

Langley Primary School WEARING OF THE KIRPAN POLICY

This policy is intended to provide advice to students and staff regarding the wearing of the Kirpan.

In view of the fact that a number of Sikh students have gone through the Amrit ceremony (ie initiated into the Khalsahood) and are required to wear the "5 K's", including the Kirpan, this policy has been created, based on guidelines issued by DfES.

Section 4 of the Offensive Weapons Act 1996 creates the offence of having an article with a blade or point (or offensive weapon) on school premises, etc. Under Section 4, subsection (4), a person has a defence if the article in question is worn for religious reasons or as part of any national costume.

[a] School staff should be aware that the wearing of the "5 K" at all times is of utmost important and sensitivity for initiated Sikhs, and is the subject of vows made during the Amrit ceremony.

[b] It is essential for an initiated Sikh to keep his/her vows, and this commitment, which is not entered into lightly or easily, should be respected by the College community.

[c] The school has to balance the responsibilities to ensure the health and safety of persons using school premises with the religious requirements of practising Sikhs.

[d] The school's preferred option is that a symbolic version of the Kirpan is worn. The symbolic version of the Kirpan should be no more than one and a half inches long, secured and sealed in protective padding or embedded on a comb.

[e] Paragraph [d] previous may be acceptable to a number of learners and students. However, if it is the view of particular students that paragraph [d] previous does not satisfy their religious requirements, then the school will allow the Kirpan to be worn, subject to the following conditions:

- i) that it is restricted to students who have gone through the Amrit ceremony and can produce a certificate or some other form of documentation from their Gurdwara Sahib;
- ii) that the Kirpan, is no more than 6 inches long including the handle, will be sheathed and restrained with a cord, to the satisfaction of the school, in such a way as to ensure that it will be incapable of withdrawal;
- iii) that the sheathed Kirpan will be further enclosed in secured padding and securely sewn up.
- iv) the Kirpan will be worn under clothing and will not be visible, to provide the highest possible safety at all times;
- v) that, on no account, will the Kirpan be drawn while the young person is on school premises while on a school trip or on school transport or involved in other school activity;
- vi) that the student or parent/guardian, if the student is under 18 years of age or school carer of a young person, will be required to sign a declaration indicating that she/he is aware of the implications of the young person wearing the Kirpan in school and, in particular, during physical education activities, and that she/he waives any claims against the school, its servants or agents, and the Governors of the school;

vii) if any of the above conditions have not been observed during the school day or whilst on a school activity, the Head Teacher has discretion to exclude the student from a particular activity if she/he believes that the student or others may be at risk of a physical injury, in the event of serious or persistent breaches of the above conditions by a student, the Head Teacher may refuse permission for the student concerned to wear the Kirpan whilst at school or on any school activity:

[f] In the interest of safety, the schools reference is that Kirpans are not worn during physical activities or other outdoor activities.

[g] If the Kirpan is removed for any of the activities in paragraph [f] above, the Kirpan must be given to a member of staff for safe-keeping and collected after the activity is over.

[h] However, if parents of a student under the age of 18 decide that their child should wear the Kirpan during the activities referred to in paragraph [f] above, then the following additional condition shall apply:

[i] that the sheathed and securely padded Kirpan must be worn under the clothing and will not be visible, or carried in a small pocket in clothing being worn, so that it is safe for the wearer, never visible and so that other students have no access to it. If the Head Teacher considers that these requirements have not been met, he or she should take appropriate action to ensure the safety of all students.

These guidelines may be reviewed from time to time, taking into account local circumstances and legislative change.

Approved by the Governing Body 14th September 2016.

As explained in paragraph 6.1.8, the carrying of a knife for religious purposes is a statutory defence under section 4 of the Offensive Weapons Act 1996.

2 . Sikhs who have been initiated in a ceremony called Amrit Pahul are required to carry a kirpan at all times. The kirpan is a ceremonial sword and is one of the five sacred symbols of the Sikh faith. Both male and female children can be initiated. There is no lower age limit, but the child must be old enough to understand the significance of the ceremony. Children of primary school age have undergone the ceremony.

3. Some Sikhs believe that it is sufficient for the kirpan to be symbolic, so that kirpans as small as one and a half inches long can be worn under clothing and sealed so that they cannot be drawn. Kirpans may sometimes be secured in protective padding. Other Sikhs believe that the Kirpan must be around eight inches long, with a five inch blade.

4. Governing bodies of all schools and, in the case of county and controlled schools, LEAs, have responsibilities under health and safety legislation to ensure the welfare of those within schools. It is for them to decide whether to allow Sikh children to wear a kirpan in schools. They will need to be able to satisfy themselves that the kirpan does not present a health and safety risk either to the child wearing it or to other pupils and staff.

5. LEAs and governing bodies also need to be aware of the possible impact of the Race Relations Act 1976. The courts have ruled that Sikhs are a 'racial group' for the purposes of the Act. Depending on the circumstances, a rule which operated to forbid the wearing of a kirpan, or resulted in, for example, the exclusion of a pupil who insisted on wearing one, might be alleged to constitute unlawful indirect discrimination under section 17 of the Act. A requirement will not be indirectly discriminatory, however, if it is adopted for a legitimate objective and is an appropriate and reasonably necessary means of achieving this objective. In particular cases it may be appropriate to take legal advice.

6 . Schools should be fully aware of the religious observances of Sikhs and the need to deal with this issue sensitively. It should normally be possible to reach a compromise between the religious practice of the Sikh community on the one hand, and the understandable concerns of schools and non-Sikh parents on the other, for example by permitting the wearing of symbolic kirpans secured as described above.

7 . A number of LEAs have produced detailed guidelines on this issue, which have been drawn up after local consultation with both the Sikh community and schools. In respect of county and controlled schools, LEAs should offer advice where difficulties arise over this issue. Any guidelines produced by LEAs should not require schools to admit children wearing kirpans if they meet certain specifications. The governing body and staff at the school will have their own responsibilities relating to the conduct of the school and the welfare of pupils, on which they will need to make a judgement.