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Author:	Assistant Director, People and Safety

Student Prohibited Weapons Procedures

PURPOSE

Diocese of Lismore Catholic Schools (DLCS) is committed to ensuring that all schools are safe for students, staff and visitors. This document sets out procedures for the possession, use, and storage of weapons within the school premises or during school-related activities. Every student has the right to feel safe and secure at school. There is no good reason for a student to ever have a prohibited weapon at school.

APPLICATION

These procedures apply to all employees in Catholic schools, DLCS and any related entities under the administration of Diocese of Lismore Catholic Schools Limited (DLCSL). It includes off-site school excursions, sports events, camps and retreats.

PROCEDURES

1. DEFINITIONS

- 1.1 **Anti-Social and Extremist Behaviour** is a term that applies when a student, staff member, parent or other school community member is exhibiting a **combination** of anti-social and extremist behaviour.

Anti-Social means behaviour that threatens the safe and secure atmosphere of the school and includes, but is not restricted to, behaviours such as bullying, harassment, discrimination, racism, illegal or criminal behaviour, physical violence or damaging school or other property. (When students engage in this kind of behaviour it is ordinarily dealt with under the school's behaviour management policy.)

Extremist behaviour is demonstrated when a person believes that fear, terror and violence are justified to achieve ideological, political or social change. It is important to remember that while someone may have extreme views, it does not mean they wish to commit an act of violence.

An example of Anti-Social and Extremist Behaviour, relevant to these procedures, would be a student bringing a knife to school to threaten another student with different religious beliefs or practices to their own.

- 1.2 **Critical Incident** means any incident in a school that disrupts normal, working, teaching or learning.

- 1.3 **Parent** means the biological mother or father, legal guardian, or other person having the legal custody or care of a child.
- 1.4 **Prohibited Weapon(s)** includes but is not limited to:
- a) All knives and blades, with the exception of, those knives required for school lessons and provided by the school under the supervision of staff; and
 - b) Guns;
 - c) Gel blasters/gel guns;
 - d) 3D printed guns;
 - e) Slingshot;
 - f) Darts;
 - g) Batons;
 - h) Machetes;
 - i) Laser pointers, or similar articles, with a power output of more than one milliwatt; and
 - j) Anything referenced in Schedule 1 to the *Weapons Prohibition Act 1998* (NSW) or that can be used as a weapon to intimidate or cause serious injury or harm, e.g., a screwdriver, chisel or hammer.

2. GUIDING PRINCIPLES

- 2.1 The following principles guide how these procedures will operate in practice:
- a) It is a criminal offence under the *Weapons Prohibition Act 1998* (NSW) for any person to possess a knife or prohibited weapon in a public place, which includes a school site, or off-site school event/activity, and criminal penalties may apply;
 - b) DLCS is committed to student and staff safety and operates a strict zero tolerance approach to knives and other prohibited weapons being on school sites or to off-site school events/activities;
 - c) DLCS will implement measures and take reasonable and practicable steps to ensure the safety and wellbeing of students, staff and others in the school community when on school sites or at school events/activities; and
 - d) Staff, as well as parents, will ensure that students are aware of their obligations under the law and these procedures, and know how to report any safety concerns or information about the presence of knives and other prohibited weapons.

3. RESPONSIBILITIES

- 3.1 Principals and their delegates must:
- a) Take all reasonable steps to ensure that their school sites and events activities are safe and that all reasonable steps are taken to protect students, staff and visitors from risks;
 - b) Notify police of the presence or suspected presence of any prohibited weapon on the school site or at a school event/activity;
 - c) Notify their Regional Service Leader (RSL) of the presence of any prohibited weapon on the school site or at a school event/activity; and

- d) Not give the confiscated prohibited weapon to the parents.

3.2 Staff must:

- a) Immediately notify the Principal, or the next most senior member of staff, of the presence, or suspected presence, of a prohibited weapon at school or another site where a school event/activity is occurring; and
- b) Cooperate with police in relation to any investigation about possession of prohibited weapons.

3.3 Parents must:

- a) Not carry prohibited weapons onto school sites or any school event/activity;
- b) Ensure that their student does not bring prohibited weapons to a school site or to a school event/activity;
- c) Ensure their student knows the laws and rules about weapons and knives;
- d) Not include knives of any kind or tools in lunch boxes, pencil cases or craft kits; and
- e) Cooperate with any investigation regarding the possession of a prohibited weapon.

3.4 Students must:

- a) Not carry or threaten to carry, or cause any other person to carry, prohibited weapons onto school sites or to a school event/activity;
- b) Notify the Principal, teacher or counsellor of the presence or suspected presence of a prohibited weapon at a school site or at a school event/activity; and
- c) Notify a staff member of another person's intention or threat to carry or cause another person to carry prohibited weapons.

4. KNIVES FOR THE PURPOSE OF LESSONS

- 4.1 Knives may not be brought onto a school site without the written permission of the Principal or their delegate.
- 4.2 The Principal will consider any requests for students, staff or visitors to bring knives to a school site for the purpose of lessons (e.g., hospitality and visual arts) or religious purposes (e.g., Sikh students carrying a Kirpan), taking into account the safety and wellbeing of all students, staff and visitors.
- 4.3 All instructions by the Principal, or their delegate, regarding procedures for transporting/carrying and storage of knives must be followed. A failure to follow instructions will be considered a breach of the requirements not to carry a prohibited weapon.

5. RESPONDING TO PROHIBITED WEAPONS

5.1. **Notifying police**

If a student brings a prohibited weapon to a school site, the Principal (or the next most senior person on site) must notify police immediately, and ensure that all reasonable steps are taken to protect students, staff and visitors from risk.

5.2 Lockdown

Depending on the circumstances, a lockdown may be initiated to secure the site and contain the risk to the health and safety of staff, students, and visitors. Follow Lockdown/Lockout Procedures.

5.3 Critical Incident Assessment

- a) The Principal, or their delegate, must assess whether the presence of a prohibited weapon on site constitutes a critical incident. If so, the Principal must follow the Critical Incident Procedures in responding to the incident including informing Manager, Workplace Health and Safety (WHS) of the incident;
- b) If the incident could be defined as anti-social and extremist behaviour then the Principal must notify an appropriate authority (e.g., police) upon receipt of an allegation of this nature;
- c) In situations where:
 - i. life is in imminent danger;
 - ii. a crime is taking place; or
 - iii. the situation requires an immediate police response;

The Principal, or their delegate, should immediately contact the police on triple zero (000); and

- d) In consultation with DLCS Manager, WHS or Lead, Pastoral Care schools can seek advice from the NSW School Incident Report and Support Hotline (the Hotline) to report concerns about antisocial and extremist behaviour (1300 495 051). This service operates 24/7 and will provide advice, consultation and referral to police where required.

6. NOTIFYING

- 6.1 The Principal must notify the RSL to seek advice regarding discipline procedures and management plans, and communication with staff. The Principal should seek advice regarding mandatory reporting requirements.
- 6.2 The RSL should inform the Director of Catholic Schools of the incident.
- 6.3 The Principal should seek advice from the RSL and Manager, Media and Communications regarding any communications to the general school community.

7. SEARCHES

- 7.1 Wherever possible, searches of students' bags and possessions should be carried out by police.
- 7.2 If there is a reasonable belief that a student is in possession of a prohibited weapon and there is a risk of immediate danger to the safety and welfare of staff or students, the Principal, or their delegate, can request to search their bag, locker and possessions.
- 7.3 Where it is reasonable to do so, parents should be informed of the intention to search a student's bag and possessions.
- 7.4 If a student refuses the request to search their bag and their possessions and there is a reasonable belief they are in possession of a prohibited weapon, the police will be called.
- 7.5 Under no circumstances will staff carry out a physical search of a student.

- 7.6 Where practicable, any search of a student's bag and/or possessions should be undertaken in a private setting away from other students and must always occur in the presence of another staff member.

8. POLICE INVOLVEMENT

- 8.1 If the Principal possesses evidence of a serious offence, it is necessary to report that offence to police.
- 8.2 When police interview a student, the evidence obtained may be admissible in court only if an appropriate witness is present.
- 8.3 For police to obtain evidence which is admissible in court:
- a) A parent (or adult appointed by a parent) must be present when interviewing a student under 16 years; and
 - b) An adult of the young person's choosing, or a legal adviser, may be present instead in the case of students aged 16 or 17 years.
- 8.4 A Principal will follow the DLCS Closed-Circuit TV Guidelines with regard to access to CCTV footage.
- 8.5 If the police arrest a student, they may take them out of the school. The Principal cannot prevent this, but may negotiate with them, to wait for the arrival of parent(s).
- 8.6 The decision whether to charge a student is up to the police.
- 8.7 Students under the age of 16 cannot have a conviction recorded against them, although they can be found guilty and have serious penalties imposed. This protects students under 16 from the 'lasting stain' of a conviction or criminal record which could affect employment later in life (entry into certain professions) or visas for certain countries.
- 8.8 With students aged 16 or 17, the magistrate has the option not to record a conviction.

9. CONSEQUENCES OF BRINGING A PROHIBITED WEAPON TO SCHOOL OF RELATED SITE

- 9.1 Possessing a prohibited weapon at a DLCSL school site or at an off-site school event/activity, may also be a breach of the law and attract heavy fines and a jail sentence depending upon the circumstances.
- 9.2 In addition to potential criminal law sanctions, students who bring a prohibited weapon to school or to an off-site school event/activity will be subject to the Student Suspension, Expulsion and Exclusion Policy. This will result in the student being suspended or excluded from school.
- 9.3 Any adult who is in breach of this policy may, in addition to criminal penalties, be subject to legal orders (such as an Apprehended Violence Order) that prevent them from access to school sites.

10. STUDENTS AND STAFF IMPACTED

10.1 Students

The school will:

- a) Work with family to identify appropriate support;
- b) Contact DLCS Pastoral Care Team for assistance;
- c) Communicate with the family regarding the student's progress; and

- d) Review the plan in a timely manner.

10.2 **Staff**

The school will:

- a) Recommend accessing AccessEAP;
- b) Have member of the Leadership Team debrief with staff impacted; and
- c) Follow up with staff following the incident.

11. **RETURN TO SCHOOL**

- 11.1 The school will support the police and/or Department of Communities and Justice (DCJ) in any investigation.
- 11.2 The school may require additional time to explore the circumstances further, after the agencies have completed their tasks. This may be to determine the level of risk and possible strategies that can be put in place.
- 11.3 No matter the situation all students must have a Risk Assessment and Management Plan. This plan must be reviewed in a timely manner until it is deemed that it is no longer required.
- 11.4 If it is appropriate, the school should explore any allegations of bullying or other contrary behaviours that led to the student making the choice to bring a weapon to school. This will not excuse the behaviour choice, but will help with strategies in the return to school. In any bullying situations, the school will follow the DLCS Student Anti-Bullying Prevention and Response Procedures.

12. **SEEKING INFORMATION ABOUT HEALTH AND SAFETY RISKS DUE TO A STUDENT'S VIOLENT BEHAVIOUR**

- 12.1 The school should actively seek information regarding the student's wellbeing and previous history regarding violent behaviour.
- 12.2 A threat to harm staff or students using a prohibited weapon falls under Part 5A of the Education Act 1990 (NSW) allowing government and non-government schools in NSW to exchange information relevant to the assessment and management of health and safety risks to students or staff arising from a student's history of violent behaviour.
- 12.3 Guidelines issued under Part 5A provide direction on exchange of information in these circumstances. A DLCS school can request information from other schools or external agencies such as psychologists to assist them to:
 - a) Assess whether the new or continuing enrolment of a particular student is likely to constitute a risk to students or staff because of that student's violent behaviour; and
 - b) Develop and maintain strategies to eliminate or control a risk.
- 12.4 The school must notify a parent that information is being sought from a relevant agency. The parent should be given an opportunity to consent to the information being obtained before a school or educational authority requests the information from a relevant agency. See **Attachment One** - Parental Consent to obtain information.
- 12.5 The parent must also be advised of what may happen if consent is not given (that is, the request for information can be made without their consent).

- 12.6 If the parent does not give consent, a request may be made of a relevant agency to obtain relevant information. The relevant agency will be advised that consent has not been obtained despite being requested and provided with the reasons why (if known). See **Attachment Two** - Request for Information without parental consent.
- 12.7 The information will be used to assess any current risk posed by the student to people at the school and develop strategies to manage that risk.

13. RECORD KEEPING

The school will:

- 13.1 Keep detailed notes of meetings and any action taken;
- 13.2 Include evidence of ongoing consultation with the student and family;
- 13.3 Keep a copy of all plans; and
- 13.4 Store confidentiality and securely. Upload documentation to COMPASS.

ENQUIRIES

Assistant Director, People and Safety

Manager, Workplace Health and Safety

RELATED DOCUMENTATION

The Mission of Jesus Christ Foundational Values: Catholic Education in the Diocese of Lismore

Student Suspension, Expulsion and Exclusion Policy

Child Safeguarding Policy and Procedures

Closed-Circuit TV Guidelines

Critical Incident Procedures

Lockdown/Lockout Procedures

Education Act 1990 (NSW)

Weapons Prohibition Act 1998 (NSW)

Occupational Health and Safety Act 2000 (NSW)

Attachment One: Parental consent to obtain information

Parental consent to obtain information

[on School Letterhead]

From: *(School Name, Town)*

(Principal Name)

Date: *(Insert date)*

I am the parent/carer of *(INSERT STUDENT'S NAME)*, DOB *(INSERT STUDENT'S DATE OF BIRTH)* who has received services or support from the following agency or person *(INSERT NAME OF AGENCY OR PERSON)* at *(INSERT LOCATION)* in *(INSERT YEAR)*.

I am aware the *Work Health and Safety Act 2011* (NSW) requires the assessment and management of any current risk posed by the behaviour of my child to the health and safety of any person at a school.

I am also aware that *(INSERT NAME OF SCHOOL)* can seek information relevant to the assessment of the risk posed by *(INSERT STUDENT'S NAME)* history of violent behaviour under Part 5A of the *Education Act 1990* (NSW) and that the school is seeking the following information from your agency:

[INSERT INFORMATION TO BE SOUGHT]

Example – School to fill in detailing Behaviour Plan, Intervention Plan, Risk Assessments, Recommendations

I give permission to release information to the school for the purpose of the assessment and management of any risk posed by my child to the health and safety of any person at the above-named school.

Parent/ Carer Signature:

Name:

Date: /.../....

Attachment Two: Request for information without parental consent

Request for information without parental consent

[on School Letterhead]

Students Name:

Sex:

Date of Birth:

Address:

The (*INSERT NAME OF SCHOOL*) is requesting information relevant to the assessment and management of health and safety risks posed by the student under Part 5A of the *Education Act 1990* (NSW) (the Act).

I am authorised to make this request under Schedule B of the Guidelines Issued under Part 5A of the Act for the Management of Health and Safety Risks Posed to Schools by a Student's Violent Behaviour.

The school has requested parent/carer consent to access the information and they have declined. The parent(s)/carer(s) have been made aware that if they do not consent to this information being provided by you, the school can request that this information without parent/ carer consent.

The school is requesting information that can support the Risk Assessment Management Plan for the student.

Signed

Principal