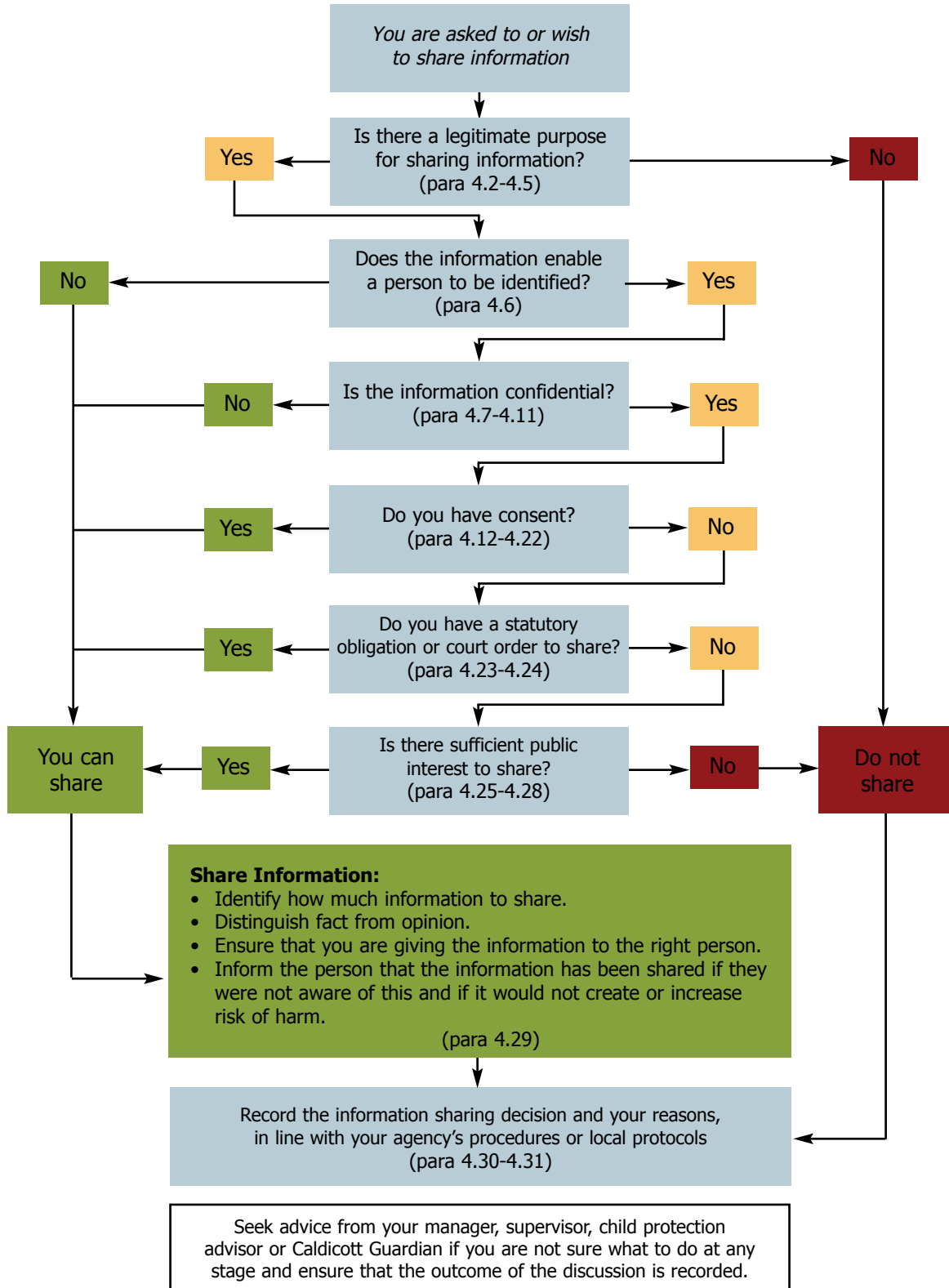


Appendix 1

Flowchart of key principles for information sharing



Crime Recording by Police Officers Working in Schools

**A note for all those working with schools in England
about the National Crime Recording Standard**

February 2004

Jointly issued by:

Department for Education and Skills

Home Office

Association of Chief Police Officers

[1] The Association of Chief Police Officers, Department for Education and Skills and the Home Office developed this note as part of a joint approach to address crime recording by police officers working in schools in England. It has been agreed by the Home Office National Crime Recording Steering Group (NCRSG). The note presupposes that it remains the responsibility of school managers and staff, not police officers, to deal with and record behavioural incidents involving children and young people on a school site in the first instance, even though it may be decided later that some cases amount to criminal conduct.

Introduction

[2]. In April 2002, the police service in England (and Wales) adopted the National Crime Recording Standard (NCRS). It governs the way in which the police record crime. Under this standard, the police will record an incident as a crime (notifiable offence) if, on the balance of probability:-

[a] the circumstances as reported amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); and

[b] there is no credible evidence to the contrary.

Appendix 2

[3]. The police service is developing the work it carries out within schools. This is beneficial to the police and to schools, and the Government encourages it – see internet links below to find advice on closer police / school liaison. At the same time, it remains important that police officers conform to and do not usurp the disciplinary authority of a school.

[4]. The Government and police forces are committed to maximising cooperation and negotiation, and minimising any risk of conflict between points [2] and [3] above. Clearly, a police officer could either witness directly, or be informed about, an incident taking place which would normally result in the officer recording it as a crime.

[5]. In order to sustain the disciplinary authority of schools, this guidance clarifies the general principles of NCRS as they apply specifically to incidents on school premises. Police officers who witness or who have reported to them an incident which took place on school premises and which they would normally record as a notifiable offence will, in the first instance, not create a crime record for such an incident until or unless:-

- [a] They judge it to be a serious incident as defined below;
- [b] having brought the matter to the attention of the school in line with good practice (see references to guidance papers below), they receive a formal request from the school to create a crime record; or
- [c] the child, parent or guardian or the child's representative asks the police to create a crime record.

Schools' responsibilities for recording incidents

[6] The employer (in most schools, the local education authority) has a statutory obligation to report to the Health and Safety Executive any incident which leads to an employee being absent from work for three days or more. Violence to other pupils or staff, criminal damage to property of the school or of people in the school, theft, disorder or substance misuse are all matters that schools will want to address, and for which schools will therefore need proper recording procedures. To assist both education staff and police officers in responding to incidents, it is useful to refer to guidance which the Department for Education and Skills has issued to schools on recording incidents, in particular:-

Appendix 2

- **“Dealing with Troublemakers”**, joint School Security guidance with the Home Office (1997), under “cooperation between police and schools”, advises on reporting and recording incidents, including specifically incidents of racial harassment, and provides a model of an incident report form;
- **“A Legal Toolkit for schools”** (2002) underlines that it is good practice to record all incidents of abuse, threatening behavior or violence against any members of a school community, and that Health and Safety regulations may require an employer, in cases of injury to staff from assault, to make a report to the Health and Safety Executive;
- **“Social inclusion: pupil support”** (1999) statutory guidance issued jointly with the Home Office, Dept of Health and Social Exclusion Unit, advises schools to record all racial incidents, and inform parents and governors of the incident and the steps taken to deal with it. Governing bodies should inform LEAs annually of the pattern and frequency of such incidents. The anti-bullying guidance [below] repeats that anti-bullying policies should cover racist bullying and that all incidents should be recorded;
- **“Bullying – don’t suffer in silence”** (2000, revised 2002) says that head teachers must by law have a policy to prevent all forms of bullying among pupils, and advises that a policy should include how to record bullying: for serious incidents, “keep accurate records of incidents, and the school response, to help with proceedings and protect the school from legal action”;
- **Drugs: guidance for schools** (Feb 2004, ref DfES/0092/2004) recommends action by head teachers, chairs of governors and LEAs, and says that while schools have no legal obligation to report an incident involving illegal drugs to the police, not informing the police may prove to be counter-productive for a school and its wider community. The police should be involved in the disposal of suspected illegal drugs, and schools should liaise closely with their local police to agree a policy for dealing with the range of incidents that might arise. The guidance recommends criteria to agree with the police for a school drugs policy, including when the police should be informed or consulted, or actively involved, and when in a very few cases the police may decide to act regardless of a school’s preferences.
<http://www.teachernet.gov.uk/wholeschool/behaviour/drugs/>

Appendix 2

- DfES '**Advice on whole school behaviour and attendance policy**' in Key Stage 3 training materials sent to all schools, states (para 41): 'All schools' behaviour policies must make clear that racial harassment will not be tolerated and must say how staff and pupils will deal with it. The school should record all **racist incidents** (a footnote draws attention to a definition from the Stephen Lawrence Enquiry); parents and governors should be informed of such incidents and action taken to deal with them. Governing bodies should inform local education authorities annually of the pattern and frequency of such incidents.

[7] Schools should lead discussions with representatives of their local police and should agree a protocol on how they will work together, making use of principles published in 2002 by the Department for Education and Skills after consulting key partners. Among other benefits, protocols create a framework for police and schools which should reduce the frequency of possible differences of view on individual cases. They also provide a mechanism to negotiate on and resolve any differences if they do arise, as they might from time to time. The principles are at: www.teachernet.gov.uk/streetcrime .

The nature and seriousness of incidents in schools

[8] When requested by the school, officers should consider the nature and seriousness of an incident before deciding whether to officially record the matter, immediately or at a later stage, as a recordable crime. A serious incident is one which meets the definition of a serious arrestable offence in accordance with Section 116 of the Police and Criminal Evidence Act 1984¹. In addition, a serious incident is one which in the view of the child, parent or guardian or the child's representative any incident that has led or is intended to, or is likely to or threatened to lead to serious harm or loss to any school child.

[9] Good practice issued by the Department for Education and Skills emphasises that matters taking place at school should be recorded by the school. When a serious incident (as defined above) occurs, schools and police should take the following action:-

¹ Section 116 specifies a range of offences e.g. some indecent assaults, rape, or carrying firearms with criminal intent; and covers offences which are likely to lead to e.g. serious injury, serious harm to public order, or serious financial loss.

Appendix 2

- [a] The school records the serious incident;
- [b] The school reports the serious incident to the police;
- [c] The police officer records the serious incident as a crime in accordance with the NCRS.

Concluding comments

[10] It is important that officers working in schools can show that, when it has been agreed with the school to record an incident as a crime, they are adhering to an ethical crime recording policy, and that once a course of action has been agreed following discussions with school staff, a victim and his or her parents, a detailed record is made both by the school and the officer of the actions taken. In the first instance, the school and the police officer should make every attempt to reach a consensus with each other on how incidents should best be dealt with. It is important that the school and the police are consistent in their approach to the recording of incidents, and accurate records are kept identifying the nature of the incident and how it was dealt with.

[11] This note remains subject to the principle that if a victim of a crime, his or her parents or their representative wish to make a formal allegation to the police, this must be recorded and investigated formally.

*Association of Chief Police Officers
Department for Education and Skills
Home Office
February 2004*

Contacts at February 2004

DfES Mrs Sahar Qasim, Sanctuary Buildings, Great Smith St London SW1P 3BT
020 7925 7388

Home Office Mr Charlie Woolnough, Street Crime Action Team, 50 Queen Annes Gate,
London SW1H 9AT 020 7273 4211

ACPO Sergeant Ian Carter, Community Safety Dept, Essex Police HQ, POB 2,
Springfield, Chelmsford CM2 6DA 01245 452349

Appendix 2

Serious incidents:-

- (a) treason;
- (b) murder;
- (c) manslaughter;
- (d) kidnapping;
- (e) causing an explosion likely to endanger life or property (Explosives Substances Act 1883, s 2);
- (f) possession of a firearm with intent to endanger life, use to resist arrest or carrying a firearm with criminal intent (Firearms Act 1968, ss 16, 17 and 18);
- (g) hostage taking (Taking of Hostages Act 1982, s 1);
- (h) hijacking (Aviation Security Act 1982, s 1);
- (i) torture (Criminal Justice Act 1988, s 134);
- (j) causing death by dangerous driving (Road Traffic Act 1988, s 1);
- (k) causing death by careless driving when under the influence of drink or drugs (Road Traffic Act 1988, s 3A);
- (l) endangering safety at aerodromes, hijacking ships, seizing or exercising control of fixed platforms (Aviation and Maritime Security Act 1990, ss 1,9 and 10);
- (m) hijacking Channel Tunnel trains, or seizing or exercising control of the tunnel system (Channel Tunnel (Security) Order 1994, arts 4 and 5);
- (n) taking, making etc indecent photographs or pseudo-photographs of children (Protection of Children Act 1978, s 1);
- (o) the publication of obscene matter (Obscene Publications Act 1959, s 2);
- (p) an offence under the Customs and Excise Management Act 1979, s170, of being knowingly concerned, in relation to any goods, in any fraudulent evasion or attempt at evasion of a prohibition in force concerning importation of indecent or obscene articles;

Appendix 2

- (q) rape (Sexual Offences Act 2003 (SOA 2003), s 1);
- (r) assault by penetration (SOA 2003, s 2);
- (s) causing a person to engage in sexual activity involving penetration without consent (SOA 2003, s 4);
- (t) rape of a child under thirteen (SOA 2003, s 5);
- (u) assault of a child under thirteen (SOA 2003, s 6);
- (v) causing or inciting a child under thirteen to engage in a sexual activity involving penetration (SOA 2003, s 8);
- (w) sexual activity with a person with a mental disorder impeding choice, where the touching involved penetration (SOA 2003, s 30);
- (x) causing or inciting a person with a mental disorder impeding choice to engage in sexual activity involving penetration (SOA 2003, s 31)
- (y) causing or allowing the death of a child or vulnerable adult (Domestic Violence Crime and Victims Act 2004, s 5).

Also any offence specified in the Proceeds of Crime Act 2002 (PCA 2002), Sch 2, para 1 (drug trafficking offences) or any offence under PCA 2002, s 327, 328 or 329 (certain money laundering offences).

Any other offence is serious only if its commission has led to any of the consequences set out below, or is intended to lead to any of those consequences:

- (a) serious harm to the security of the State or to public order;
- (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
- (c) the death of any person;
- (d) serious injury to any person;
- (e) substantial financial gain to any person; and
- (f) serious financial loss to any person.

Appendix 2

If any other offence consists of making a threat, it is 'serious' if the consequences of carrying out the threat would be likely to lead to one of the consequences set out above at (a) to (f).

The term 'injury' includes any disease and any impairment of a person's physical or mental condition.

Financial loss is 'serious' for the purpose of the section if, having regard to all the circumstances, it is serious for the person who suffers it. Whether or not a loss, actual or intended, is serious will depend partly on the victim's circumstances. A theft of £1,000 worth of property from a millionaire would perhaps not represent serious financial loss in the minds of some justices, whilst the loss of £100 worth of property by a pensioner could be considered to be serious in those circumstances.

Appendix 3

The Youth Offending Team in Herefordshire is part of the Herefordshire and Worcestershire Youth Offending Service.

It is the role of the Youth Offending Service to prevent offending and re-offending by children and young people. It is their remit to work with those 10-17 year olds who enter the Criminal Justice System either by referral from Police (Final Warning Schemes) or through Court.

The route a young person can take as a result of a criminal investigation by Police can be as follows:

Reprimand

- Evidence supports the allegations made and there is an admission of guilt by the suspect.
- The crime committed is not serious enough to warrant a Final Warning or a Charge (with subsequent Court appearance).
- The evidence is strong enough to progress to Court (even though that is not the final decision).
- The young person has not previously been in trouble with the Police.

Final Warning

- Evidence supports the allegations made and there is an admission of guilt by the suspect.
- The crime is not serious enough to warrant a Charge (with subsequent Court appearance).
- The crime is more serious and a Reprimand is not an appropriate method of disposal.
- The young person has previously had a Reprimand but has not had any other involvement with Police.
- The evidence is strong enough to progress to Court (even though that is not the final decision).

Appendix 3

- A referral is made to Youth Offending Service who carry out an assessment and decide if an intervention programme or referral to other support agency is required.

Charge and Court Appearance

- Evidence supports the allegations made, but the suspect denies any involvement.
- The crime is so serious that a charge and subsequent Court appearance is the most appropriate way to dispose of the investigation (skipping Reprimand and Final Warning stages).
- The suspect has previously had a Reprimand and/or Final Warning.

The decisions made are based on the previous information known to Police and the information they gather as a result of the current investigation.

For further information about the Youth Justice System and young people, visit www.yjb.gov.uk

Appendix 4

The content of this Appendix is taken from DfES, *Drugs: Guidance for Schools* (2004), Appendix 10.

'Headteachers are within their rights to invite the police or private companies to bring sniffer dogs onto school premises or employ drug testing. They should, however, involve local partners, including the police and consider the factors outlined below.'

Involvement of sniffer dogs at the request of the headteacher

Where a school believes that there is reasonable evidence of possession or supply of suspected illegal drugs they should consult their local police. The advice from ACPO is that local police, if they are to respond with the use of sniffer dogs, should do so as part of a warrant-led operation, unless evidence may be lost by delaying the search.

However, schools considering sniffer dog searches without the authority of a police warrant should exercise extreme caution before doing so. They should consider very carefully whether such action:

- is consistent with the pastoral responsibility of the school to create a supportive environment
- is culturally insensitive - for example, dogs are considered unclean in Muslim and Buddhist cultures
- will lead to labelling and be damaging to pupils concerned
- will result in appropriate support for pupils most in need
- is feasible and an effective use of school resources, and those of the police, where involved.

The above considerations apply equally to drug testing.

Where such action is planned for the purposes of detection, schools are advised to make sure, in advance, that:

- the intention to use such an approach is clearly stated in the school's drug policy developed in consultation with pupils, parents, staff, governors and the whole school community
- parents/carers have given their consent (usually in writing) to the proposed use of sniffer dogs at the request of the headteacher; this is good practice rather than a legal requirement
- procedures are in place to remove pupils for whom consent is not given
- they have considered what action will be taken if drugs are found on any member of the school community (including staff and visitors), and that this has been communicated clearly and is consistent with responses to other drug incidents
- they are able to be sensitive to and respect the right to privacy of pupils whom the dog may identify either because they are taking prescription medicines or have been exposed to an environment where others have used drugs
- plans are in place to deal with potential media interest.

Appendix 4

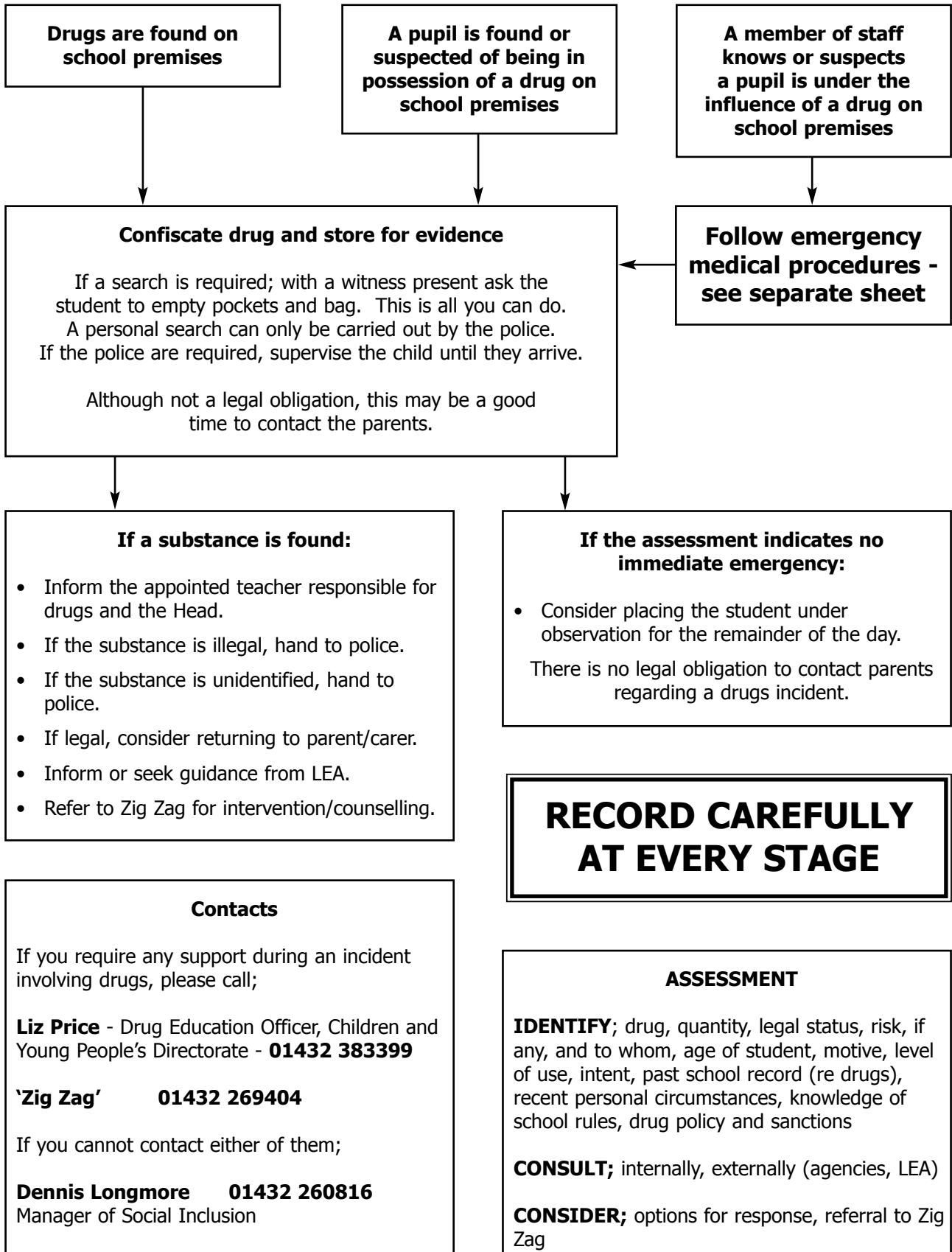
In addition to informing parents/carers of the intention to use such an approach (and seeking their consent - see above), parents/carers should be notified immediately after such action has taken place.

Involvement of sniffer dogs purely as a deterrent

A headteacher requesting the use of sniffer dogs solely as deterrent, where there are no reasonable grounds for suspicion and where prior consent has not been sought, will need to consider possible challenges by parents and pupils under the Human Rights Act.

Schools should ensure that if sniffer dogs are used for detection or as a deterrent, they form part of an ongoing whole school approach to managing drugs on school premises rather than an isolated action.

Emergency Drug Incident Procedures



Drugs Incidents – Emergency Medical Procedures

The procedures for an emergency apply when a student is at immediate risk to himself or herself. A person who is unconscious, having trouble breathing, seriously confused or disorientated or who has taken a harmful toxic substance, should be responded to as an emergency.

**Your main responsibility is for any student at immediate risk, but also you need to ensure the well-being and safety of others. Put into practice your school's first aid procedures.
IF IN ANY DOUBT, CALL MEDICAL HELP**

ALWAYS:

- Assess the situation
- If a medical emergency, send for medical help and an ambulance

BEFORE ASSISTANCE ARRIVES:

If the person is conscious:

- Ask the person what has happened and to identify the drug used
- Collect any drug sample and any vomit for medical analysis
- Do not induce vomiting
- Keep the person under observation, warm and quiet

If the person is unconscious:

- Ensure that the person can breathe and place in recovery position
- Do not move the person if a fall is likely to have led to spinal or other serious injury which may not be obvious
- Do not give anything by mouth
- Do not attempt to make the person sit or stand
- Do not leave the person unattended or in the charge of another student

WHEN MEDICAL HELP ARRIVES:

- Pass on any information available including vomit and any drug samples

**PLEASE COMPLETE AN EMERGENCY RECORD FORM AS
SOON AS YOU HAVE DEALT WITH THE EMERGENCY**

Appendix 5

Record of Drug Related Incident

Name of Pupil; _____		Form completed by; _____
Form/class; _____	Date _____	Time of incident : _____ am/pm

First Aid administered?

Yes No By whom: _____

Brief account of action taken:

Ambulance/Doctor called?

Yes No

By whom; _____

at _____ am/pm

Drug/substance involved;	Sample found?
Member of staff with drugs incident responsibility;	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, call police to collect and destroy. Consider search

Description of symptoms/situation:

Other action taken;

Parents/carers contacted? Yes No

Emergency Intoxication	Suspicion, off premises	Suspicion, on premises	Discovery, off premises	Discovery, on premises	Pupil disclosure	Parental use	Parent/carer expresses concern
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Appendix 6

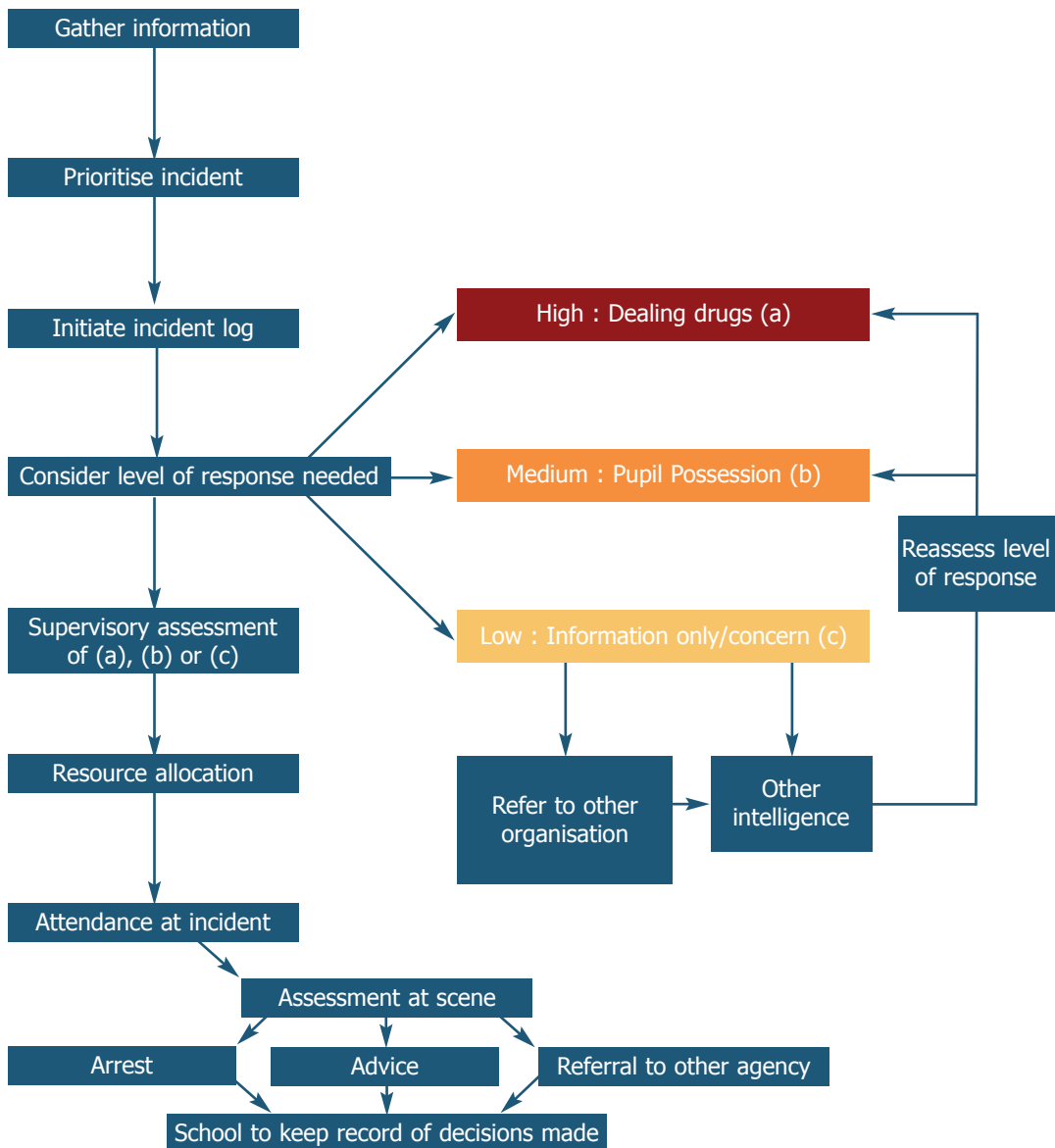
Part 2. Call to a drug-related incident

See also Section 4.8 for questions relating to when and how police should become involved in a drug-related incident at school or college.

First, ask these questions:

1. What is the purpose of the request?
2. What is the nature of the incident?
3. What is the appropriate and proportionate response?

Response to drug incidents

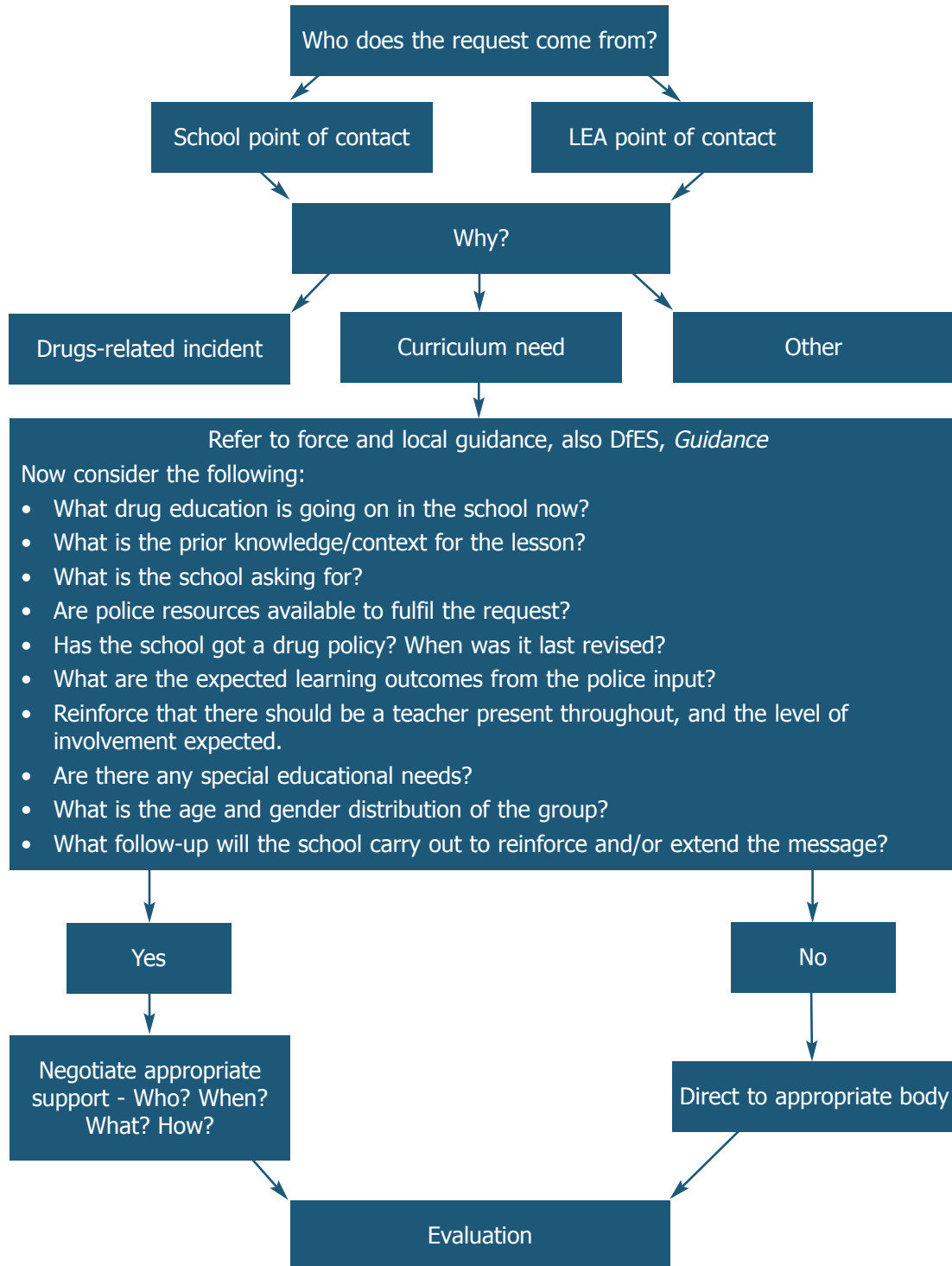


This flow-chart is based on responses given by stakeholders attending a consultation event during the development of this document.

Appendix 7

Part 1. Request for drug education

This flow-chart is an illustration of the considerations and decisions that will need to be made when responding to a request from a school or college for drug education input.



Appendix 8

1. Examples of a minor incident could consist of the following:
 - No history or suspicion of previous drug involvement by the pupil/student
 - Very small quantity of substance identifiable as being cannabis or cannabis/like
 - No involvement of other pupils/students
 - No attempt to use on premises or involve others in use
 - Ignorance of the identity or legal status of the substance
 - Absence of evidence to suggest knowledgeable possession or use.
 - There are concerns about a pupil's apparently naïve involvement in a wider pattern of drug supply/use within the community
 - Where clarification is sought by the school about the law
 - Where clarification is sought about the nature of police action that may follow a report
 - Where there is information about drug use/supply outside school

This is not an exhaustive list and consideration should be given to include these as examples in a school drug policy. Police should be consulted, but an immediate response is not necessarily required. Personal information could be withheld.

A useful website to refer to for information about drugs, the law and classification is as follows:

<http://www.drugscope.org.uk/druginfo/drugsearch/home2.asp>

Contact Details

Herefordshire Healthy Schools Partnership

- <http://www.herefordshirehealthyschools.org.uk>

Liz Price, Drug Education Development Officer

- 01432 383399
- LizPrice@herefordshire.gov.uk

Vanessa Hargest, Project Officer

- 01432 383162

West Mercia Police

Main switchboard number 08457 444 888

Local Police Officer

Community Support Officer

School Support Officer within Local Policing and Partnership Support Unit:

PC Vicky Turner

- 01432 364556
- victoria.turner@westmercia.pnn.police.uk

PC Simon Turner

- 01432 364581
- simon.turner@westmercia.pnn.police.uk

Contact Details

Other Useful Contacts

YOT

- 01432 383300

Zig Zag - A confidential service offering support and information on alcohol and drug related issues to young people and their families.

- 01432 269404

Connexions

- 01432 269404 or 01432 383399

Dennis Longmore - Integrated Services and Inclusion (ISI), Child Protection, confidentiality, referrals and Child Concern Model

- 01432 260816



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