where there is a reasonable explanation or set of circumstance where it is obvious that a weapon or prohibited article has been brought into school or college as a genuine mistake.

The weapon should be seized and stored securely by the school.

- Head teachers and staff authorised by them have the power to search students for offensive weapons, with their consent. They also have statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have an offensive weapon. Further information can be found [here](#)

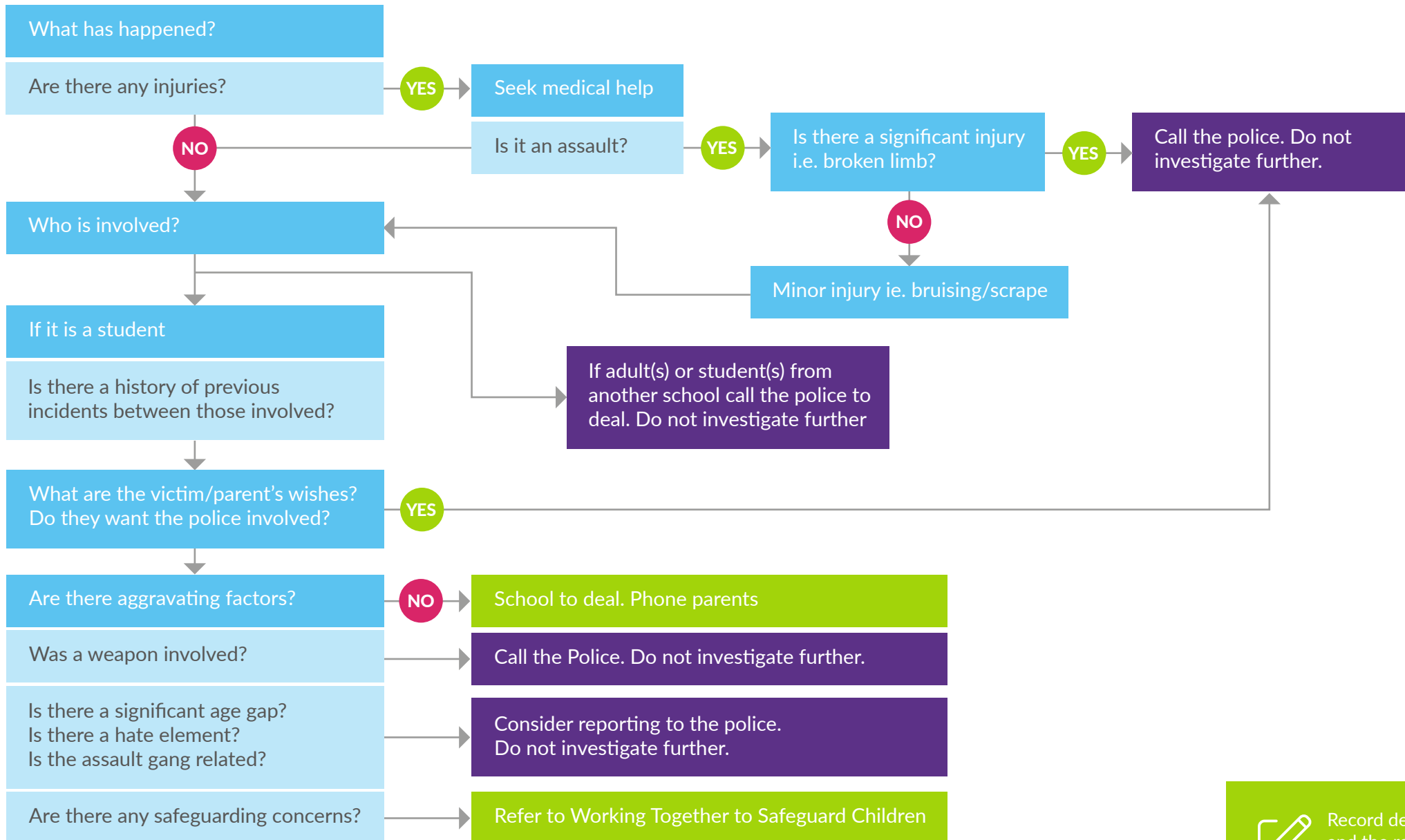
### Aggravating factors

Therefore as the police will be involved in most situations where a weapon is involved, the full circumstances relating to the incident will be investigated.



# ASSAULTS

**Definition:** It is an act which intentionally or recklessly causes violence to another

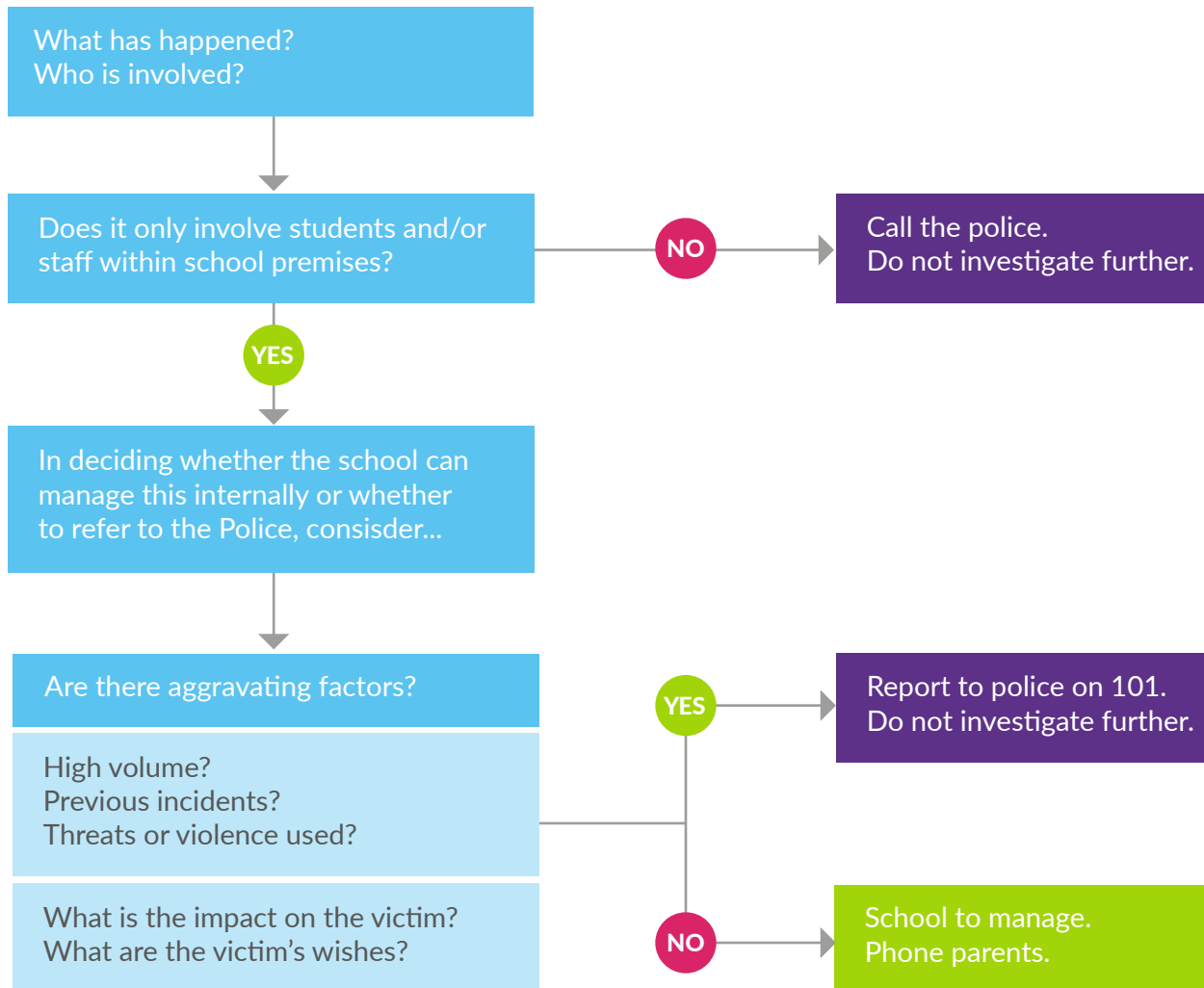


Record decisions  
and the reasons  
for decisions

# CRIMINAL DAMAGE

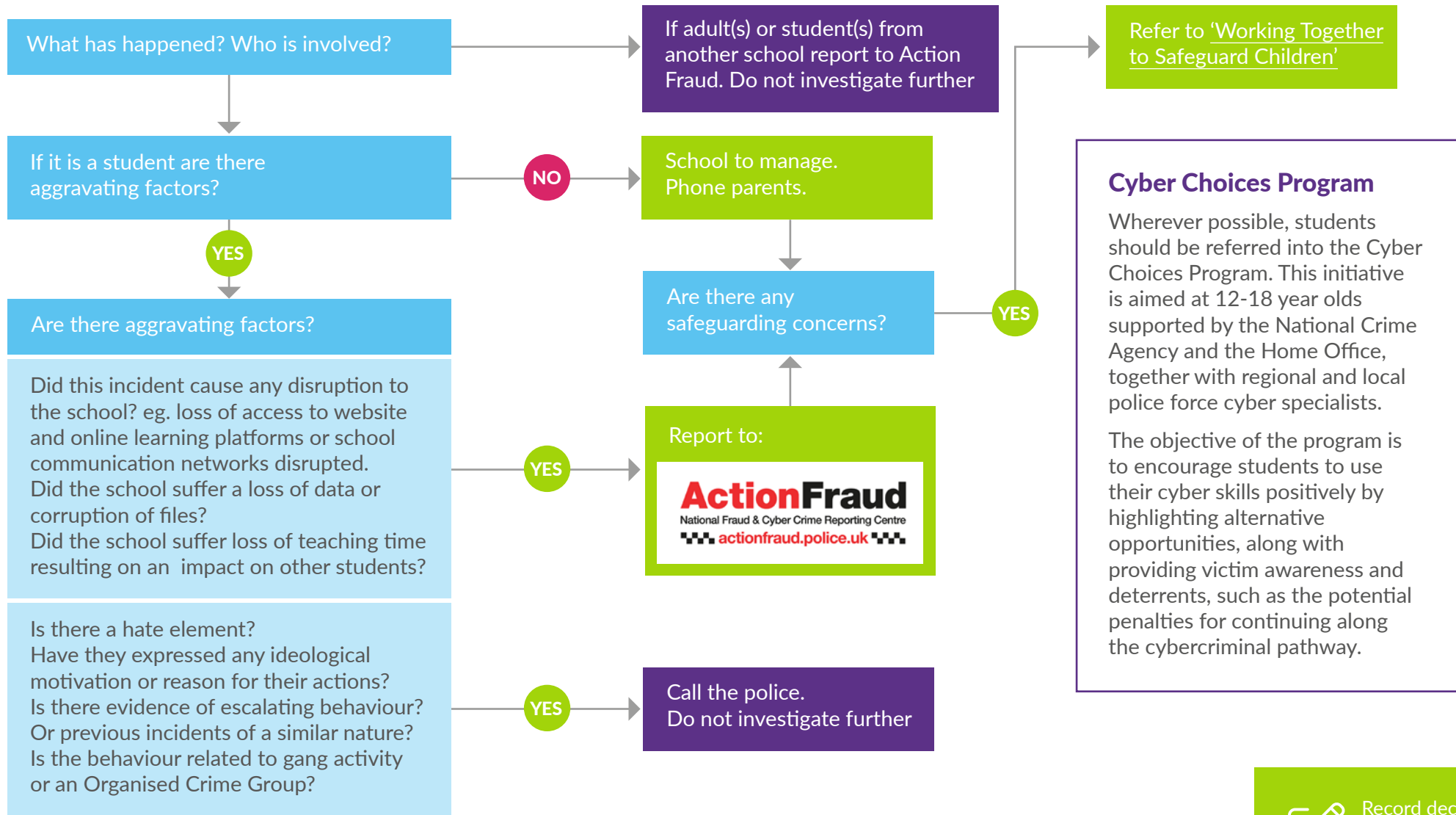
INCLUDING ARSON

**Definition:** Criminal damage is the intentional and malicious damage to property or vehicles, including graffiti, or being reckless as to whether damage is caused. Arson is the act of deliberately setting fire to property, including buildings and vehicles.



Record decisions  
and the reasons  
for decisions

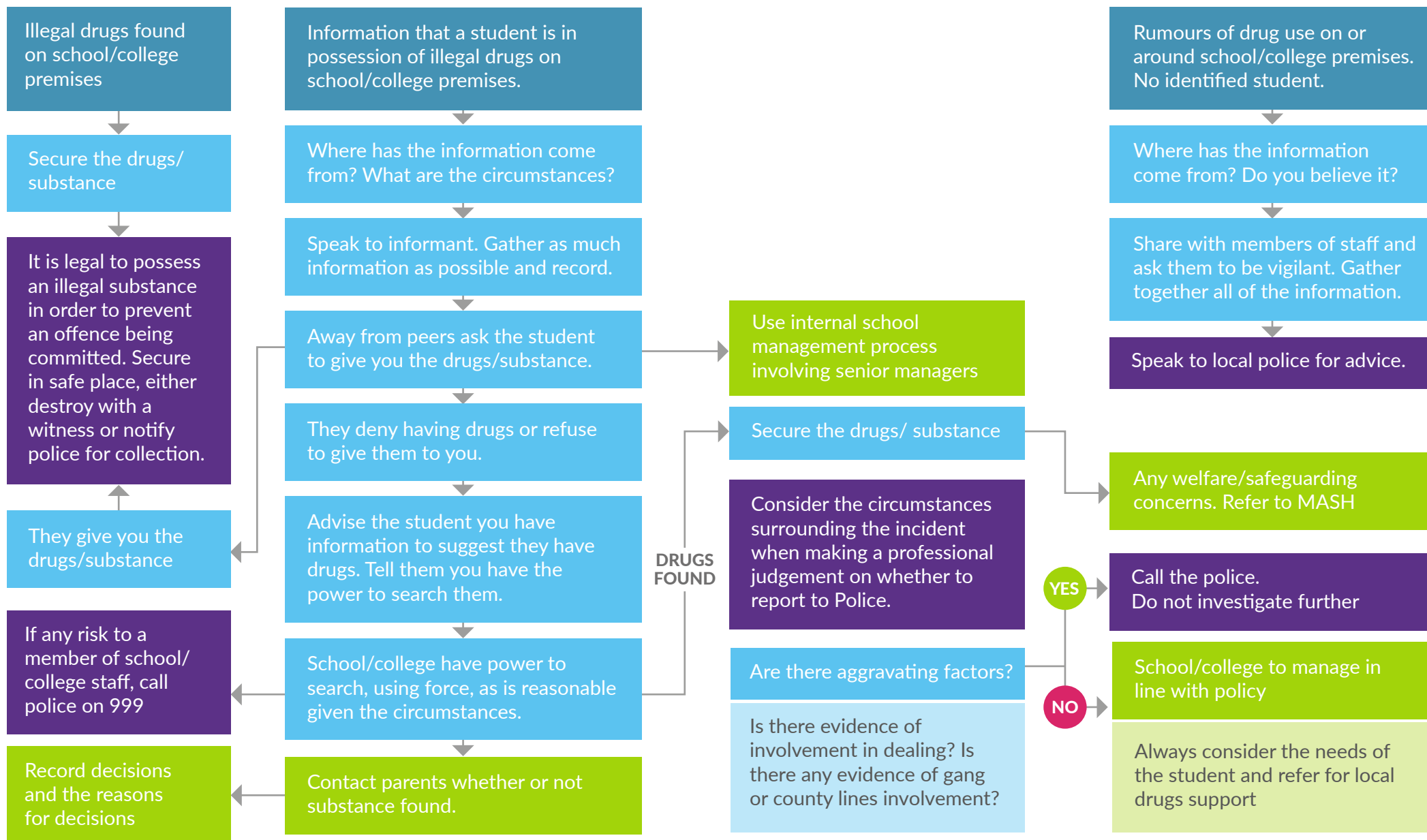
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Record decisions and the reasons for decisions

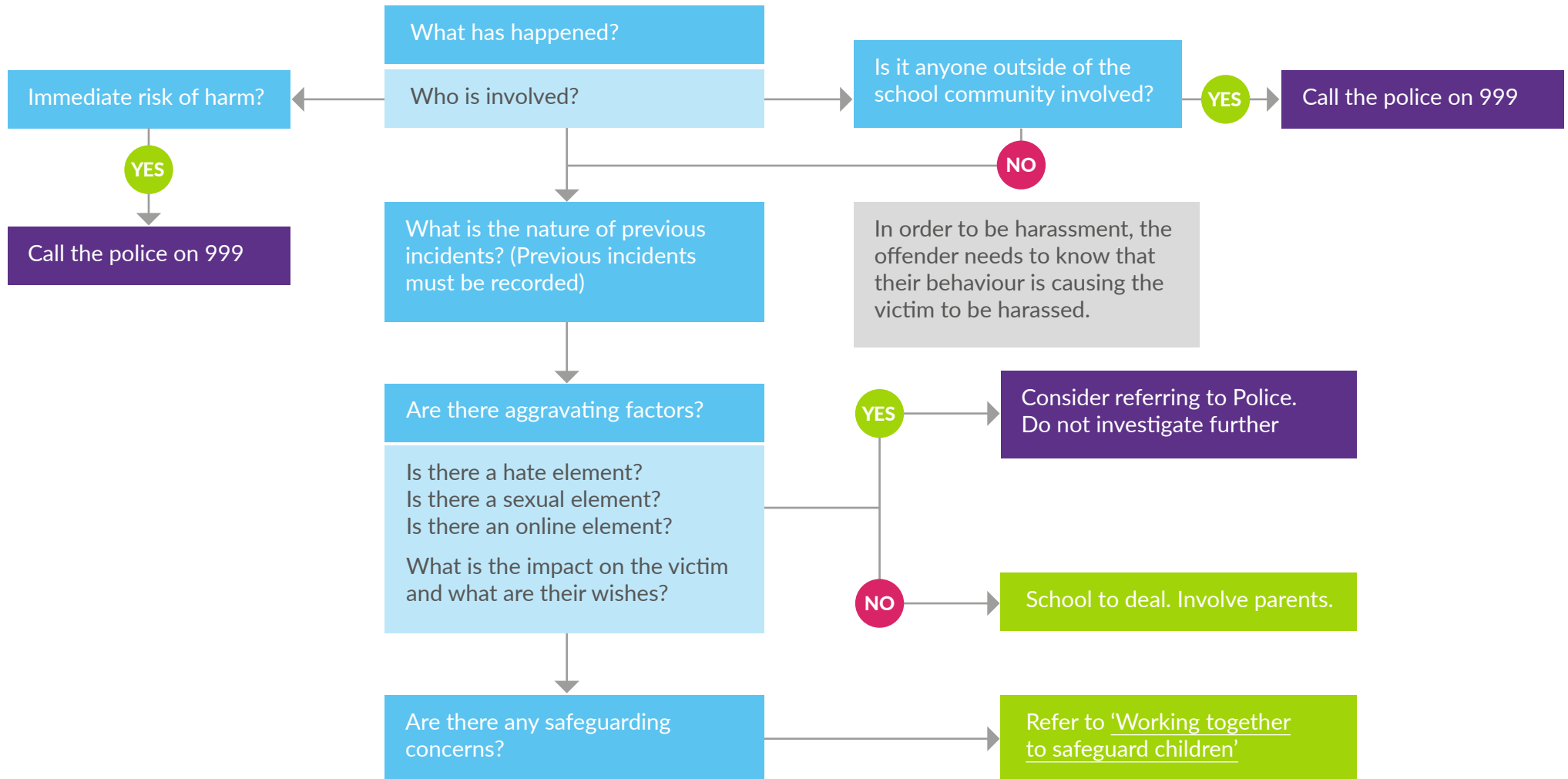
Public  
**ILLEGAL DRUGS**

**Definition:** Misuse of Drugs Act 1971: It is an offence for any person to unlawfully have a controlled drug in their possession. It is an offence to supply, or be concerned in the supply of a controlled drug. It is an offence to offer to supply, or be concerned in making an offer to supply a controlled drug.



# HARASSMENT

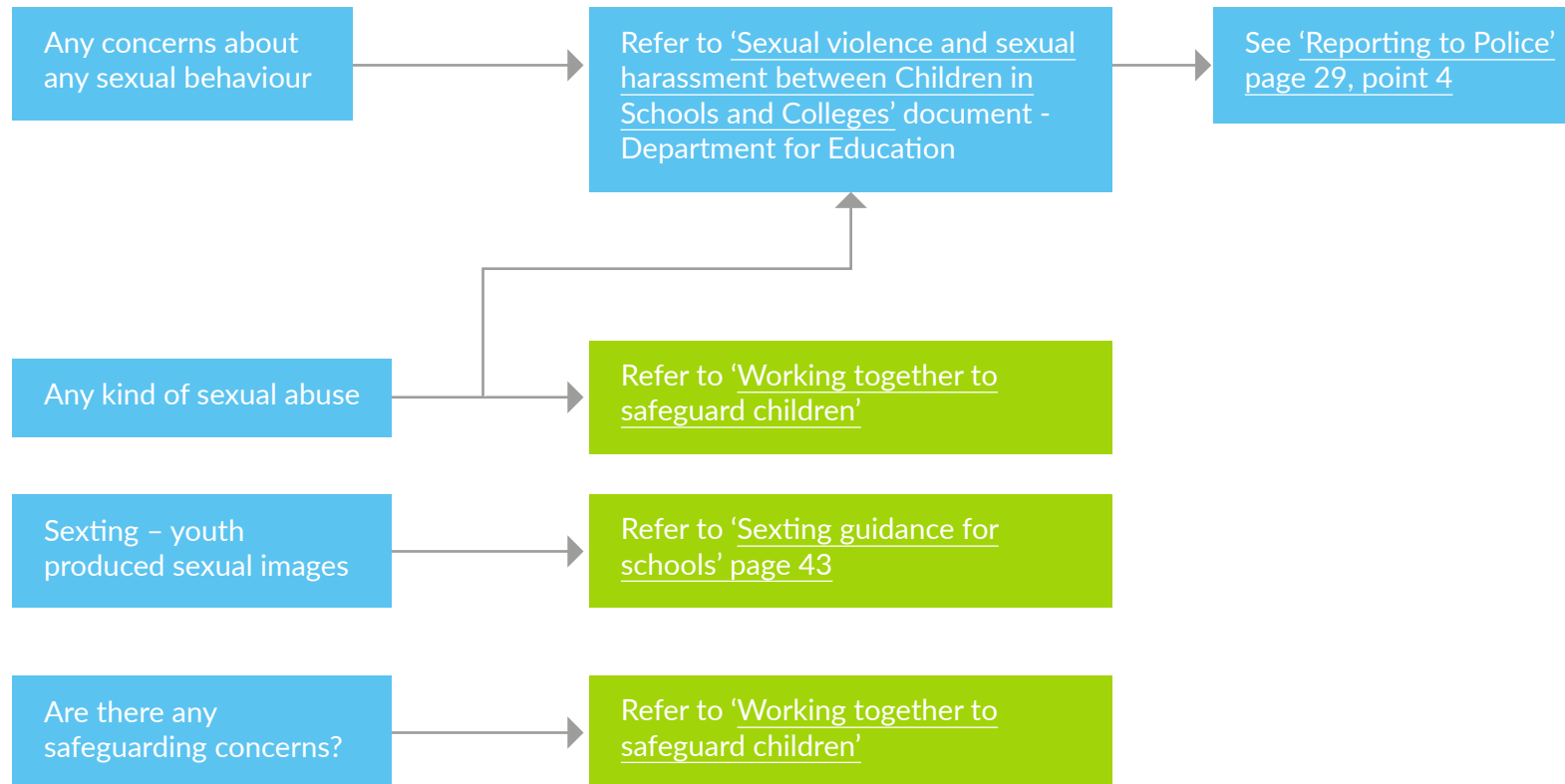
**Definition:** Causing alarm or distress or putting people in fear of violence, on more than one occasion (course of conduct) and the incidents are connected.



Record decisions and the reasons for decisions

Public  
**SEXUAL  
OFFENCE**

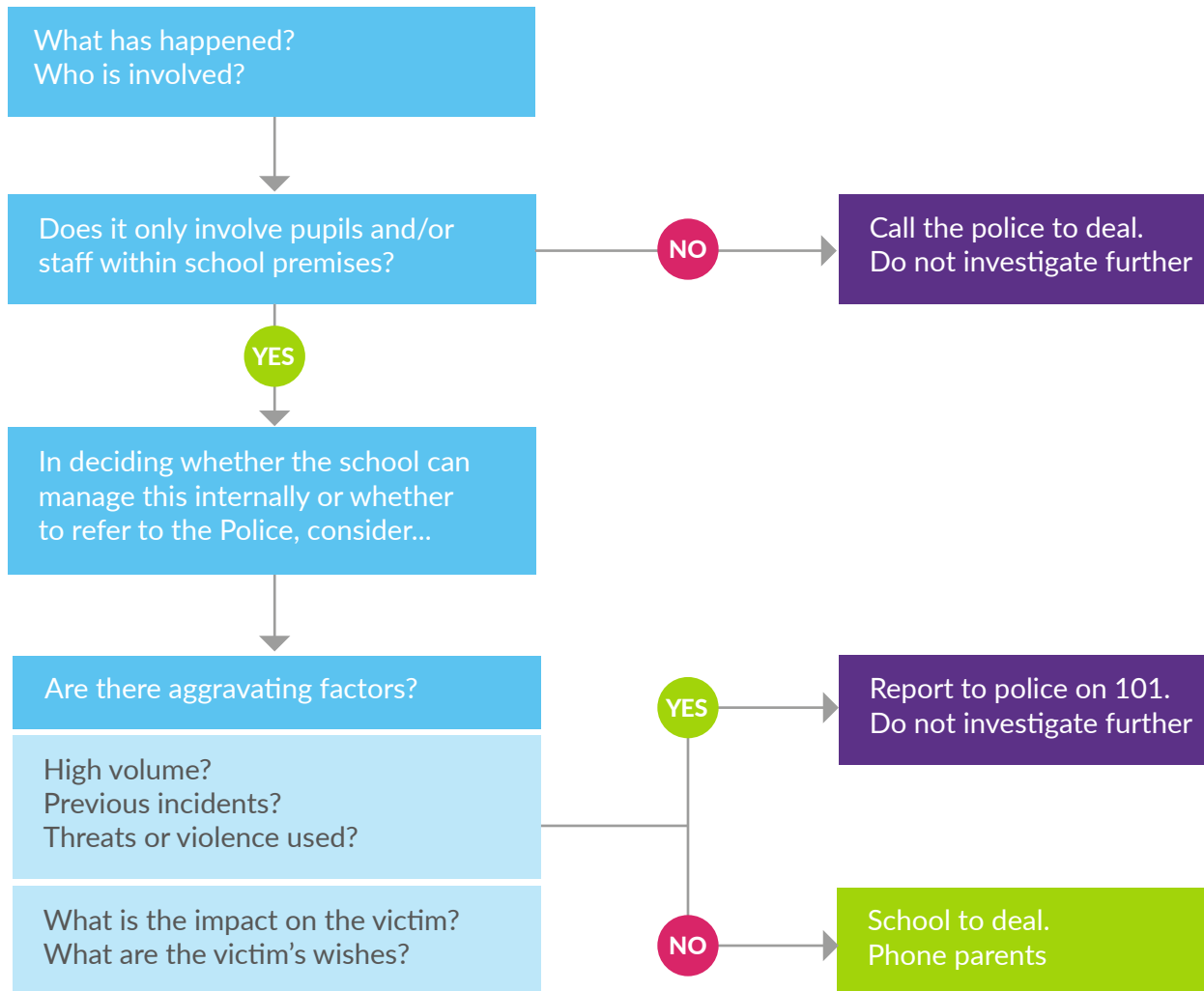
**Definition:** Any sexual contact with another person without that other person's consent. Generally speaking guidance on dealing with sexual offences is covered in working together to safeguard children. For incidents of rape or serious sexual assault call the police immediately.



Record decisions  
and the reasons  
for decisions

# THEFT

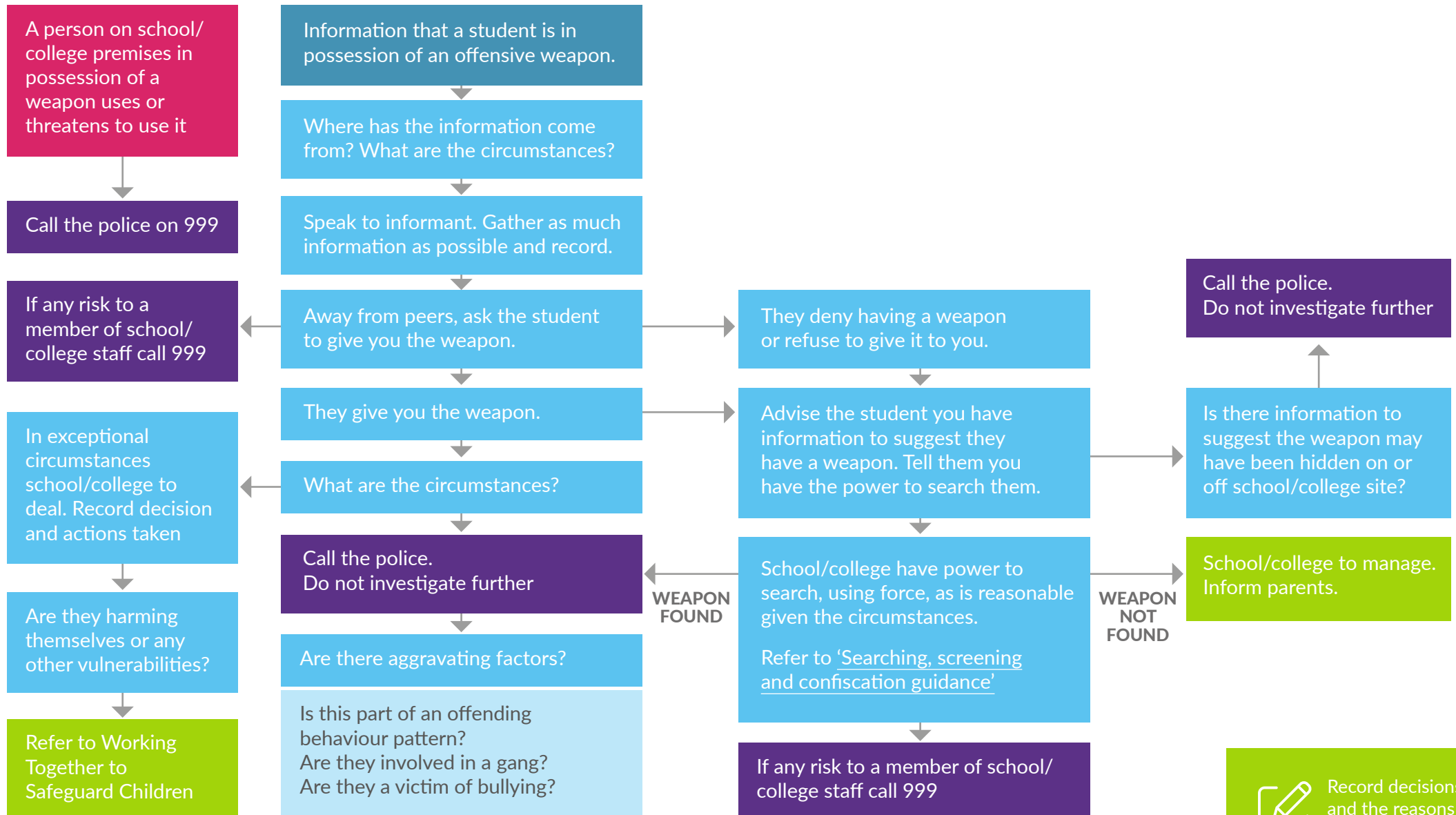
**Definition:** A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.



Record decisions  
and the reasons  
for decisions

# WEAPONS

**Definition:** An offensive weapon is any article which is made, intended or adapted to cause injury. It is an offence to possess an offensive weapon or bladed or sharply pointed article on primary school or secondary school premises.



Record decisions and the reasons for decisions