



School Crime Beat

A Protocol for Police Supporting Schools with
Incidents of Crime & Disorder

A Reference Document
for School Staff

Working in Partnership

**Rhaglen Graidd Cyswllt Ysgolion Cymru Gyfan
All Wales School Liaison Core Programme**

*Heddlu'n diogelu plant Cymru drwy addysg atal trosedd
Police safeguarding the children of Wales through
crime prevention education*

Foreword

The four Welsh Police Forces have worked with and supported schools in a variety of ways for many years, primarily through classroom involvement and supportive policing. Since the 2016 Review of the All Wales School Liaison Core Programme (AWSLCP) the four Welsh Forces have endorsed their commitment to working with children and young people.

Schools therefore play an important role in police engagement with children and young people.

This protocol provides procedures for dealing with incidents that occur in schools in order to achieve consistency of response by police officers across Wales. There should be little flexibility outside of this document surrounding the actual duty placed on police officers once involved in an incident on school premises.

There is, however, a large degree of flexibility and discretion as to when or if the head teacher involves the Police. This document clearly outlines the boundaries in which police officers should operate and also makes recommendations to provide assistance to schools.

This document considers the comprehensive advice that Welsh schools have been given by Welsh Government. It fully supports the advice given in:

Substance Misuse: Children and Young People

<http://gov.wales/docs/dcells/publications/130703-substance-misuse-en.pdf>

Inclusion and Pupil Support

<http://gov.wales/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance>

Respecting Others: Anti-Bullying Guidance

<http://gov.wales/topics/educationandskills/publications/circulars/antibullying>

Respect and Resilience: Developing Community Cohesion

<http://gov.wales/topics/educationandskills/publications/guidance/respect-and-resilience-2015>

Exclusion from Schools and Pupil Referral Units

<http://gov.wales/docs/dcells/publications/150423-exclusion-guide-en.pdf>

Keeping Learners Safe

<http://gov.wales/docs/dcells/publications/150114-keeping-learners-safe.pdf>

This document outlines what to expect when police are involved in incidents in schools and ensures a continued positive working relationship between the Police and schools, based on improved knowledge, mutual trust and understanding. It is supported by the Welsh Government publication **Guidelines for Schools and Community Police Officers (SCPOs) Working Together: School Behaviour Incident Management**. http://www.schoolbeat.org/uploads/media/Guidelines_-_School_Behaviour_Incident_Management.pdf

At all times the Police will have children and young people's interests at the forefront of their considerations and will work hand in hand with the school's wishes and policies wherever possible.

When referring to this document head teachers should have regard to any local guidance in place offered by their local authority and/or the local Substance Misuse Action Team. They should also have regard to any policies adopted by the school's governing body.

This protocol has been agreed and adopted by the four Welsh Police Forces and the Directors of Education nationally.

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1. Police Roles and Responsibilities

Within communities police officers undertake a number of different roles to provide an effective policing service for schools. Below is a list of the main types of officer that schools are likely to have contact with:

School Community Police Officers (SCPOs): These officers are dedicated to deliver AWSLCP lessons and provide supportive policing services in schools. They are deployed to ensure that a uniform, structured and professional programme is delivered to all children and young people in Wales. Each officer is responsible for approximately four secondary schools and their respective partner primary schools.

The officers are required to be fully involved with the day-to-day life of the schools and assist with problems that require police attention or advice. They will need to fully understand school policies and procedures and will endeavour to work within their boundaries.

The Guidelines for Schools and School Community Police Officers Working Together: School Behaviour and Incident Management document (See <http://www.schoolbeat.org/en/teachers>) gives detailed information about when and how the SCPO can be best utilised in schools.

- **Neighbourhood Policing Teams comprised of Neighbourhood Beat Officers (NBOs) or Community and Ward Officers:** These officers are responsible for the policing needs of their identified neighbourhoods and communities. This officer should be familiar to the school if it falls within their 'beat'. The NBO /CWO will liaise closely with the relevant SCPO and provide a link to the community at large. They will provide a problem-orientated policing approach to the needs of the community and will work closely with other key partners within that community.
- **Response Officers:** These officers will respond to emergency and non-emergency calls when they are received. If one of these officers responds to an incident in the school then they will carry out the required course of action dependent on the incident. They will liaise with the school and the SCPO/NBO to agree on how the incident will be finalised.

- **Child Protection Officers:** These are specialist officers who investigate child protection issues such as child abuse. When child protection issues are reported, Police will work in partnership with other agencies from your Local Safeguarding Children Board (LSCBs) such as the Social Services Department to investigate the allegation. Part of this investigation may involve seeking background information from the school in relation to the child's welfare, or in certain circumstances, speaking to the child on the school premises.
- **Other Specialist Police Roles:** In addition to the above roles each of the four Welsh Police Forces will have a number of specialist departments which may come in to contact with a school depending on the circumstances of an incident. A good example of this would be issues such as hate crime, which can have far-reaching consequences involving complex issues. Specialist police departments would be able to provide expert advice and support around such issues and have strong links with minority communities and other key agencies.

Schools are encouraged to openly discuss and seek advice from their dedicated SCPO. SCPOs will have a good knowledge of, and be able to provide a direct link to other specialist police departments where necessary.

2. Police Response to Incidents in Schools

The definition of a crime is:-

A crime is committed if a person fails to act in accordance with the Law

When deciding whether to contact the Police regarding an incident on school premises the severity of the incident needs to be considered. Therefore the seriousness of an incident can be determined by considering the answers to the following questions. If the head teacher considers the answer is YES to any of the questions below, and considers the incident to be an emergency then **dial 999** to obtain an immediate police presence.

- Is there any serious immediate danger present?
- Has serious injury occurred or is there a clear potential for serious injury?
- Is a crime in progress or imminent?
- Is a suspect present?
- Will a witness be lost if police do not arrive quickly?
- Is there clear potential for a further crime to be committed?
- Is a victim of crime suffering from extreme distress?

Responding police officers whenever possible will:

- Liaise with the head teacher or nominated person
- Not formally record and investigate a crime on school premises unless the school, victim, or parent / guardian request it
- Only arrest children and young people on school premises in extreme circumstances and when absolutely necessary
- Use restorative justice approaches and Youth Restorative Disposals (YRD) if appropriate
- Inform the SCPO

If the incident is not of an urgent nature, but police are required to attend, then schools should report the incident via the **101** service.

In the case of non-emergencies, or if there is a need to request advice, schools may wish to contact the SCPO. The SCPO will provide advice and arrange police attendance if necessary.

Schools act in *loco parentis* when pupils are at school or involved in school-led activities, and may wish to deal with some incidents internally, rather than involve the Police. In these cases, the school is still asked to inform the SCPO of the details for information purposes. The SCPO may also be in a position to contribute by providing other information, which may impact on the school's decision. Not reporting a crime and thereby not identifying the offender, if known or suspected, may subsequently prove to be counter-productive for a school and the wider community.

Schools should never be concerned about contacting their SCPO for advice - this is part of their role.

3. Formal Recording and the Investigation of Crimes on School Premises

The Inclusion and Pupil Support document (2006) provides a framework for inclusion, containing guidance for schools and local authorities (LAs). It requires schools to maintain high levels of attendance and positive behaviour, and support pupils with additional learning needs to avoid pupils becoming disengaged with education. It endorses the principle of inclusive education as enrolment of all children in mainstream schools, unless there are compelling reasons for doing otherwise. Head teachers and other school staff have responsibility to deal with and record incidents involving children and young people on a school site in the first instance though it may be later decided that some cases amount to criminal conduct. If this is in fact the case, it would be expedient to inform the Police of the incident. When 'exceptional circumstances' occur which lead to permanent exclusion (as defined in: Part 1 of Welsh Government guidance: Exclusion from Schools and Pupil Referral Units) there would be a high expectation from the Police that they would be informed and involved.

The Association of Chief Police Officers, the Department for Education (DfE) in England and the Home Office have developed joint guidance to address concerns over the formal recording of crime by police officers on school premises. (Although the DfE have no powers in Wales, crime recording standards for both England and Wales are governed by the Home Office and as such this agreement applies for Wales.) The Home Office National Crime Recording Sub-Group (NCRS) has agreed the following:-

Schools are under no legal obligation to report crimes to the Police. When police officers who work in or attend school premises, witness or have a crime reported to them, which took place on the school premises, the following will apply:-

- A crime should not be recorded initially, but the incidents should be brought to the attention of the head teacher as soon as practicable and a joint decision made.
- The police officer will not formally record and investigate any incident in a school as a crime, unless requested to do so, **or where it is so serious as to be necessary (see below)**. If this does become necessary a formal crime record will be created.
- The Police, where possible, will follow the school's wishes and work within school policy.
- In all cases the Police will attempt to reach a mutual agreement with the school.
- If an incident that occurred inside school, during the school hours, is reported to the Police by parents, out-of-school hours, then the incident should be dealt with in accordance with this School Crime Beat Protocol, and the school must be informed of the outcome.

When are the Police duty bound to formally record and investigate an incident on school premises?

If any of the following criteria applies officers must formally record and investigate an incident:-

- The officer judges it to be a serious incident as defined below:-

A serious incident is one which has led or is intended to, or is likely to or threatened to lead to serious harm or loss to any school child according to the view of the police officer, child or young person, parent or guardian or the child's representative.

Or

- The school requests the incident to be formally classified as a 'crime',

Or

- Any victim, their parent/carer or the child's representative asks the Police to create a crime record.

Questioning of children and young people and formal police investigations

Where there is a duty for Police to interview children or young people, then a parent/carer or other appropriate adult will need to be involved.

When a school believes that a formal police investigation may be necessary, then the questioning of young witnesses and possible offenders by school staff should be kept to a minimum. It should be enough only to establish the basic facts. Any further questioning could affect evidence and hamper a police investigation (this can be further explained by the SCPO if necessary).

Any questioning or interviewing of children and young people by the school should be recorded in writing and corroborated by another member of staff where possible.

Where an allegation of child protection has been disclosed to a member of school staff, school safeguarding policies must be implemented and local child protection procedures must be followed.

(<http://gov.wales/topics/educationandskills/publications/guidance/keeping-learners-safe>)

The SCPO is available for schools to contact for advice.

In addition, the following apply to incidents of substance misuse

- Possession of certain controlled substances such as - Cannabis, Ecstasy, Heroin, LSD, Cocaine, Crack Cocaine, etc. will always be regarded as 'serious' and recorded as a crime.

- An incident will always be deemed serious, and recorded as a crime if the controlled substance has been or was intended to be supplied to any other person whether for gain or not.

Points to consider

If the incident meets any of the criteria above, it must be classified as a crime and investigated. If, however, the incident does not fall under the above criteria the following points should be considered:

- Wishes of the victim (and parent/carer where appropriate)
- Wishes of the school
- Aggravating features - for example racial or homophobic bullying
- Severity of any injury sustained/nature of threat received by the victim
- Level/value of damage caused (It is impossible to quantify boundaries on the level of damage as this is subjective for each victim/complainant)
- Probability of a repeat incident
- Previous relationship between victim and offender
- Potential impact on the child/young person following formal Police involvement
- Effectiveness of police action/court proceedings
- Future best interests of both parties
- Message sent to other children or young people
- Availability of alternative courses of action; examples might include restorative approaches, with the consent of the victim (see below), or the use of Acceptable Behaviour Contracts (a Home Office procedure used to deal with anti-social behaviour) etc.

Restorative Approaches

As a preventative measure, a restorative approach is focused upon reducing the number of young people entering the criminal justice system by holding young people accountable for their actions. With restorative approaches the whole school community and parents may be involved. Restorative approaches in school settings view misbehaviour not just as school rule breaking but also as an offence against people and relationships in the school. Schools' officers have been trained and are available to facilitate or support the restorative approach in school settings, when requested.

Youth Justice System

There are a number of formal disposals for young persons within the Youth Justice System. All the below can and are generally accompanied with assessment, support and diversionary activity -

1. Youth Restorative Disposal (Not a criminal conviction)
The focus is to make good the harm caused and can involve direct or indirect reparation.
2. Youth Caution
The Youth Caution is a formal out-of-court disposal
Participation in the diversionary intervention is voluntary and there is no separate penalty for failing to comply.
3. Youth Conditional Caution
Youth Conditional Caution is a formal out-of-court disposal.
Assessment and diversionary intervention is compulsory.
The young person must also agree to accept the Youth Conditional Caution and any conditions attached.
Noncompliance of the diversionary or intervention programme results in the young person being arrested.
4. Prosecution
The young person is charged to court or reported for summons.

4. Substance Misuse Incidents

The misuse of controlled drugs within a school is a serious issue and it is essential that the response is prompt and effective. In responding to incidents schools will be guided by:

Guidance for Substance Misuse Education 107/2013

<http://gov.wales/docs/dcells/publications/130703-substance-misuse-en.pdf>

Joining Forces - Guidance for police working with schools and colleges.

<http://www.drugwise.org.uk/wp-content/uploads/JoiningForcesACPO.pdf>

The four police forces fully support the advice and guidance contained in these documents. Additional recommendations and agreed working practices between the Welsh Police Forces and schools, regarding incidents of substance misuse also need to be considered. Advice states that schools should liaise closely with their local police force to ensure that there is an agreed local policy for dealing with the range of illegal drug incidents, which might arise. The SCPO will provide that link.

It is the responsibility of head teachers (as opposed to the Police) to decide whether to inform the LA of illegal drug incidents occurring within schools and whether or not to inform parents/carers and governors of substance misuse incidents. Although there is no statutory requirement to inform the Police, the Home Office would expect the Police to be informed when illegal drugs are found on a pupil or on school premises. Each force asks that schools report all such incidents in line with established LA guidelines, even when schools intend to deal with the incident internally. The school may de-personalise any information given to the Police.

Guidelines have been written to assist the school and police in forming a partnership to tackle substance misuse issues in line with current Government advice outlined in:

Joining Forces: Drugs Guidance for Police Working with Schools and Colleges,

<http://www.drugwise.org.uk/wp-content/uploads/JoiningForcesACPO.pdf> ,

Guidance for Substance Misuse Education

<http://gov.wales/docs/dcells/publications/130703-substance-misuse-en.pdf>

A multi-agency approach is needed, if strategies are to be successful, both in proactive (educational) as well as reactive (in response to specific incidents) terms.

The Police aim to divert children and young people from crime and anti-social behaviour and there are a number of options, other than prosecution that can be considered in certain circumstances. Incidents will be dealt with by taking all factors into consideration and working in partnership with schools, parents and guardians.

Ideally, schools will already have a sound working relationship with the SCPO based on trust, where both parties can be fully informed and involved in making the right decisions for all involved. The wishes of the school and its internal policies will always be taken into consideration and respected when a decision is being made regarding any future course of action.

The Three Tier Response

There are three main levels of response that the Police can provide when responding to incidents of substance misuse:

1. Collection and administration of any suspected substances
2. A partnership investigation
3. A formal police investigation

1. Collection and Administration

Best practice suggests that suspected illegal substances, should wherever possible, be disposed of by the Police, who have clear policies and procedures for this purpose (Please see Appendix A for procedural guidelines). Prescription drugs can be returned to a pharmacy.

2. A Partnership Investigation

It is recommended that where either a suspected illegal substance has been found that can be connected to an individual or where the school believes someone is in possession of an illegal substance that the following apply:

- If staff have recovered the substance then carry out the actions in point 1 regarding storage and collection by Police etc.
- If staff suspect an individual is still in possession of a substance and

refuses to co-operate, schools may need the Police to assist with a search. If this is the case, schools will need a swift response and should contact 101 the non emergency police number. The relevant SCPO will be informed and updated as soon as possible.

When the Police are contacted, a decision needs to be made on how to deal with the incident. The SCPO is there to assist and give advice. Where the school and the Police decide that an incident may be dealt with internally by the school, then both parties need to consider alternative action and support for an individual e.g. pastoral support programmes, restorative approaches etc.

When a young person formally goes through the Youth Justice System they automatically access multi-agency support through the Youth Offending Service. YOS will assess a young offender and the risk factors in their lives. An action plan for the young person will then be devised. Consideration should be given by a school choosing to deal with an incident in-house, as beneficial support from key agencies for that young person could potentially be by-passed.

3. Police Investigation

This should be undertaken, preferably with the co-operation of the school. It is possible that officers other than the SCPO will carry out any formal investigation and be responsible for informing the school of available information e.g. as referred to in: "Exclusion from Schools and Pupil Referral Units" (Part 5). However, the SCPO will remain a contact point throughout the investigation, also able to advise and update the school about this process.

Searching Pupils for Drugs or Stolen Articles

Without consent, authorised school staff can only carry out personal searches of pupils, their clothing or their personal property in relation to searching for weapons and if they have reasonable suspicion that a weapon is being carried (they may however ask pupils to turn out pockets, empty bags etc.). If efforts to persuade a pupil to hand over a suspected illegal substance, stolen property etc. have failed, and the school wishes to proceed on formal lines, then the Police should be called to undertake the search. Schools may not detain a person without their consent for the purpose of a

search for drugs or stolen goods. Police officers however, may undertake limited personal searches on school premises or detain those suspected for the purposes of doing so.

School property, e.g. lockers or desks; may be searched by school staff, although prior permission should be sought. Schools will need to balance the likelihood that an offence has been committed against the risk of infringing the individual's privacy without just cause.

Please Note: Where no arrest has taken place, a police officer may search individual children, where reasonable suspicion exists, for drugs or stolen property. In order to search personal school lockers the permission of the Head Teacher or an authorised person must be obtained. If consent is withheld, an officer may apply to a Magistrates' Court for a search warrant to enter the school and conduct the search.

5. The Violent Crime Reduction Act 2006

Searching or Screening Pupils for Weapons

It is a criminal offence to carry a weapon in school. The Violent Crime Reduction Act 2006, (October 2010) provides the power, not duty, for head teachers and authorised trained staff to:

- Search pupils suspected of carrying a weapon without consent or alternatively call the Police. Suspicion must be supported by intelligence or information. Searches can only be carried out in the presence of two staff members of the same sex as the pupil. Staff can remove outer clothing and search pockets, but more intimate searches require the Police.
- Schools could already screen without suspicion any pupil for a knife or other weapon to safeguard pupils as part of their general behaviour policy. Screening is defined as a walk through arch or hand held metal detector (arch or wand) i.e. no contact or low contact (not patting down)

IN ALL CASES

If the Head Teacher or authorised person considers the answer as YES to any of the questions below then **DIAL 999** to obtain an immediate police presence

- Does the member of staff believe themselves or any other person to be at risk?
- Are two same sex (as the pupil) staff members unavailable to undertake the search?
- Has the pupil fled the scene to resist the search?

Separate guidance for schools and local authorities on searching and screening pupils for weapons is available on the Welsh Government's website.

The Use of Reasonable Force

Although it is legally permissible for school staff to use reasonable force, it is advisable that when a pupil is suspected of carrying a weapon and is likely to physically resist, the school staff should call the Police rather than using force to continue a search.

If an illegal knife or other weapon is seized from a pupil the weapon must be handed over to the Police.

Note: A weapon is defined as any article made or adapted to injure a person, or any article which is intended by the person for causing injury to another. This could include a knife, which is defined as any article that has a blade that is sharply pointed. This does not include a folded pocket knife unless the blade exceeds 3 inches or is not readily folded at all times.

Separate guidance for schools and local authorities on physical intervention and the use of reasonable force is available on the Welsh Government's website.

6. Confidentiality

When SCPOs are contributing to lessons in schools, there will be obvious learning benefits from pupils sharing their experiences, feelings and views, in a safe learning environment.

Pupils will not actively be encouraged to disclose information and intelligence on local crime by police officers delivering lessons to schools. However, there may be occasions, when, because of the nature of the subject being discussed, pupils disclose certain information.

When these incidents occur, confidentiality will be maintained wherever possible, within the classroom. However, it must be understood that due to the nature of their responsibilities there may be times when the police officer will have no choice but to take further action on information disclosed. In particular, when:-

- Criminal offences are disclosed.
- Someone is in danger or at risk of personal harm.

In all cases such disclosures will be brought to the attention of the head teacher. Where disclosed incidents have occurred within the confines of the school, then clearly they fall within the procedures contained within this document. The views of the school, victim, etc. would be sought before deciding whether to take the matter any further.

Where disclosed incidents have occurred away from school premises and further action must be taken, the head teacher will be notified of the disclosure. Any further investigation by the Police will take place as necessary. Where appropriate, the school will be jointly involved in this process.

The Police Forces will not issue press releases regarding seizures of drugs on school premises, except in cases of concern for public safety or where investigation into serious offences may otherwise be jeopardised. Prior to any press release, a joint media response would be agreed by both the school and the Police.

Appendix A

Suggested Procedures for Substance Misuse Incidents

In conjunction with the SCPO, it needs to be considered whether the school policy complies with the following in order to ensure that an offence of possession or supply is not being committed.

Drugs/alcohol/solvents found on school premises

Where a suspected substance is found or recovered within the confines of a school, the Police recommend the following:

- ❑ If someone is in possible danger or is likely to be at risk of harm - ring 999.
- ❑ Ensure that the seizure is witnessed in corroboration with another member of staff.
- ❑ Store it in a suitable location pending police arrival.
- ❑ Record all details of incident, misuse or seizure.
- ❑ Contact the SCPO for advice.
- ❑ Contact 101 to arrange police attendance and make arrangements for disposal.
- ❑ Staff should not attempt to analyse or taste any unidentified substance.

Teacher suspects a pupil of being under the influence of drugs/alcohol/solvents

- ❑ Is the pupil legally entitled to be in possession of the drug / substance?
- ❑ Is the drug / substance suspected to be illegal and / or in breach of school discipline code? If so, police advice should be sought, if necessary.
- ❑ Seek medical advice if necessary. It is important to know what the substance is if medical treatment is necessary.
- ❑ Take possession and store securely.
- ❑ A search may be required. Staff members are permitted to search students' desks or lockers, belonging to the school, on suspicion of possession of illegal drugs (although prior permission should be sought). Staff should not physically search a student or their personal belongings.

Staff may however ask the student to turn out his / her pockets or bags. If consent is refused then explain that the only option is for staff to call the Police to carry out the search. Any forced search by staff could be interpreted as an assault. The Police have powers of search relating to persons and premises and will be able to assist.

A teacher has information that an offence or supply or sale of alcohol / cigarettes / solvents / illegal substances is taking place in the local area

In addition to the school policy, it is recommended that:-

- The school informs the SCPO so that action can be taken to protect the children and young people in the vicinity of the school and to identify trends. In the case of suspected substance misuse, this should be done at the earliest available opportunity.

A pupil discloses that:-

- **he or she is using drugs / alcohol / solvents**
 - **parents / carers / relatives are misusing / selling drugs / alcohol / solvents**
 - **friends are misusing / selling drugs / alcohol / solvents**
- Refer to the school policy.
 - Contact the school SCPO for guidance, advice or support. It should be remembered that total confidentiality might not be possible.
 - Once a decision has been reached in consultation with the SCPO, the course of action open to you has previously been outlined.

Appendix B

Examples involving confidentiality

The following are examples of procedures conducted by an SCPO. It is important to remember that the officer clearly explains the classroom agreement which covers the issue of confidentiality at the commencement of every lesson.

1. During a lesson about theft a youth discloses that his parents have a TV at home which they know to be stolen.

- The officer would be duty bound to look into this matter further.

2. During a lesson about theft several pupils disclose that they have stolen things in the past.

- This information would probably remain within the classroom and be discussed accordingly depending on the value of the property and the time lapse since the occurrence. However, if the disclosure were of relevance to an ongoing investigation into a recorded crime then the officer might have to take further action.

3. During a lesson on substance misuse a youth discloses that they have previously tried an illegal substance such as Cannabis.

- As long as there are no current safeguarding issues the officer will look to honour confidentiality and the disclosure may be useful to class learning.

4. During a lesson on substance misuse a youth names an individual who is supplying a controlled drug.

- The officer would be duty bound to take further action on this information.