

# Guidance on Possession of Firearms and other Weapons

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**Agreed by:** Fostering Management Team

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## Document Summary

This guide acts as a reference document to support the assessment of risk in relation to guns and other weapons in fostering households. It is for:

- Foster Carers inc. Connected Person Carers – applicants and existing carers
- Practitioners and managers in the Fostering and Adoption Service

It should be used as a resource to improve and maintain good practice for the approval and review of all mainstream, connected persons and link foster carers; and to ensure that safeguarding requirements are met for children who are placed away from their birth family.

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

**PLEASE NOTE:** This is a **guide** to practice and, like all ‘guides’, good judgement should be exercised in its application. There may be times, and in individual cases, when following the guidance requires some flexibility or a level of discretion is needed. In these instances, a discussion between the Service and Professional Adviser may be helpful. Such discussions may also highlight omissions in the guidance that need to be added or where existing information needs to be amended.

Version Control	Reason for revision and summary of changes needed	Date
1		
2		

**If requested, we will translate this policy, or particular parts of it, into other languages and formats, so that everyone can use and comment upon its content.**

## 1. Introduction

Applicants and existing foster carers living in both urban and rural areas may own guns and other weapons for several reasons, including for sporting and leisure activities or for farming practices such as pest control.

However, it is important to ensure that requirements are met for the protection and safety of all those in the household, including any fostered children.

Where a prospective foster carer has a firearm or other weapon, the **assessment** will consider via the use of the **Weapons Questionnaire**:

- the reasons for this and whether the weapon is kept for a legitimate reason.
- that the owner has a licence if required or, in the case of swords, relevant authorisation.
- that any weapon is stored securely in line with government guidance and, therefore, cannot be accessed by children in their care.

These requirements must be monitored including during the annual **Fostering Review** (see Section 4).

## 2. The law

People need to be aware of when it is legal to possess a weapon, what is considered to be a weapon, when it can be used legally and how to own a weapon safely. Gun ownership is a privilege, not a right and the UK has some of the strictest laws in the world when it comes to possessing weapons such as guns and knives.

The following section explains the laws relating to owning a weapon in the home and what consequences may be faced by owning weapons illegally.

### 2.1 Am I allowed to keep any type of knife in my own home?

Every home will have knives inside and the police will never expect to enter a property and not find a knife of some sort. However, there are laws that are in place to ensure that knife ownership is as safe and responsible as possible.

For the purposes of assessing risk in fostering households, it is important to understand that some knives are banned in the UK. The list below is not exhaustive but gives examples (for further advice contact the local police force):

- Swords
- Zombie knives
- Butterfly knives
- Stealth knife
- Disguised knives
- Flick knives or gravity knives

All kitchen knives should be kept so they cannot be accessed by children in the home. Depending on the age of the children being placed and identified risks, this might be in a lockable drawer or one with a child safety latch.

### 2.2 Am I legally allowed to own a sword if it is kept in my home at all times?

Some people like to own swords as decorations and in the past, criminals have claimed they have such weapons in their homes for decorative reasons only. Because of this, UK's laws on sword ownership have become increasingly strict in recent years.

It is now illegal to sell any type of curved sword that has a blade longer than 50 cm unless:

- The sword was hand forged in a traditional way.
- The sword is an antique of at least 100 years of age.
- The sword is a samurai sword that was made before 1954.

If a person wants to own a sword that doesn't fall into one of the categories, they must obtain authorisation to do so. There are further specifications that apply such as the owner must be a martial arts or historic re-enactment club member that holds third party and public liability insurance. Advice from the relevant club on registration of the sword should be sought.

**For more detailed information on knives and bladed weapons** please see the References and Resources section below.

### **2.3 Am I legally allowed to own a gun or firearm in the UK?**

In order to own a gun or firearm legally in the UK, people are required to hold a valid firearms certificate. The firearms certificate will be issued by the police and allows a person to own, buy or acquire a shotgun or firearm. The certificate will also be required in order to buy ammunition for the gun.

No person under the age of 18 is allowed to buy a firearm in the UK and it is also illegal to sell a firearm to anyone under the age of 18.

Like knives, some firearms are totally banned in the UK. This means that the police will never issue a firearms certificate for these types of guns, and it is illegal to buy, sell, own, or acquire these types of firearms unless you have express authority from the Home Secretary.

For anyone seeking permission to hold a prohibited weapon - including a handgun - authorisation can be obtained from the Secretary of State via the Home Office. This permission will only ever be granted in rare and exceptional circumstances. (Local solicitors.com 2023)

### **2.4 Firearms**

'Firearm' means a lethal barrelled weapon of any description from which any shot, bullet, or other missile with kinetic energy of more than one joule at the muzzle of the weapon, can be discharged.

UK firearms policy is based on the fact that firearms are dangerous weapons and the State has a duty to protect the public from their misuse. Some firearms and shot guns may be held on a firearm or shot gun certificate issued by the police.

Low-powered air weapons are not licensed in England and Wales unless they are of a type declared 'specially dangerous' by the Firearms (Dangerous Air Weapons) Rules 1969, but there are restrictions on their sale.

Permission to possess, purchase or acquire a firearm will only be granted to an individual who is assessed by the licensing authority, the police, as not posing a threat to public safety and having good reason to own the firearm. Persons who are sentenced to a term of imprisonment of three years or more cannot possess a firearm or ammunition (including antique firearms) at any time.

The police are the licensing authority for firearm and shot gun certificates. The authority rests with local police forces rather than a central licensing authority because the police will use local knowledge to inform their judgement.

Applicants should be able to demonstrate to the police that they require their firearm on a regular, legitimate basis for work, sport or leisure (including collections or research). Chief officers are able to exercise discretion over what constitutes a good reason, judging each case on its own merits.

The conditions of a firearm or shot gun certificate stipulate that guns must be stored securely so as to prevent access by an unauthorised person. The manner in which they are stored depends on the individual property and circumstances.

**Any concerns about a firearms owner should be reported promptly to the local police force.**

Firearm and shot gun certificates are required in respect of the majority of firearms and ammunition. However, the following types are exempt:

### **Air and gas operated weapons and their ammunition**

Air guns, air rifles and air pistols are exempt from the certification requirement if they are not of a type declared **specially dangerous** by Firearms Legislation (amended).

An air weapon is “specially dangerous” if it is capable of discharging a missile with kinetic energy in excess, in the case of an air pistol, of 6 foot-pounds or, in the case of other air weapons, 12 foot-pounds. “Specially dangerous” air pistols (and certain other air weapons) are **prohibited weapons** and may not be held, even on a certificate.

**If there is doubt about a particular air weapon, guidance may be sought from the local police force who may in turn seek advice from forensic science service providers.**

By virtue of section 48 of the 1997 Act, firearms using compressed carbon dioxide as the power source are treated as air weapons and, if not regarded as ‘specially dangerous’ are thus exempt from the firearm certificate procedure. Firearms using other gases are not so exempt.

It should be noted that the majority but by no means all guns powered by carbon dioxide which discharge paint pellets and which are used in adventure games are unlikely to cause serious injury, nor were they designed as ‘weapons’. As such, they should not be considered to be firearms.

Ammunition for air weapons and other weapons using compressed gas is exempt from the certification procedure.

The 1969 Rules do not apply to an air weapon designed for use only when submerged in water, such as harpoon guns.

## **3. Storage**

Although some weapons may not require a licence, they could potentially injure someone so **all weapons must be kept in a suitably secure manner.**

If the foster carer/applicant does own a permitted sword (as listed above) it should not be on display or accessible to a fostered child or young person. It must be kept out of sight in a locked container and the key stored safely in another location.

Owners may wish to keep guns at their homes because gun clubs do not have premises or have the security in place to store large numbers of guns. However, foster carers should be encouraged to find alternative storage facilities wherever possible so no firearms or other weapons are stored on the premises.

In the case of firearms and air weapons, a lockable gun cabinet or other secure container made of steel must be used. It should be bolted to a brick wall or concrete floor and should be out of sight e.g. within a cupboard in the home. The ammunition must be securely stored in a separate location e.g. within the premises.

**It is an offence for a person in possession of a firearm or an air weapon to fail to take reasonable precautions (as above) to prevent a person under the age of 18 from gaining unauthorised access to it.**

Ownership of air weapons has become more common over time and more applicants and existing foster carers may own these types of weapon.

There have been several deaths as a result of children getting hold of air weapons. These tragedies might have been prevented had the air weapons been stored safely.

Below are some simple steps to reduce the risk from air weapons that workers can share with foster carers:

- in many cases, it will be sufficient to store your air weapon in an existing, suitably robust, lockable cupboard - keeping the keys separate and secure.
- alternatively, you could use a lock or locking device to attach your air weapon to the fabric of a building, or to a fixed feature.
- or you could use a security cord, lockable chain or similar device attached to a point of anchorage within the building.
- remember that the air weapon must be out of sight.
- if you hold other firearms, you could use an existing gun cabinet for your air weapon provided this does not compromise security.
- you might find it useful to consider some of the security measures suggested for licensed firearm; this can be found in the [Firearms Security Handbook](#)

#### **4. Fostering Reviews**

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

Any concerns about the storage or use of firearms, other weapons, or lack of a certificate must be immediately reported to the Service Manager for Fostering.

There is an expectation that during any renewal of the Health and Safety Checklist, firearms and ammunition storage will be checked and, where applicable, the certificate will be viewed to ensure it is in date.

In addition, during statutory visits such as the unannounced visit, where health and safety requirements are checked, a request may be made to check the weapons/ammunition storage is secure and to verify that minimum expectations are being met. (*This does not involve opening the cabinet so if the key holder is not at home, the storage can still be checked*)

The Police should be notified where applicants are found to have firearms/shotgun and no certificate where one is required. Suffolk CC will regard this as a very serious breach of policy and procedure which may result in a recommendation for removal of the children in placement and de-registration of the foster carer.

**Suffolk Constabulary** can provide advice on using and storing firearms, shotguns and explosives, as well as how to apply for a range of certificates, permits and licences. [Firearms licensing | Suffolk Constabulary](#)

## REFERENCES and RESOURCES

[Is it illegal to own and keep a weapon in your own home? \(localsolicitors.com\)](#)<https://localsolicitors.com/> 2023

[Statutory guidance: Offensive Weapons Act 2019 \(accessible\) - GOV.UK \(www.gov.uk\)](#)

[Knives and offensive weapons \(publishing.service.gov.uk\)](#)

Guidance from the Home Office on such issues as **ownership and storage** can be found in the Firearms security handbook 2020 (accessible) Updated 20 January 2021 [Firearms security handbook 2020 \(accessible\) - GOV.UK \(www.gov.uk\)](#)

Government have published a Guide on **firearms licensing law** (accessible version) Updated 13 April 2023 [Guide on firearms licensing law \(accessible version\) - GOV.UK \(www.gov.uk\)](#)