

P&C Federation feedback on Kirpans in Schools Policy

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Feedback

In our view, the draft Legal Issues Bulletin and FAQ document reasonably balance the freedom of students to practice their religious customs and the need for all students and staff to be safe while on school grounds.

We would, however, suggest consulting policies in overseas jurisdictions, particularly the United Kingdom, that address kirpans in schools. Some policies in other jurisdictions we suggest considering are:

- The City of Wolverhampton has suggested that a symbolic version of the kirpan is the preferred option in schools, although Sikh students and staff may decide this does not satisfy their religious requirements.¹ The City of Birmingham also states a “smaller and more symbolic” kirpan is acceptable to some Sikhs, though does not state this is the preferred option.² The main difference appears to be that symbolic kirpans are about 1.5 inches (3-4cm) in length. We suggest the NSW Education Department similarly state this as, if not the preferred option, at least an option.
- There should be a clear statement in both the Legal Issues Bulletin and FAQ that on no account is a kirpan to be withdrawn while on school grounds, on a school trip, on school transport or during another school activity.

Other matters to note include:

- The documents require a kirpan to be no more than 16.5cm in length, however a 6 August 2021 media release from the Minister states kirpans in schools must be no more than 8.5cm in length. This discrepancy should be clarified.
- The documents state students may bring a kirpan to school grounds only if they are baptised Sikhs. To validate a student is baptised, parents of a Sikh student should inform the school of this before the student brings a kirpan to school. If a student brings a kirpan to school without prior notification, the school should reach out to the parents for consultation.
- We have concerns about requiring a kirpan to be worn under clothing, as this risks a student being able to carry this on school grounds without staff realising.
- The draft bulletin requires a kirpan to be removed from sports, but does not outline what process to follow if a student does not do so and subsequently injures themselves.
- There is ambiguity in the documents as to whether kirpans are considered knives. The draft Legal Issues Bulletin refers to kirpans as “a religious item resembling a knife”, implying they are not knives. But in the last section of that document, and in question 13 of the FAQ, reference is made to carrying knives in schools “in other circumstances”, implying kirpans are knives.

¹ City of Wolverhampton, DRAFT POLICY: GUIDANCE FOR SCHOOLS: WEARING OF THE KIRPAN, section d. Available at

https://wolverhampton.moderngov.co.uk/documents/s91707/Draft%20Policy%20v2%2006_09_18.pdf

² City of Birmingham. Guidelines for Meeting the Cultural and Religious Needs of Sikh Pupils. Appendix 2.

Available at <https://policeandschools.org.uk/onewebmedia/Sikh%20Pupils%20-%20Schools%20Guidelines.pdf>

- In the FAQ, the last sentence of the answer to question 22 appears to be unfinished.

Further concerns

We would also ask the Department to consider the following concerns:

- Do these documents risk prioritising religious belief over student safety? Having a rule in place that kirpans are not to be withdrawn cannot guarantee that a student will not do so, and even a kirpan with blunted points and edges may cause harm if used as a weapon. There are parents who would have valid concerns that these policies risk serious incidents taking place.
- These policies on kirpans are the only major exception to the ban on students carrying knives or knife-like objects in schools, and it an exception based on religion. Does this create a potential tension between these policies and the secular nature of government schools?
- Will enforcing compliance with these policies add yet more administrative burdens on school staff?