

Wirral Fostering Service

Foster Carers Possessing Guns and Weapons

IT TAKES A BIG **HEART** TO FOSTER



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1. Introduction

Circumstances may arise when the Local Authority is assessing individuals for approval as Foster Carers, Adopters or Special Guardians and the prospective carers, or other household members, are in possession of licensed guns, other licensed weapons or replica weapons that may not require a licence.

A balance has to be drawn between the rights of individuals to own licensed guns and other weapons not requiring a licence and the potential risk to children in their care from being injured or killed through accidents or misuse of the weapon.

Research tells us that where guns are present, more people die, whether this is from accidents, suicides, assaults or crime.

For example, in the US where guns are more freely available studies have shown that domestic assaults involving a firearm are twelve times more likely to be lethal than similar attacks with other weapons. (L.E. Saltzman et al. (1992), *Weapon involvement and injury outcomes in family and intimate assaults*, *Journal of the American Medical Association*, 267: 22, 10 June).

Also, guns are also more lethal in suicide attempts than other methods, according to suicide prevention experts (A summary of some of the research is presented in *Small Arms Survey Yearbook (2004): Rights at Risk*, p187).

Massacres such as Dunblane (where sixteen five - and six-year old children and their teacher were shot dead) and Hungerford (where a lone gunman went on the rampage through a sleepy English market town, shooting dead 15 people and wounding 14 others) have highlighted the extent to which adults and children can be killed and injured through individuals possessing legal firearms.

However, guns are owned in both rural and urban areas for recreational, sporting and other legitimate reasons.

Target rifle and pistol shooting is a well-established sport and recreation and is one of the top three participation sports in the UK. In addition shotguns are owned for game shooting, clay pigeon shooting, vermin control, and competition shooting.

Unlike the USA individuals in the UK do not have the right to possess guns. Individuals can be granted a certificate by the Police to possess a firearm or shotgun. Applicants must satisfy the Police they are fit to be entrusted with a firearm, have good reason for possession, and they pose no danger to the public.

Safekeeping of shotguns and firearms is a requirement of the granting of certificates. Guns and ammunition must be stored securely to prevent as far as possible unauthorised people taking or using them. The recommendation is that this should be in a locked gun cabinet or other secure container.

Owners often keep guns at their homes because gun clubs do not have premises, or have the security in place to store large numbers of guns.

There are also other weapons such as bb-guns, crossbows; replica weapons where there may be some restrictions on their use such as not being able to be used in a public place. These weapons may not require a licence but they could potentially injure someone. Also, for some of these weapons they are extremely realistic and the Police may respond as if they are live firearms.

2. Policy

Wirral Council considers that ownership of licensed firearms and shotguns, unlicensed weapons and replica guns can pose a risk to the safety of children in that person's care. Therefore where potential or existing Foster Carers, Prospective Adopters or Prospective Special Guardians, or anyone else in the family household, have a certificate for the possession of a shotgun or firearm or have unlicensed weapons and replica guns on the premises a thorough risk assessment of the safety factors for children will be undertaken as part of the assessment of their suitability as carers.

The individuals seeking approval or re-approval will be advised that the safest option is for any firearms, shotguns, and other weapons and their ammunition to be always stored away from the family home.

There must be a good reason for the Local Authority to consider that the weapons may be stored in the family home. If the weapons are to be stored at the family home they must be kept at all times in a commercially manufactured gun cabinet according to Home Office recommendations (see [Guidance Leaflet](#)). Removal of the weapons from the cabinet must only be during transit to a gun club or for approved activities and must be contained in a secure case. In addition to this, all ammunition must be stored separately, in an equally secure location, away from the gun cabinet.

Examples of good reason for storage of weapons at the family home include situations where:

- The family live and work on a farm;
- Someone living in the family home is a member of a gun club that has no safe storage facility;
- The list is not exhaustive, and having firearms/weapons within the home environment should not exclude the potential foster carers from the assessment process. What should be established is whether these are licenced, and whether storage of them and the ammunition meets the minimum required expectations, which can be accomplished through a risk assessment.

The carers will be advised that children should not be involved with any activities involving weapons unless they are properly supervised and are part of an organised shooting/sporting activity (e.g. Army Cadets, shooting sports). Foster Carers must always seek permission from the Local Authority before involving children in such activities.

3. Procedure

3.1 Single Assessment

At the point of Single Assessment applicants must be asked whether they hold or have access to firearms or other weapons, including replica weapons.

Where applicants confirm that they hold a firearm or shotgun, a current certificate must be seen and a copy placed on file. Failure to produce a current and valid certificate will necessitate the assessor contacting the Police to notify them immediately.

If the applicant possesses any other weapon or replica weapon, the Supervising Social Worker may need to seek advice from the Firearms Registry on whether a licence is required, and the potential risks involved.

The assessing Social Worker must see where all guns, weapons and ammunition are stored. They must be separately secured in such a way that they could not be accessed by children or young people (i.e. away from family home or approved gun storage cabinet) see Home Office [Firearms Security Handbook](#) and [Leaflet](#).

The child's Social Worker must be made aware that firearms are held by the potential carer.

Assessing Social Workers must be confident that applicants are fully aware of the risks of firearms and weapons and use them in a responsible manner. The holding of firearms or other weapons must be recorded in the assessment report and reported to the Panel for Fostering or Adoption or the appropriate Manager for Special Guardians. A final decision about approval where potential carers possess guns and weapons must be made by the Head of Service.

3.2 Placement/Matching

The suitability of the placement of children with approved carers who possess a shotgun, firearm or other weapon will be carefully considered.

No child or young person will be placed with applicants where guns and weapons are being held in an unsafe way, or where there is no current firearms licence.

3.3 Reviews

As part of the Foster Carer's Annual Review, the security of guns, weapons and ammunition, and the ownership of a current (certificates last for 5 years) firearms/shotgun certificate must be verified.

Any concerns about the storage, use of firearms, or lack of a certificate must be immediately reported to the Fostering Head of Service and the Fostering Team Manager. There is an expectation that during the completion of the Annual Health and Safety Assessment, that firearms and ammunition storage will be checked. In addition, during statutory visits a request may be made to inspect the firearms and ammunition storage to verify that minimum expectations are being met.

The Police should be notified where applicants are found to have firearms/shotgun and no certificate.

3.4 Consent

Foster Carers must not involve children or young people in their care in any use of firearms without the written permission of their parents and child's Social Worker.

3.5 Information about Licences

The Firearms Registry can give advice on all matters about licensing firearms and shotguns. It can also give advice on the law relating to air weapons.

The Firearms Registry, can be contacted during office hours, on 0151 777 8478 (shotgun enquiries), 0151 777 8479 (firearm enquiries) or 0151 777 8477 (firearms licensing manager).

Useful information can also be found on the website for the [Police National Legal database](#).

3.6 References

The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996, The Hon Lord Cullen, The Stationery Office.

[Home Office, Firearm Security Handbook](#)

[Home Office Publications on Firearm Security](#)

The 2011 leaflet 'Air weapons: a brief guide to safety' contains information on the safe handling and storage of air weapons, the different types of air weapons and air weapons and the law.

4. Questions and Answers

[Taken from Police National Legal Database](#)

Applying for a Firearms/Shotgun Certificate

Applications need to be made to the local police force through the Firearms Registry (see contact details above).

Before a firearm certificate is granted or renewed the Chief Officer of Police is required to be satisfied that:

- The applicant is **fit** to be entrusted with a firearm to which Section 1 of the Act applies and is not a person prohibited by the Firearms Act (e.g. by age or previous conviction) from possessing such a firearm;
- The applicant has a **good reason** for having in his possession, or for purchasing or acquiring the firearm and ammunition in respect of which the application is made;
- That in **all** circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.

Along with the application form applicants will have to provide, four identical passport sized photographs along with the details of two persons who are prepared to provide a reference to the application. A referee must not be a member of the applicant's family, a serving police officer or police employee or a registered firearm dealer. A referee should be of good character and the reference should be freely given and not on payment of any fee.

They also have to provide details of their GP and sign a form granting the police permission to request factual details of their medical history.

No shotgun certificate will be granted or renewed if the Chief Officer of Police:

- Has **reason to believe** that the applicant is prohibited by this Act from possessing a shot gun; or
- Is **satisfied** that the applicant does not have a good reason for possessing, purchasing or acquiring one.

Requirements for the Security/Storage of a Firearm/Shotgun

The firearms and ammunition to which the certificate relates must at all times be stored securely and separately so as to prevent, so far as is reasonably practicable, access to the firearms or ammunition by an unauthorised person. Guidance on the security requirements can be obtained from the local firearms department.

Air Weapons

If the air weapon, that is to say an air rifle, air gun or air pistol is capable of discharging a missile so that the missile has, on being discharged from the muzzle of the weapon, kinetic energy in excess, in the case of an air pistol, of 6 ft. lb or in the case of an air weapon other than an air pistol, of 12 ft. lb then it is classed as a section 1 firearm and therefore a certificate is required.

Note, weapons that use a CO2 bulb system are not affected because CO2 bulbs do not contain a projectile and are therefore not classed as self-contained.

If in doubt contact the local force's firearms registry.

Air weapons do not require a certificate to use as long as they do not have a self contained gas cartridge system and do not fit into the description above.

No one under 18 years can have with them an air weapon at any time unless supervised by someone who is aged at least 21 years unless they are shooting at an approved target shooting club or shooting gallery.

A young person between 14 - 16 years may shoot an air weapon on private premises providing they have the prior consent of the owner/occupier and providing any missile fired does not go beyond the boundary of those premises.

It also became an offence to make a gift of an air weapon or ammunition to a person under the age of 17 years.

It is also an offence to have an air weapon in a public place without lawful authority or reasonable excuse.

It is an offence for a person in possession of an air weapon to fail to take reasonable precautions to prevent a person under the age of 18 from gaining unauthorized access to it For further details see 'Air weapons: a brief guide to safety'.

BB Guns

BB guns (which fire plastic or aluminium balls) by different methods such as compressed air or an electrical system) may or may not be firearms and so may or may not be prohibited.

The soft air type of BB gun which is 'toy like' (though it may be a little too powerful to be officially classed as a toy) does not fit within the definition of a of a section 1 firearm because it is usually too low powered and is probably designed to fire plastic/aluminium pellets. It will normally have a very low power rating, compared to an average air weapon. An air weapon is powerful enough to injure and kill in the right circumstances, and, does therefore fit within the definition of a firearm (but is not powerful enough to be a section 1 firearm). The average air weapon is probably about 150 times more powerful than a 'toy like' soft BB gun.

So if you are unsure whether your BB gun is legal or not, then it is worth checking with the police force's firearms registry who will be able to advise.

Given the nature of BB guns and their capabilities then it is not advisable to allow them to be in possession of **young** children.

Also be aware that many BB guns are extremely realistic and the police treat all reports involving weapons as if they are real live firearms.

Imitation Firearms

An imitation firearm has been defined as 'anything, which has the appearance of a firearm'. Many imitation weapons are very realistic and until the weapon has been seized it is difficult to ascertain whether it is genuine or not.

Individuals can legally possess an imitation firearm but it is an offence to possess an imitation firearm in a public place.

All calls to police involving firearms are treated as if it is a genuine firearm so be aware that anyone waving an imitation firearm around could find themselves surrounded by firearms officers pointing real weapons.

Crossbows

It is an offence for a person under the age of 18 to have in his/her possession a crossbow and its component parts (unless they are under the supervision of a person aged 21 or over). This applies to all places not just in public places and also applies to hiring a crossbow.

The legislation only applies to crossbows, which have certain strength (a draw weight of over 1.4 kilograms).

For those over 18 then there are only limited circumstances when they would be able to possess a crossbow without falling foul of the law on offensive weapons.

Other weaponry

Other weaponry stored in the home for e.g. ornamental swords and knives, slingshots and axes must be immediately reported to the Fostering Head of Service and the Fostering Team Manager for consideration, a risk assessment carried out and the child or young person prevented from coming into contact with them.