Policy on Firearms and Other Offensive Weapons in Schools and Other Educational Establishments

1. The head teacher and governing body are responsible for establishing and implementing arrangements that will ensure the safety of all who may be affected by the school's undertakings. The LEA believes that these arrangements should be reinforced by limiting unnecessary risks or accidents which may arise from firearms or other offensive weapons being brought on to or kept at school sites.

   Kent County Council (KCC) does not permit any firearms or other offensive weapons to be brought on to or kept on any school site or other educational establishment, as laid out in The Offensive Weapons Act 2019.

2. This policy fits well with existing legislation. The Criminal Justice Act 1988, section 139a, states a person who without proof of good reason or lawful authority has an article with blade or point, or an 'offensive weapon', on school premises is guilty of an offence. It is a particular defence to prove that the article or weapon was needed for use at work, for educational purposes, for religious reasons or as part of any national costume. Imprisonment or a fine (or both) follow conviction.

3. A Police Officer may enter and search school premises on reasonable grounds for believing that an offence has been or is being committed. If they do so and reasonably suspect that they have discovered an article or weapon of the kind described they may seize and retain it. They may use reasonable force, if necessary, to gain entry to the premises.

Definitions

4. A "Firearm" is to be interpreted as any lethal barrelled weapon that can (or can be converted to) fire a shot, bullet or missile. "Schools and other educational establishments" is to be interpreted as all buildings and grounds at a school or educational establishment in Kent in receipt of County Council funding. "Offensive weapon" is to be interpreted as any device made, used or adapted to cause injury.

Exceptions

5. In a very limited number of instances, there may be permitted exceptions to this general proscription. These are that firearms may be held:
   - For the specific supervised safe use by a Cadet Force[1]
   - For safe use by school staff in sporting events (purpose-made firearms known as starting pistols)[2]
   - For safe use in some scientific experiments[3]

[1] As prescribed by the Ministry of Defence

[2] As laid down in "Safe Practice in Physical Education" 2016 which states, 'Firearms are not acceptable as starting devices in schools, with the exception of very small calibre cap-firing pistols. Clapperboards or similar implements are preferred.

[3] Firearm (air gun) experiments in schools are regulated by Management of Health & Safety at Work Regulations 1999, which obliges education employers to perform a risk assessment in relation to these experiments. The process of risk assessment (what to do and how to do it safely) is set out in: (i) CLEAPPS Laboratory Handbook Section 2.

Existing guidance identified in each footnote should be referred to where such firearms are kept in order to ensure that they are legally held, used and kept safely[4].
Exceptions must be agreed in writing by the Corporate Director of Children, Young People and Education or their nominated representative, and are to be renewed annually.

Health and Safety at Work

6. The Health and Safety at Work Act 1974 requires KCC to ensure the provision and maintenance of a safe environment at work for employees and all other persons lawfully present on its premises, that is, in so far as is reasonably practicable to do so, without risk to health or safety, and with adequate regard to facilities and arrangements for their welfare. The Act itself would not, however, prohibit the safe storage of lawfully held firearms or other lawful offensive weapons upon KCC educational premises.

7. KCC's policy does prohibit such an arrangement, as indicated above. Consequently, in the event that any lawfully held firearms or other offensive weapons are currently stored upon KCC's education premises, their removal to another safe storage would need to be undertaken by their owner in consultation with the relevant authorities. Alternatively, disposal or destruction may be arranged in consultation with the Police Armourer at the County Police Headquarters.

Governors' Annual Report

8. School Governors may wish to consider regularly the implications of the above policy in the context of annual reporting arrangements.

[4] Refer to the Firearms Security Handbook 2020 for guidance on secure storage of firearms.