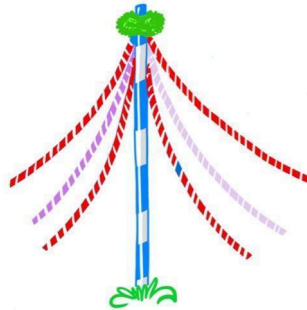


# Maypole School



## PROTOCOLS FOR WORKING WITH THE POLICE

2025-2026

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Authorised by:	Adrienne Cherrywood	Date	05 Sep 2022
Publication Date:			05 Sep 2022
Reviewed:	Adrienne Cherrywood	<b>Date:</b>	31 July 2023
Reviewed:	Adrienne Cherrywood	<b>Date:</b>	14 Aug 2024
Reviewed:	Adrienne Cherrywood	<b>Date:</b>	25 Aug 2025
Next Review due:			01 Aug 2026

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# 1. INTRODUCTION

## Introduction

Links between the Police and schools can be of mutual benefit, especially when dealing with children who are in trouble. A good relationship can also extend to the personal, social, health, economic and citizenship education (PSHE) curriculum, via the provision of resources and support for projects that raise awareness of different types of crime.

This Protocol covers how we will work appropriately with the Police, what we must and must not do, and the benefits of establishing a good relationship with local Police. The protocol also sets out the Police's powers to enter school premises, interview pupils on site and request information held by the school.

## In loco parentis

In loco parentis ("in place of a parent") refers to the concept that someone with the care of a child stands in for the parent in their absence.

The school, and in particular the Principal, Executive Head Teacher & Heads of School, act in loco parentis and therefore must act as a reasonably prudent parent would to safeguard the rights and freedom of pupils within its care.

# 2. DISCLOSURE OF INFORMATION

## The need to cooperate with the Police

Information and advice from a pupil's secondary school — particularly information concerning relevant counselling support — may play an important role in helping Police decide whether or not to prosecute a pupil for a crime.

The Heads and other teachers are not obliged to disclose confidential information to the Police, but should nevertheless cooperate with Police by disclosing information in the school's possession. If it is done in good faith and without malice, no liability for defamation can be incurred.

The information should be treated as confidential, and should not be used as a report for the court in the event of legal proceedings. Any information that is shared should always be sanctioned by the Principal or Executive Head Teacher.

## Non-disclosure may be an offence

Staff must be aware that under the Criminal Law Act 1967, it is an offence for any person to take or agree to take money, goods or any other type of gift for agreeing not to disclose information in their possession, which may assist Police in prosecuting against a person. However, if a person agrees to make good the loss or damage caused by an offence, eg repairing a broken window, that is not regarded as a gift under the Act.

# 3. CONFIDENTIAL INFORMATION

## What Staff must not do

Criminal liability will not be incurred if a teacher does not disclose information that is regarded as confidential. The teacher must not, however:

- destroy or conceal evidence;
- enter into any kind of bargain not to make disclosure;

- seek in any way to prevent or deter any potential witness from giving evidence.

### **Factors the Head Teacher must consider**

The position of a Head as in loco parentis may make it necessary, in his or her professional judgement, to make use of the information in the interests of:

- the pupil who is involved
- a pupil whose parent is involved
- other pupils of the school.

### **Incriminating information**

There is no obligation for a school to disclose information to the Police that could potentially incriminate a second person in an offence. However, it is an offence to knowingly impede the apprehension of a person who is committing an arrestable offence.

A person who declines to answer a Police officer's questions is not committing the offence of wilfully obstructing a constable in the execution of his or her duty, within the meaning of the Police Act 1964.

## **4. REPORTING AN OFFENCE**

### **Offensive weapons**

The Offensive Weapons Act 1996 makes it a criminal offence to possess an offensive weapon or knife on school premises, and any such instance must be reported to the Police.

Data from 32 Police forces in England and Wales indicated that between April 2015 and January 2017, 2579 weapons were seized at schools. These included axes, air guns and almost 500 knives. At least 47 children found with weapons were reported as being primary school children under 10, the minimum age of criminal responsibility.

### **Serious criminal offences**

The Police must be called in the event of a serious criminal offence, such as:

- violence causing serious bodily harm to a pupil or member of staff;
- criminal damage;
- arson;
- serious theft;
- possession of drugs, offensive weapons or knives.

### **Reporting of fights**

It is at the discretion of the Executive Head Teacher & Principal whether to report such matters as fights between pupils or petty theft, although Police help might usefully be sought to deal with persistent petty thieving.

### **Our duty to assist the investigation of crime**

The Police may use all legitimate means to investigate crime, and the school has the same duty as the public to assist them in this. It is quite acceptable, therefore, to give Police the names and addresses of pupils. The Police have to observe Codes of Practice under the Police and Criminal Evidence Act 1984. The codes do not affect:

- a citizen's duty to assist in the discovery and apprehension of offenders
- the right to consult a solicitor privately at any stage
- the fact that, other than on arrest, the Police cannot compel anyone to come to or remain in a police station
- the need to charge without undue delay
- the need for all statements to be voluntary.

## **5. THE POLICE'S RIGHT TO ENTER SCHOOL PREMISES**

Some schools and some local authorities do not permit uniformed Police to enter their school premises other than in the course of a criminal investigation (although, in practice, Police visiting a school in the course of an investigation often wear plain clothes).

Under the Children Act 1989, the Police have the right to take a child into Police protection, although the Act on its own does not give Police a statutory power to enter school premises. This right can be conferred in other ways, eg by a warrant.

### **Entry under Warrant**

If an offence is suspected and the school refuses to cooperate, the Police can apply to a Magistrate for a Warrant to enter and search school premises.

The Magistrate must be satisfied that there are reasonable grounds for believing certain conditions exist (eg a serious arrestable offence has been committed) and that access would be refused or that the purpose of the search would be frustrated.

If the Police have a warrant for search or arrest, the Principal/Executive Head Teacher must allow it to be executed. To resist would be obstruction and would constitute an offence. (The senior leaders MUST contact the Principal/Executive Head Teacher to inform them if the police are either: called to the school by staff; turn up at the school for any reason unannounced; arrange to meet with a pupil or staff member or attend the school for any other reason).

The Principal/Executive Head Teacher, or the senior member of staff present, must ask to see the warrant so that they can check exactly what the document authorises the Police to do. They must also check whether there are any restrictions on Police powers (for example, what parts of the premises can be searched or what the Police can remove). Wherever it is reasonable, the school will request that the police wait to search the premises until after the pupils have left.

### **Entry without a Warrant**

Police have a number of powers to enter premises without a warrant, such as:

- to arrest a person for an arrestable offence, eg possessing or selling drugs or committing a sexual offence;
- to prevent death or injury;
- to prevent serious damage to property;
- to deal with or prevent a breach of the peace.

Entry onto private property in order to prevent a breach of the peace will almost always be at the invitation of the owner.

Therefore, if the Police are exercising their statutory powers, the Principal / Executive Head Teacher should not resist, since to do so could result in the offence of obstructing a constable in the execution of his or her duty.

### **Entry to search for offensive weapons**

Police officers have a right under the Offensive Weapons Act 1996 to enter school premises to search for articles with a blade or point and other offensive weapons, if they have reasonable grounds for suspecting that such articles are in the school. If found, such weapons can be seized by the Police.

### **The School's right to screen and search pupils**

Schools have the right to search pupils without their consent if there are grounds for suspecting that they are carrying knives or other weapons. Government advice points out that, while the law allows schools to conduct searches, this power is not a duty and should only be used where school staff judge that it is safe to do so and will not place them in personal danger. If a school decides that such a search would not be safe, the Police should be called (please also see Maypole School's Searching Policy and Maypole School's Weapons Policy).

## **6. POLICE INTERVIEWS**

### **Head Teacher's duty to check that an interview is necessary**

A child or young person should not be interviewed or arrested at school if such action can possibly be avoided. If it is essential to conduct the interview at the school, it should be done only with the consent, and in the presence, of the Principal/Executive Head Teacher or their nominee. The Principal/Executive Head Teacher must be satisfied that such an interview is necessary and by ensuring that this is so will not be guilty of wilfully obstructing a Police officer in the execution of his or her duty. Indeed, for the Principal/Executive Head Teacher not to satisfy themselves on that matter would be a failure to discharge their duty in loco parentis.

### **Pupils under 17 must be accompanied in an interview**

The Codes of Practice make it clear that as far as practical, children and young persons under the age of 17, whether suspected of crime or not, usually should only be interviewed in the presence of a parent or guardian, or in their absence, someone who is not a police officer. All pupils at Maypole School have an EHCP; therefore the school's policy is that all pupils, regardless of their age, will be accompanied by an appropriate adult should an interview be deemed essential.

A reasonable time should be allowed to enable an appropriate adult to be present at the interview. Provided that the suspected offence does not involve the educational establishment, the Principal/Executive Head Teacher or nominee can act as the appropriate adult for purposes of the interview if waiting for a parent or guardian would cause unreasonable delay.

### **Formal caution**

If the Police have reasonable grounds for believing that a pupil has committed an offence and wish to interview him or her, they must formally caution the pupil before commencing the interview. Otherwise, they will fail to comply with the Police and Criminal Evidence Act 1984.

## **Police assurance that a child will not be charged or arrested on the School's premises**

If the Police ask to question a child, the Principal/Executive Head Teacher should check that the child freely agrees to give the information. If the pupil is female, a senior female member of staff must be present. If the pupil is male, a senior male member of staff must be present. There should also be an assurance from the Police that the child will not be charged with an offence at the school or arrested on school premises. If no such assurance is given, the Principal/Executive Head Teacher should initially refuse to allow the interview to take place.

## **If the Police were to overrule the Principal/Executive Head Teacher's refusal**

If the Police ignore the Principal/Executive Head Teacher's refusal to produce a pupil or to allow questioning and insist on seeing the child, they should:

- accede under protest
- remain present throughout the questioning
- note the officer's number
- note the events that take place
- inform the school governing body and leadership team at the earliest opportunity to explain what has happened
- submit a detailed report of the incident to the leadership team & governing body as appropriate

## **7. WORKING WITH THE POLICE IN OTHER SCENARIOS**

### **Police protection**

The Children Act 1989 gives the Police the statutory power to take a child into Police protection, ie to remove a child to a place of safety, although it does not give the Police the right to enter school premises. Therefore, unless the Police have a warrant or otherwise have the right to enter the school and search the premises, the Principal/Executive Head Teacher (acting in loco parentis) could resist the taking of a child into Police protection.

However, if the Police have a legitimate reason to enter the school premises, the Principal/Executive Head Teacher should not resist a child being taken into Police protection. They may protest against, but not obstruct, their action.

### **Returning truants to school**

The Police have the power, under the Crime and Disorder Act 1998, to take back to school any child or young person who they have reasonable cause to believe is of compulsory school age and is absent from school without leave.

Truancy is not a criminal offence for the child; it is the pupil's parents who are legally responsible for ensuring attendance. The child will not, therefore, be arrested and should not be taken to a Police station.

### **Removal of trespassers**

Under the Education Act 1996, a Police officer (or a person authorised by the Local Authority) can remove from the school premises a person who:

- is there without lawful authority,
- or who causes or permits a nuisance or disturbance.

While this Act does not apply to Independent schools like Maypole School, Police assistance can still be requested in the event of a breach of the peace, where undesirables might need to be removed from School premises.

## **999 Calls**

In an emergency, 999 should be called; and sufficient information should be given to enable the Police to make a decision about the appropriate response to the call.

The operator will ask for the address and postcode of the school. As this type of information is often forgotten in times of stress, it should be prominently displayed next to all landline telephones and displayed in the staff room and entrance lobby.

## **Valid evidence**

Under the Police and Criminal Evidence Act 1984, a confession will be excluded from evidence if it would have an adverse effect on the fairness of the proceedings. In deciding whether to exclude any confession, the court will consider all of the circumstances under which it was made.

Also, evidence will be excluded if it was obtained:

- by oppression (eg degrading treatment, use or threat of violence), or
- as a consequence of anything said or done that was likely to render the evidence unreliable (eg an inducement to make the statement, such as a bribe or a threat).

## **8. BENEFITS OF A GOOD RELATIONSHIP**

### **Schools Liaison Officers**

The Police frequently liaise with Schools, Local Authorities and social services departments, to determine what course of action to take with children in trouble. Most Police forces have a section that deals with community relations and may have specific Schools' Liaison Officers.

Agreed liaison procedures between senior school staff and the Police should be included in the Local Authority's child protection procedures. Most schools, including those in the independent sector, will follow these procedures. Maypole School will do this too.

### **Familiar figures in the Classroom**

At Maypole School we recognise the value of the Police as a curriculum resource, to help us to educate our pupils about local dangers and so keep them safe. We will welcome any resource packs that local Police forces may produce for schools to use, and we want our local Schools' Liaison Officers to be familiar figures who are welcome in the classroom.

### **Crimewatch initiatives**

Many schools have benefited from Crimewatch projects that raise awareness of different types of crime and encourage children to be alert and look after their own and other people's property. We



welcome this in principle, but any invitation to the Police to come into the school for these purposes should have the Principal / Executive Head Teacher's approval.

## **Community Police**

Increasingly Community Police officers or PCSOs are seeking ways of making positive links with schools and their pupils. Some ways in which a local Community Police officer might be able to support the school include:

- being a "presence" at key times of the school day, eg as children are arriving at and leaving the premises;
- talking to children in class or assembly about their role;
- giving advice to the school in relation to "stranger danger";
- giving advice to children and parents about safe journeys to school;
- being available to discuss with parents and their children the implications of breaking the law, eg in cases of truancy, persistent thieving, assault;
- being available on key dates, such as Careers events or summer fairs, to support the school.

Making themselves approachable and accessible to the community is a key function of the Community Police officers' role. Maypole School can be instrumental in helping with this.

## **9. LIST OF RELEVANT LEGISLATION**

- Violent Crime Reduction Act 2006
- Education Act 2002
- Crime and Disorder Act 1998
- School Standards and Framework Act 1998
- Education Act 1996
- Offensive Weapons Act 1996
- Criminal Justice and Public Order Act 1994
- Children Act 1989
- Police and Criminal Evidence Act 1984
- Criminal Law Act 1967
- Police Act 1967