## METROPOLITAN POLICE SERVICE

 **Croydon Police Station**

 **71 Park Lane**

 **Croydon** **CR9 1BP**

 **0208 649 0264**



**Officer Guidance**

**Arresting in school**

Where a child of school age is a suspect of crime, MPS officers should avoid arresting the child at their school unless any of the following criteria exist to justify arrest at school:

**Criteria justifying arrest of pupil at school**

* Timing is critical to an ensuing investigation eg. to preserve evidence, recover outstanding property, prevent the alerting of outstanding suspects, or
* It is believed that there is an immediate risk of harm to persons or damage to property on the school premises or
* The officer is a Safer Schools Officer (SSO)making the arrest in accordance with established protocols between the school and police.

**Rationale**

* The MPS seeks to avoid any action which unnecessarily leads to the disruption of children's education.
* The home address of a child attending school will be on record. It is, therefore, difficult to justify disruption of school business by making an arrest at school, unless any of the above criteria apply. Arrest at the child's home address is preferable and affords the likelihood of immediate availability of an appropriate adult. If officers encounter difficulty ascertaining the home address of a child suspect, they may seek the assistance of a SSO or the relevant local authority.
* SSOs are assigned to the more challenging schools, including Pupil Referral Units. Building a successful Safer Schools Partnership and gaining the trust of school staff and pupils takes time and effort. Arrests made at school in circumstances outside of the above criteria by police colleagues, has the potential to damage the established relationship between schools and police.

**Where arrest of pupil at school is justified**

Where one of the above criteria applies, any officer seeking to arrest a child at their school should, in the first instance, speak to the Head Teacher (or their nominated Deputy) who has the authority to facilitate arrest away from the classroom with the minimum of disruption. If circumstances allow, the assigned SSO, if there is one, should also be consulted prior to the arrest. Otherwise, the SSO or relevant Safer Neighbourhood Team should be informed of the arrest as soon as reasonably practical thereafter.

Contact:

**Dave Singleton | PS 66ZD | Safer Schools Sergeant**

**Tel**: 020 8649 0183 | 07769 687744

**E-mail**: David.Singleton@met.police.uk

**Guidance for Schools**

**This guidance must be brought to the attention of all senior staff**

Children reach the age of criminal responsibility at the age of 10. Therefore, until this age children will not be arrested.

Where the police have deemed it necessary, following the protocol above, for a pupil to be arrested at school the following guidance **must** be followed:

All arrests will happen under the direct supervision of the Head Teacher, or, in their absence, a nominated member of the Senior Leadership Team.

Sensitivity will be shown when considering where the pupil is to be arrested: this should be away from the classroom or other public areas of the school and, ideally, in a location that does not involve the pupil being taken through public areas of the school whilst under arrest. The aim must be to ensure minimum publicity of the arrest.

The Head Teacher, or nominated member of the Senior Leadership Team, will notify the parent(s) or guardian(s) promptly unless otherwise instructed by the police. (In very rare circumstances police have the legal authority to hold suspects incommunicado, or delay the right to inform someone of their arrest).

The Head Teacher, or nominated member of the Senior Leadership Team supervising the arrest must arrange for a member of school staff to accompany the pupil to the custody suite / police station and remain with them until an appropriate adult 1 is in attendance. They must also notify the Local Authority of any arrest in their school by contacting David Butler, Head of School Standards, Commissioning and Learning Access, (david.butler@croydon.gov.uk)

Whilst a nominated teacher must attend with the pupil, unless appropriately trained, they should not act as the appropriate adult for police interviews.

Role of the nominated teacher:

The nominated teacher MUST:

1. Outline the process to the pupil

2. Reassure and support the pupil

3. Reassure siblings and ensure that sensitivity is used

4. Liaise with the police

5. Contact the parent / carer and remain with the pupil until such time as parents / carers/ legal representative arrive to take over

6. Ensure that pupils are fed and watered

7. Deal with any factual enquiries or questions from the pupil

8. Ensure the pupil is not interviewed until they have been legally advised and an appropriately trained Appropriate Adult / parent / carer / social worker is in attendance.

**1. Appropriate adult is defined in primary legislation under section 38(4)(a) of the Crime and Disorder Act 1998, which defines the role as being "to safeguard the interests of children and young persons detained or questioned by police officers."**

**The Police and Criminal Evidence Act 1984 section 63B(10) states that in relation to a 'juvenile' (a young person under the age of 18) an appropriate adult should be:**

**(a) his parent or guardian or, if he is in the care of a local authority or voluntary organisation, a person representing that authority or organisation; or**

**(b) a social worker of a local authority; or**

**(c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed by the police;**

**Local authority Youth Offending Teams (YOTs) have a statutory duty to provide an appropriate adult for all children under the Crime and Disorder Act 1998 s.38(4)(a). This is carried out whenever parents are unavailable, unwilling, or inappropriate to act as appropriate adult.**

**The role includes:**

**(a) To support, advise and assist the detained person, particularly while they are being questioned.**

**(b) To observe whether the police are acting properly, fairly and with respect for the rights of the detained person. And to tell them if you think they are not.**

**(c) To assist with communication between the detained person and the police.**

**(d) To ensure that the detained person understands their rights and that you**

**have a role in protecting their rights.[6]**

**Head Teachers / Principals are asked to confirm they have read, understood and will abide by this protocol.**

**Additional Guidance on the arrest of parents, carers and school staff on school premises**

It will rarely be necessary for parents, carers or school staff to be arrested on the premises. However, where this does occur the following guidance should be followed:

Where the school has called the police they should request, where possible, the attendance of non-uniformed officers unless there is an emergency situation. For example, where a school becomes concerned about a member of staff and their involvement in a safeguarding incident, an initial discussion with the Local Authority Designated officer should take place and the role of the police will be addressed in this discussion. Where it is decided that the school should call police, this should be reported to their SSO or to the CAIT team who will be able to ensure any arrest is handled discretely.

The impact of a staff member or parent / carer being arrested must be considered. The police may subsequently decide there is no case to answer

The adult concerned should be escorted to an area of the school out of public view.

The guidance above does not interfere with the school’s duty to co-operate with the police in the course of their enquiries and facilitate natural justice.