

## The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996

### The Government Response

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### The Government Response

#### Introduction

On 21 March 1996 it was resolved by both Houses of Parliament that it was "expedient that a Tribunal be established for inquiring into a definite matter of urgent public importance, that is to say, the incident at Dunblane Primary School on Wednesday 13 March 1996, which resulted in the deaths of 18 people". The Hon Lord Cullen was appointed as a Tribunal:-

"To inquire into the circumstances leading up to and surrounding the events at Dunblane Primary School on Wednesday 13 March 1996, which resulted in the deaths of 18 people; to consider the issues arising therefrom; to make such interim and final recommendations as may seem appropriate; and to report as soon as practicable."

The Report of Lord Cullen's Inquiry ("The Public Inquiry into the Shooting at Dunblane Primary School on 13 March 1996" Cm 3386) has been published. This White Paper sets out the Government's response.

The Government is grateful to Lord Cullen for his full and clear report into the circumstances of the shootings and the lessons which should be learned from them. Lord Cullen has benefited from a large number of written submissions and 26 days of oral evidence. He has completed his Report with commendable speed - for which the Government is grateful, because of its determination to act quickly and decisively on his recommendations.

#### Recommendations on the certification system relating to Section 1 firearms

Officers carrying out enquiries should be supplied in advance with full information about any known change of circumstances and any reason for exercising particular caution.

The Government accepts this recommendation. The Home Office Guidance to the Police stresses that the police's decision about whether to issue a firearm certificate is their most important firearms licensing task. The main consideration is a person's character - and police forces are expected to provide their officers with all the necessary information. The Guidance to the Police will be amended to emphasise the point.

The use of checklists by enquiry officers is endorsed, subject to the need for them to be alert to and report anything which could be relevant to the suitability of the applicant or certificate holder.

The Government accepts this recommendation and the Guidance to the Police will be amended to emphasise the point.

Enquiry officers should be given as much training and guidance for their work as is practicable.

The Government accepts this recommendation. Existing Home Office advice to police forces is that 'enquiry, administration and decision making processes' in each police force should all be controlled by a centralised firearms administration and that all inquiries should be made by nominated, trained staff. The Guidance to the Police will be amended to emphasise the point.

The power of search with warrant under section 46 of the Firearms Act 1968 should be extended to cases in which there is reasonable ground for suspecting that there is a substantial risk to the safety of the public; and to include in such cases the power to seize and detain any firearm certificate which may be found.

The Government accepts this recommendation and will seek to amend section 46 of the Act accordingly.

The power of search with warrant under section 46 of the Firearms Act 1968 should be extended to any civilian licensing and enquiry officer who is authorised in writing for that purpose by the Chief Constable.

The powers enjoyed by police officers to inspect dealers' registers and premises and approved clubs should be extended to civilian licensing and enquiry officers who are authorised in writing for that purpose by the Chief Constable.

The Government accepts these two recommendations and will bring forward the necessary legislation.

The steps being taken to enable police forces to hold and exchange information on computer as to the individuals who hold firearm certificates, and those whose firearm applications have been refused or certificates revoked are endorsed.

The Government supports this recommendation and will discuss its implementation with the police service.

The Guidance to the Police should advise that good reason implies intention; and that lack of past use prima facie indicates the lack of it.

The Government accepts this recommendation. Lord Cullen criticises the Home Office Guidance to the Police, which says (6.8e) that a certificate for a handgun 'should not be granted unless the person has regular and legitimate opportunity of using the weapon e.g. for target shooting as a member of a pistol club'. The Guidance will be amended to say also that the police should not generally renew a certificate unless it is clear that the person has actually been making use of his or her gun.

Section 30(1) of the Firearms Act 1968 should be amended so as to provide for -

the revocation of a firearm certificate on the ground that the chief officer of police is satisfied that the holder does not have a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the certificate is held; and for partial revocation; and

in the case of the revocation of a firearm certificate in respect of the ammunition to which it relates, the power to substitute different quantities.

The Government accepts this recommendation and will bring forward the necessary legislation.

Each club which is approved for the purposes of section 15 of the Firearms (Amendment) Act 1988 should be required to maintain a register of the attendance of its members who are holders of firearm certificates, together with details as to the firearms which they used and the competitions in which they participated when they attended.

The Government accepts this recommendation. The approval criteria for clubs will be amended (see recommendation 15).

Every holder of a firearm certificate should be required to be a member of at least one approved club; and the firearm certificate should specify the approved club or clubs of which he or she is a member and the firearms which he or she intends to use in each of them.

The Government accepts this recommendation, for holders of firearm certificates for target shooting. The Government will bring forward the necessary changes in primary legislation.

Each approved club should be required to inform the police when a holder of a firearm certificate has ceased to be a member of the club for whatever reason.

Each approved club should be required to inform the police when a member who is the holder of a firearm certificate has not attended a meeting of the club for a period of a year.

The proposal that each club should appoint a person to act as a liaison officer with the police is endorsed.

The Government accepts these 3 recommendations and will amend the approval criteria for clubs (see recommendation 15).

Explicit statutory provision should be made for the laying down of criteria for the approval of clubs for the purpose of section 15 of the Firearms (Amendment) Act 1988.

The Government accepts this recommendation. The Government intends to give statutory force to the approval criteria for clubs (amended in line with recommendations 10, 12 to 14, 19 and 20).

The language of section 30(1) of the Firearms Act 1968 should be brought into full correspondence with that of section 27(1); and each revised in order to achieve a logical and consistent arrangement.

The Government accepts this recommendation and will seek to amend the Act accordingly.

Section 27(1) of the Firearms Act 1968 should include (as one of the conditions on which the granting or renewal of a firearm certificate is dependent) that the chief officer of police is satisfied that the applicant is fit to be entrusted with the firearm and ammunition to which the application relates.

The Government accepts this recommendation which would replace the present test in Section 27, that the applicant can be entrusted to have the firearm and ammunition 'without danger to the public safety or to the peace'. The Government will bring forward the necessary primary legislation.

It is desirable that the (Home Office) Guidance to the Police should contain advice as to the scope of 'fitness' to be entrusted with a firearm and ammunition.

The Government accepts this recommendation and will amend the Guidance.

Each approved club should be required to inform the police of the receipt of an application for membership; and the outcome of the application.

Each applicant for membership of an approved club should be required to state whether or not he or she has submitted any prior application for a firearm certificate or a shot gun certificate which has been refused; and whether he or she has previously held such a certificate which has been revoked.

The Government accepts these 2 recommendations, which will be implemented by a change to the approval criteria for clubs (see recommendation 15).

The current requirement for a counter-signatory of a firearm application should be abolished; and replaced by a system for the provision of two references.

The Government accepts this recommendation and will bring forward the necessary primary legislation.

The proposal by the Association of Police Surgeons for the provision by the applicant's medical practitioner of information as to the applicant's medical history and its consideration by a forensic medical examiner should be the subject of consultation with the interested bodies.

The Government accepts this recommendation and will consult as suggested.

Consideration should be given to the reform of the scope for appeal against decisions of the chief officer of police by restricting it to enumerated grounds which do not trench on the exercise of his discretion.

The Government accepts this recommendation and, subject as Lord Cullen suggests to further study and consultation with interested bodies on the exact terms of the change, will bring forward the necessary legislation.

Recommendations relating to the availability of section 1 firearms

Consideration should be given to restricting the availability of self-loading pistols and revolvers of

any calibre which are held by individuals for target shooting

preferably, by their disablement, while they are not in use, by either (i) the removal of the slide assembly/cylinder, which is to be kept securely on the premises of an approved club of which the owner is a member or by a club official; or (ii) the fitting of a locked barrel block by a club official;

or, if such a system is not adopted, by the banning of the possession of such handguns by individual owners.

As recommended by Lord Cullen the Government has considered restricting the availability of self-loading hand guns. It has given careful consideration to Lord Cullen's suggestions, which fall into two parts. It has concluded that neither would provide an acceptable level of public safety.

First of all he has suggested two methods by which hand guns might be disabled. The first involves the removal of key components from the gun. While removal of key components is feasible for certain types of guns, it is not a practical proposition for others. Alternatively, Lord Cullen has indicated that weapons might be disabled by fitting a locked "barrel block" to the gun. He recognised however that such devices are currently manufactured only for shot guns. Even if they were available, the Forensic Science Service - which advises the Government on the technical aspects of firearms including their deactivation - is not convinced that a barrel block or similar device could not be removed by a determined individual and the Government does not, therefore, believe that it could rely on such a measure.

Lord Cullen's second suggestion is that if guns cannot be disabled, consideration should be given to banning the possession of self-loading pistols and revolvers by individuals. In the light of this the Government has decided to legislate early in the next session of Parliament to ban all hand guns of more than .22 calibre - including those used by Thomas Hamilton. This will mean that at least 160,000 guns - 80% of those legally held at present - will be destroyed. All hand guns chambered for .22 rimfire ammunition, including single shot guns, will also be banned unless they are kept in licensed gun clubs under conditions of the most stringent security.

This means that, in two important respects, the Government intends to go further than Lord Cullen's proposals: by banning all higher calibre handguns; and by prohibiting people from keeping even single shot handguns at home.

Clubs will need a licence from the Home Secretary in England and Wales and the Secretary of State in Scotland. The Government intends to consult the police and other interested bodies on the stringent security standards which will be necessary to protect the public. These will be contained in guidance which the Government will issue and which will be enforced by the police. The standards will cover matters such as:

reinforced walls to ensure that thieves could not break into a club building;

the safes in which guns and ammunition would have to be stored;

strong perimeter fences;

burglar alarms linked directly to the police;

access control, including metal detectors, to prevent guns being illicitly removed;

regular and stringent inspection arrangements to ensure that club security was of an adequate standard.

Very few, if any, existing gun clubs will meet these security requirements.

Guns will be permitted to be removed only for very limited purposes which will be specified in law. Each time a gun is removed from a club a police permit will be required. Owners of .22 hand guns will have to hand in their guns to the police until they can find a licensed gun club. If, after a specified period, they cannot find a licensed club, their guns will be destroyed.

The Government considers that these requirements are necessary in order to protect the public. The responsibility for meeting them will rest with those who wish to pursue the limited sporting opportunity which will continue to be permitted under these proposals.

The Government recognises that it may take some considerable time to meet these standards. If an owner of a .22 calibre handgun is unable to keep his gun at a licensed club when the legislation comes into force, he will be required to lodge it with the police. If, after a specified period, he has not placed his gun in a licensed club, it will be forfeited.

#### Recommendations relating to school security

Those who have the legal responsibility for the health and safety of the teaching staff and pupils at school should prepare a safety strategy for the protection of the school population against violence, together with an action plan for implementing and monitoring the effectiveness of safety measures appropriate to the particular school.

The Government supports this recommendation, and agrees that the safety strategy and action plan should take account of the situation at each individual school. This is consistent with the recommendations of the Working Group on School Security which the Government fully accepted in May this year. The booklet "Improving Security in Schools", published in September 1996 by the Department for Education and Employment and issued to interested parties in Scotland by The Scottish Office Education and Industry Department, contains detailed advice to education authorities, boards of management of self-governing schools and proprietors of independent schools on managing risks and on possible security measures. In particular, it gives advice on carrying out the type of security survey and risk assessment which the Report recommends. School employers are familiar with these approaches through their management of occupational health and safety. In its discussion with those responsible for school management, the Government will continue to take every opportunity to reinforce the importance of reviewing security and safety in this manner.

It is desirable that the guidance provided by the Education Service Advisory Committee in regard to violence to staff in the education sector should be extended to encompass the safety and protection of the school population as a whole.

The Government supports this recommendation. The report prepared by the Education Service Advisory Committee (ESAC) "Violence to Staff in the Education Sector", published in 1990, gave general advice to employers in all sectors of education and included a list of main factors which might be addressed in a plan of action (see recommendation 25). ESAC's remit relates to hazards arising from education work; within this remit its guidance on violence could usefully be updated to complement the guidance "Improving Security in Schools" issued by DfEE in September 1996.

#### Recommendations relating to the vetting and supervision of adults working with children and young people

There should be a system for the accreditation to a national body of clubs and groups voluntarily attended by children and young persons under 16 years of age for their recreation, education or development, the main purpose of which would be to ensure that there are adequate checks on the suitability of the leaders and workers who have substantial unsupervised access to them.

The Government accepts the need for co-ordination of information at national level about persons regarded as potentially unsuitable for work with children and young people. It also accepts the need to ensure that all voluntary youth organisations should have arrangements to check on the suitability of leaders and workers. The Government has decided that, following the proposals in the consultation document "On the Record in Scotland" published in June, access to criminal record checks should be extended to all voluntary youth organisations. It will also consult immediately with all interested parties in Scotland on the proposals for the establishment of arrangements for a national information and accreditation system. There will be parallel consultations in England and Wales.

Consideration should be given to the development of a Scottish Vocational Qualification in respect of work with children, including the organisation of clubs and child development and protection.

The Government accepts this recommendation. It is inviting the Scottish Vocational Education Council urgently to bring forward proposals for a qualification as recommended.

## Other matters

Lord Cullen's Report notes the concern of the casualties' families at the delay in being informed of the fate of their children. He concludes that these delays were entirely unacceptable. The Chief Constable of Central Scotland Police made a written submission to Lord Cullen drawing attention to a number of procedural improvements designed to avoid the recurrence of these serious problems. The Government will ensure that these lessons, which were endorsed by Lord Cullen, are disseminated to other police forces.

The Government also proposes to take action on four additional matters. They are

a ban on expanding ammunition, except for the purposes of shooting deer;

a requirement that firearms purchased by mail order will require to be delivered to a gun dealer and given to the certificate holder in person only;

a requirement that, in all circumstances, the disposal of a weapon (including its destruction) is reported to the police;

a requirement for all handgun shooters to obtain a firearms certificate from the police, ending the present system where a person without a certificate can shoot a handgun at an approved club. Special provisional arrangements would be made for new members.

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