

Overview & Scrutiny

Child Q - Special Joint Scrutiny (Living in Hackney Scrutiny Commission and Children & Young People Scrutiny Commission)

All Members of the Children & Young People Scrutiny Commission and Living in Hackney Scrutiny Commission are requested to attend the meeting of the Commission to be held as follows:

Tuesday 25 April 2023

7.00 pm

Council Chamber, Hackney Town Hall, Mare Street, London E8 1EA

The press and public are welcome to join this meeting remotely via this link:
<https://youtu.be/wdIrOdC0r0g>

Back up

<https://youtu.be/8YNLzxnX0x0>

If you wish to attend please give notice and note the guidance below.

Mark Carroll

Chief Executive, London Borough of Hackney

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Members:

Children & Young People Scrutiny Commission

Cllr Sophie Conway (Chair), Cllr Margaret Gordon (Vice-Chair), Cllr Alastair Binnie-Lubbock, Cllr Lee Laudat-Scott, Cllr Midnight Ross, Cllr Caroline Selman, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Lynne Troughton and Cllr Claudia Turbet-Delof.

Living in Hackney Scrutiny Commission

Cllr Soraya Adejare (Chair), Cllr Clare Joseph (Vice-Chair), Cllr Zoe Garbett, Cllr Joseph Ogundemuren, Cllr M Can Ozsen, Cllr Sam Pallis, Cllr Ian Rathbone, Cllr Ali Sadek, Cllr Penny Wrout and Cllr Sarah Young.

Co-optees: Children & Young People Scrutiny Commission

Richard Brown, Salmah Kansara, Jo Macleod, Steven Olalere and Andy English.

Supplementary Agenda

ALL MEETINGS ARE OPEN TO THE PUBLIC

3 Urgent Business

- **Cover Sheet – Amended Timings, Running Order and Attendees** (Page 7)
- **Amended Timings and Running Order** (Pages 8 – 9)
- **Amended Attendee List** (Pages 10 - 11)
- **Cover Sheet – Children’s Commissioner for England** (Page 12)
- **Strip search of children in England and Wales - Analysis by the Children’s Commissioner for England, March 2023** (Pages 14 -77)

Access and Information

Public Involvement and Recording

Public Attendance at the Town Hall for Meetings

Scrutiny meetings are held in public, rather than being public meetings. This means that whilst residents and press are welcome to attend, they can only ask questions at the discretion of the Chair. For further information relating to public access to information, please see Part 4 of the council's constitution, available at <https://hackney.gov.uk/council-business> or by contacting Governance Services (020 8356 3503)

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the

start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting.

Disruptive behaviour may include moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease, and all recording equipment must be removed from the meeting. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

Advice to Members on Declaring Interests

Advice to Members on Declaring Interests

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal, Democratic and Electoral Services
- the Legal Adviser to the Committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place, and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make

representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission, or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place, and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non-pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email dawn.carter-mcdonald@hackney.gov.uk

Getting to the Town Hall

For a map of how to find the Town Hall, please visit the council's website <http://www.hackney.gov.uk/contact-us.htm> or contact the Overview and Scrutiny Officer using the details provided on the front cover of this agenda.

Accessibility

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Assembly Halls and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Further Information about the Commission

If you would like any more information about the Scrutiny Commission, including the membership details, meeting dates and previous reviews, please visit the website



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Special Joint Scrutiny Session - Child Q April 25th 2023 Item 3 - Urgent Business Amended Timings, Running Order and Attendee List	Item No 3
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Outline

To note the amended timings, running order and attendee list for the meeting.

Attached Report(s)

- Amended timings and running order, Child Q Scrutiny 25th April 2023
- Amended attendee list, Child Q Scrutiny 25th April 2023

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**Child Q - Special Joint Scrutiny (Living in Hackney Scrutiny Commission and Children & Young People Scrutiny Commission)
Tuesday 25 April 2023 7.00 pm**

Amended timings for the meeting

19.00	1.	Welcome and Introduction Cllr Sophie Conway Cllr Soraya Adejare
19.05	2.	Apologies for Absence
19.05	4.	Declarations of Interest
19.05	5.	Minutes
19.10	6.	Updates on Child Q Reports (5min)
19.15	3.	Urgent Item - Strip search of children in England and Wales: Analysis by the Children’s Commissioner for England (25-30 min) <u>Presentation (15 minutes)</u> - Dame Rachel de Souza, Children’s Commissioner <u>Q&A with Members (15 minutes)</u>
19.45	7.	Partnership Response to Scrutiny Findings (85 mins) <u>Partner Presentations (20m)</u> - City & Hackney Safeguarding Children Partnership - Jim Gamble, Independent Commissioner (5min) - Metropolitan Police - James Conway, Borough Commander (5min) - MOPAC - Kenny Bowie, Director of Strategy & MPS Oversight (5 min) - Hackney Council - Mayor Glanville; Cllr Anntionette Bramble, Deputy Mayor and Deputy Mayor and Cabinet member for Education, Young People and Children’s Social Care and Cllr Susan Fajana Thomas, Cabinet member for community safety and regulatory services (5min)
20.05		<u>Q & A with Members (60m)</u> - Stop and search and more intimate searches of children a) authorisation b) appropriate adult c) data and monitoring d) efforts to address disproportionality; - Building trust and confidence in local policing; - Safeguarding first approach for local children; - Policing in schools (Safer Schools Officers); - Audit of school safeguarding policies in Hackney;

		<ul style="list-style-type: none"> - School behaviour policies; - Development of systemic, Hackney wide Anti-Racist Action Plan (inc adultification training); - Accountability and governance arrangements.
21.05	8.	Summary and next steps (10m) Cllr Sophie Conway Cllr Soraya Adejare

**Child Q - Special Joint Scrutiny (Living in Hackney Scrutiny Commission and Children & Young People Scrutiny Commission)
Tuesday 25 April 2023 7.00 pm**

Attendees

Children and Young People Scrutiny Commission

Cllr Sophie Conway (Chair), Cllr Margaret Gordon (Vice Chair), Cllr Alastair Binne-Lubbock, Cllr Lee Laudat-Scott, Cllr Cllr Midnight Ross, Cllr Lynne Troughton, Cllr Caroline Selman, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Claudia Turbet-Delof, Richard Brown (Statutory Co-opted member) Andy English (Statutory Co-opted member), Stephen Olalere (Statutory Co-opted member), Jo Macleod (Co-opted member) and Salmah Kansara (Statutory Co-opted member)

Living in Hackney Scrutiny Commission

Cllr Soraya Adejare (Chair), Cllr Clare Joseph (Vice Chair), Cllr Zoe Garbett, Cllr Joseph Ogundemuren, Cllr M Can Ozsen, Cllr Sam Pallis, Cllr Ian Rathbone, Cllr Ali Sadek, Cllr Penny Wrought and Cllr Sarah Young

Hackney Youth Parliament

Nominated representatives

Dame Rachel De Souza	Children's Commissioner
Cynthia Uthayakumar	Office of Children's Commissioner
Jim Gamble	Independent Child Safeguarding Commissioner, City & Hackney Safeguarding Children Partnership
Rory McCallum	Senior Professional Adviser, City & Hackney Safeguarding Children Partnership
James Conway	Borough Commander, Central East Borough Command Unit (Hackney and Tower Hamlets)
Dan Rutland	Detective Superintendent, Central East Borough Command Unit (Hackney and Tower Hamlets)
Kyle Gordon	Area Commander, Frontline Policing Crime and Public Protection, Met HQ
Kenny Bowie	Director of Strategy & MPS Oversight, Mayor's Office for Police and Crime

Mayor Philip Glanville	Mayor of Hackney
Councillor Anntoinette Bramble	Deputy Mayor and Cabinet Member for Education, Young People & Children's Social Care
Councillor Susan Fajana Thomas	Cabinet Member for Community Safety & Regulatory Services
Mark Carroll	Chief Executive LB Hackney
Jacque Burke	Group Director Children and Education LB Hackney
Rickardo Hyatt	Group Director
Paul Senior	Director of Education and Inclusion
Sonia Khan	Head of Policy & Strategic Delivery
Diane Benjamin	Director of Children's Social Care

Special Joint Scrutiny Session - Child Q April 25th 2023 Item 3 - Urgent Business Strip search of children in England and Wales: Analysis by the Children’s Commissioner for England	Item No 3
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Outline

The Children’s Commissioner for England conducted her first analysis on strip searching in response to the Child Q incident in Hackney last year. Those findings were published in August 2022 and highlighted systemic problems across the Metropolitan Police Service with transparency, scrutiny and non-compliance with guidelines when children were being strip searched under stop and search powers.

In March 2023 the Children’s Commissioner for England published further analysis of strip searches of children conducted by police under stop and search powers across England and Wales. This highlighted that it is not an isolated problem limited to London.

The Commissions have therefore invited the Children’s Commissioner for England to highlight the findings and recommendations arising from this analysis, their relevance to local policy and practice, and the next steps that local policing authorities should now take to ensure children are protected and effectively safeguarded.

Members are asked to consider the Children’s Commissioner for England report and verbal update, and ask questions of those in attendance.

Attending for this item

- Dame Rachel de Souza, Children’s Commissioner for England
- Cynthia Uthayakumar, Private Secretary to the Children’s Commissioner for England

Attached Report(s)

- Strip search of children in England and Wales - Analysis by the Children’s Commissioner for England, March 2023

Background Information

- [Hackney Council response](#) to the Children’s Commissioner for England’s analysis of the strip search of children in England and Wales
- [Strip search of children by the Metropolitan Police Service](#) - Analysis by the Children’s Commissioner for England, August 2022

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Strip search of children in England and Wales – analysis by the Children's Commissioner for England

March 2023

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Content warning

This report contains graphic language and makes frequent reference to searches that involve involuntary exposure of intimate parts, including the genitals, of children. The Children's Commissioner's office (CCo) acknowledges that this content may be difficult to read and may not be appropriate for all audiences. However, we think it is important to understand how strip searches impact young people, in order that we may better protect all children from harm.

Receiving support

If you are affected by the issues discussed, the following organisations can provide you with expert information, advice and support:



Childline is a free and confidential service for under-19s living in the UK: [childline.org.uk](https://www.childline.org.uk) | **0800 1111**



85258

here for you 24/7

Shout provides 24/7 urgent mental health support: [giveusashout.org](https://www.giveusashout.org) | text **SHOUT** to **85258**



You can also contact **your local NHS urgent mental health helpline** or call **111** for 24/7 advice | [nhs.uk/service-search/mental-health/find-an-urgent-mental-health-helpline](https://www.nhs.uk/service-search/mental-health/find-an-urgent-mental-health-helpline)

Making a complaint to the police

If you believe that you, or a child in your life, has experienced inappropriate behaviour from a police officer, you can make a complaint to the police.



The **Independent Office for Police Conduct (IOPC)** oversees the police complaint system in England and Wales: policeconduct.gov.uk/complaints-reviews-and-appeals/make-complaint

Foreword from Dame Rachel de Souza



I conducted my first project on strip searching because I was shocked and appalled by what happened to Child Q in Hackney last year. I felt that I owed it to her to establish whether she was the only child this has happened to. She wasn't.

Those findings, published last August in relation to the Metropolitan Police, were deeply concerning. They revealed that there were systemic problems with transparency, scrutiny and non-compliance with guidelines when children were being strip searched under stop and search powers.

I am now releasing further never-before-published analysis of strip searches of children conducted by police under their stop and search powers across England and Wales. What this shows is that this is not an isolated problem, limited to London. Across England and Wales, police are strip searching children as part of stop and searches and there is evidence of deeply concerning practice.

My findings include evidence of widespread non-compliance with the statutory safeguards in place to protect children, including the lack of Appropriate Adults in more than half of searches and strip searches being conducted in schools, police vehicles, and within public view. I have serious concerns about the poor quality of record-keeping, which makes transparency and scrutiny very difficult, and means that the numbers in this report may only be a minimum. Further, I find it utterly unacceptable that Black children are up to six times more likely to be strip searched when compared to national population figures.

I have talked to senior police officers, who have explained to me why it is sometimes necessary to strip search children for their own safety. I accept in certain, limited situations this may be necessary.

My challenge in response is that if this intrusive and potentially traumatic power is necessary, then there must be robust safeguards. The additional complexity of conducting these searches during a stop and search should mean that there is a higher degree of scrutiny than if conducted in custody, not less.

I do not see a working system of safeguards. I see a fundamentally reactive and permissive system that places too much reliance on non-specialist frontline officers always doing the right thing, with no system of scrutiny to ensure that vital safeguards are being met, and little consideration of the impact of a potentially traumatic power on vulnerable children. It bears repeating that there is sustained attention on this issue not because of a police whistle-blower or a damning inspection report, but the bravery of a girl to speak up about a traumatic thing that happened to her.

Further work is needed to strengthen the guidelines around strip searches, for there to be oversight and inspection to ensure compliance, and reform of a culture that has allowed this to go unchallenged.

I find it completely unacceptable that police forces in England and Wales are largely unable to account for the necessity, circumstance and safeguarding outcome of every strip search of a child that they conduct. I will not accept that the power to strip search is being used responsibly until that is the case.

My aim was to highlight where practice was weak and children like Child Q were being failed, to right a terrible wrong. This has not happened. There have been some local policy changes at the Metropolitan Police and elsewhere, but the national rules under which Child Q were searched have not been strengthened. Indeed, we've seen growing evidence that children are being failed by those whose job it is to protect them. Much more work is required to create a culture among the police in which children are, first and foremost, treated as children.

For me, this is part of a wider issue. The way these searches have been conducted suggests that too often police are forgetting that children are children. The primary duty of the police, as with all other professionals, should be to safeguard them from harm. I want us to get to a place where, if a police officer encounters a child late at night and suspects they might be carrying drugs or a weapon, their first thought is "What can I do to keep this child safe?" Every interaction the police have with a child

should be seen as an opportunity to understand their situation, in order to safeguard them from exploitation and prevent their involvement with both crime and the criminal justice system.

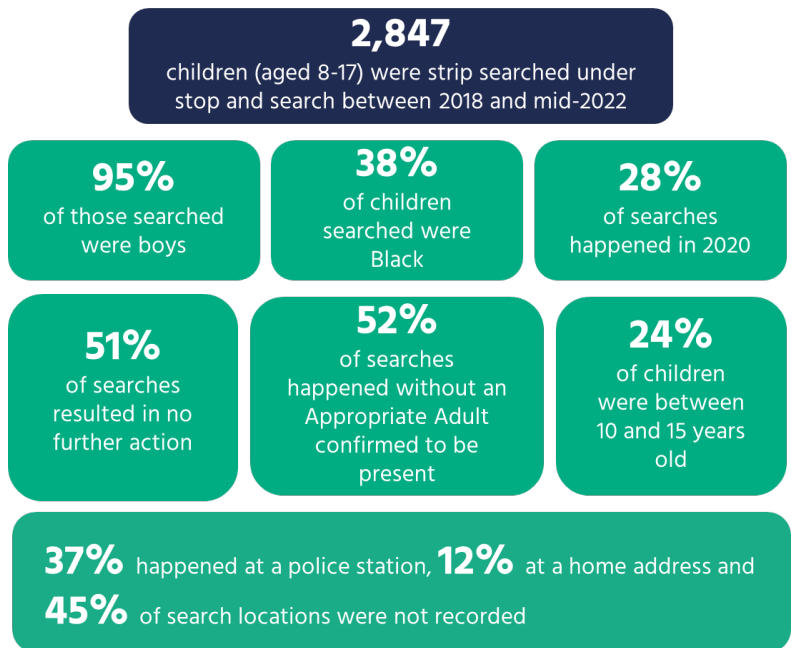
Executive Summary

‘Someone walked into the school, where I was supposed to feel safe, took me away from the people who were supposed to protect me and stripped me naked, while on my period [...] Things need to change with all organisations involved. Even I can see that’ – Child Q, aged 15.

Key findings

In this report, we are publishing never-previously-published data on strip searches conducted under stop and search powers by police forces in England and Wales between 2018 and mid-2022 demonstrating:

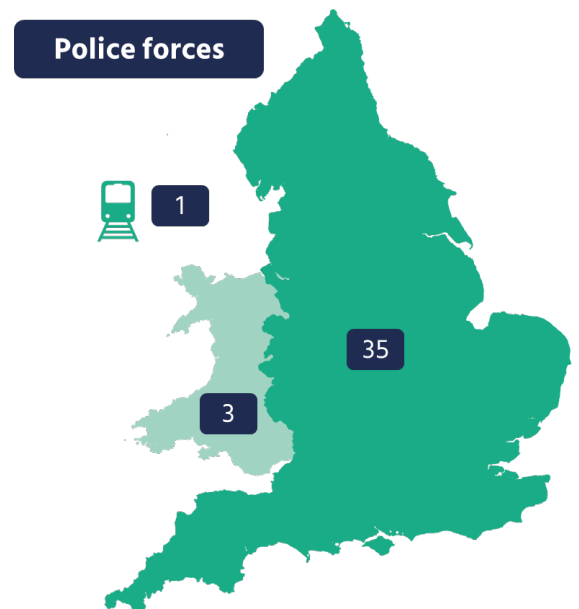
- Concerning practice around strip searching of children under stop and search is not isolated to the Metropolitan Police.
- There are systemic problems with child protection and safeguarding in relation to strip searches of children, including scrutiny of searches conducted.
- Strip searches of children under stop and search powers have a pronounced and deeply concerning ethnic disproportionality. Black children in England and Wales were up to 6 times more likely to be strip searched when compared to national population figures, while White children were around half as likely to be searched.



- Poor quality data mean that police forces struggle to readily account for the number or circumstances of strip searches of children they have conducted. The lack of national data means that there is no transparency on the consistency of practice between forces.
- There is widespread non-compliance with statutory codes of practice for strip searches of children. The CCo has identified the following breaches of statutory codes of practice:
 - More than half (52%) of strip searches were conducted without an Appropriate Adult confirmed to be present;
 - 14 strip searches were conducted in police vehicles or schools. While the location of strip searches was not recorded in 45% of cases, additional potentially inappropriate locations for searches included private businesses, takeaway outlets, and amusement parks;
 - 1% of strip searches were conducted within public view; and
 - 6% of strip searches were conducted with at least one officer of a different gender than the child being searched present.

About the data

Using the Children’s Commissioner’s powers under the Children Act 2004, we requested data on all strip searches (i.e., searches exposing intimate parts) conducted under stop and search powers (i.e., Police and Criminal Evidence (PACE) Code A) by police forces in England and Wales between 2018 and mid-2022. We received data from 39 forces. See Annex 1 for definitions.



Recommendations

Strengthen national guidelines for strip searching

- **Recommendation:** The Home Office should do a comprehensive review of the legislative and policy framework for searches involving children in custody and under stop and search powers. The review, which should include public consultation, should aim to ensure that children are only ever strip searched in exceptional circumstances where it is necessary to protect them or others from significant harm and that these searches should occur in a safe, controlled and appropriate environment in accordance with strict and transparent procedures that are subject to scrutiny.
- **Recommendation:** The Home Office should make specific changes to the Police and Criminal Evidence (PACE) Codes A and C in order to strengthen the statutory safeguards for children strip searched by police:
 - Strip searches of children in custody or under stop and search should require a higher threshold that recognises the potential traumatic impact of these searches on children;¹
 - An Appropriate Adult must always be present for strip searches of children in custody and under stop and search, except in the most exceptional situations where there is serious risk to the child's life or welfare. Urgency should be removed as an exception to this requirement and constant supervision should be recommended;
 - Strip searches under stop and search may only be conducted at a nearby police station, medical premises or home address. Schools should be specifically excluded as an appropriate location for a strip search;
 - Strip searches should be authorised by an inspector, or ratified by a custody inspector in custody;
 - Parents or guardians of children should be informed in advance of strip or intimate searches of children in custody and under stop and search. Where a child refuses to provide information under stop and search, this should be recorded;

- A safeguarding referral should be made whenever a strip or intimate search of a child is conducted. Where a child refuses to provide information under stop and search, this should be recorded;
 - Emphasise that strip searches in custody or under stop and search should not be conducted in front of officers of another sex to the child;
 - Emphasise the potentially traumatic effect of strip searches on children and a police officer's duty to safeguard children;
 - Reduce ambiguity between the safeguards for strip searches conducted in custody and stop and search; and
 - Resolve the contradiction between PACE Codes and case law regarding the amount of physical contact permitted in strip searches and intimate searches.
- **Recommendation:** The College of Policing should amend Authorised Professional Practice for strip searches and police interactions with children to emphasise the duty of police to safeguard children during searches.

Improve data to drive transparency and accountability

- **Recommendation:** The Home Office should require police forces to report annually on the strip searching of children under stop and search. This should distinguish between more thorough searches and strip searches, and include ethnicity information on the child, whether an Appropriate Adult was present, the specific location of the strip search, and whether a safeguarding referral was made.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should embed and improve changes to scrutinise strip searches under stop and search in the framework for PEEL inspections of police forces.
- **Recommendation:** Police forces should report annually on the number and circumstances of strip searches involving children to Police and Crime Commissioners and independent community oversight mechanisms, such as independent advisory groups and stop and search scrutiny panels.

Improve practice and compliance in all police forces

- **Recommendation:** Police forces should commit to reviewing all concerning strip search cases identified by the CCo and refer these to the Independent Office for Police Conduct (IOPC).
- **Recommendation:** Police forces should commit to training for frontline officers, who may conduct stop and searches in the course of their regular duties, on safeguarding children and trauma-informed practice.
- **Recommendation:** Police forces, as public bodies with obligations under the Equality Act 2010 and Human Rights Act 1998, should commit to working with the Equalities and Human Rights Commission (EHRC) as required after the publication of this report in order to deliver necessary reforms.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should conduct a thematic inspection of strip searches of children under stop and search.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Ofsted should consider a Joint Targeted Area Inspection (JTAI) approach to inspecting safeguarding outcomes for children interacting with police.

Broader change in police interaction with children and the adoption of safeguarding first policing approach

- **Recommendation:** The National Police Chief's Council (NPCC) should publish an action plan on reforming stop and search practices, including strip searches, of children.
- **Recommendation:** The National Police Chief's Council (NPCC) should update their child-first approach to policing and publish a comprehensive strategy for ensuring that every police force takes a safeguarding first approach to policing children. Every force should have a named senior officer whose responsibility it is to implement the strategy;
- **Recommendation:** Police forces should share strategic information on strip searching of children with local safeguarding partnerships and serious violence duty-holders to inform their priorities and work to assess and understand local need;

- **Recommendation:** The Crown Prosecution Service and the Home Office should consult on adding a safeguarding referral outcome to the Crime Outcomes Framework to encourage police officers to refer vulnerable children to children's social care; and
- **Recommendation:** As recommended in the CCo's *Independent Family Review*, the Department for Education, the Department of Health and Social Care, the Home Office, and the Ministry of Justice should consider how the functions of Local Safeguarding Partnerships, Health and Wellbeing Boards, Adult Safeguarding Boards, and Community Safety Partnerships could be rationalised, and the bodies merged with consolidated duties, powers, funding, and accountability. Schools should have a formal role in this rationalised partnership, which should have operational as well as strategic functions.²

Context

Children interacting with the police

There are more than 12 million children in England and Wales³, the vast majority of whom will not interact with a police officer during the exercising of police powers. This report focuses on one relatively rare interaction between police and children, but it is one of the most intrusive ways that the state can legally interact with a child.

For context, children's interactions with police in numbers:

- **Arrests:** Police in England and Wales made 50,787 arrests of children in 2020-21, 62,449 in 2019-20, and 59,773 in 2018-19.⁴
- **Stop and searches:** Police conducted 115,601 stop and searches of children in 2020-21 and 94,975 in 2021-22.⁵
- **Cautions:** Police gave 5,258 cautions to children in 2021-22.⁶
- **Safer Schools Officers:** At least 979 police officers operate in schools in Britain.⁷

Police have specific responsibilities when interacting with children up until the age of 18, as a protected group in UK legislation and whose rights are protected by the United Nations Convention on the Rights of the Child (UNCRC).⁸ The College of Policing issue guidance on police interacting with children and people.⁹

The police also have specific responsibilities under section 10 and section 11 of the Children Act 2004 to protect children and are one of the three statutory partners of children's local safeguarding partnerships.¹⁰ The multi-agency safeguarding duties on the police are laid out in statutory guidance.¹¹

As with the general public, children's trust and confidence in the police is a cause for concern for policing following a series of prominent scandals in recent years. A recent report by Crest Advisory found that among children aged ten to 18:¹²

- Only 36% of Black children trust the police, compared to 75% of White children.

- Children who had been stopped and searched were less likely to trust the police than those who hadn't, 58% to 74%.
- Children trusted the police more than adults, with 73% of children trusting police, compared with 62% among adults.
- Trust in the police was lower among older children and girls, particularly Black girls, and was lowest in the East Midlands and Greater London.

There is a long history of pronounced and persistent ethnic disproportionalities in how people, including children, are policed in England and Wales. The disproportionate use of stop and search, which is significantly more likely to be used against Black people, is a particular cause of concern for how children, particularly Black children, interact with police.^{13, 14, 15}

Understanding searches conducted by the police

What type of search is the focus of this report?

The police can search children in several different ways, for a number of reasons, with different rules applying to each of these types of searches, which have been comprehensively summarised by the House of Commons Library and the National Appropriate Adults Networks.^{16, 17, 18}

This report is specifically about 'strip searches' (i.e., searches exposing intimate parts) that are conducted by police under stop and search powers (i.e., under PACE Code A).

For the purposes of this report, a 'strip search' is defined as a search exposing intimate parts (EIP), also known as a more thorough search exposing intimate parts (MTIP). The CCo considers that the public, including children, generally understand a strip search to be one in which intimate parts are exposed.

See Annex 1 for more on definitions. See the next sections for further information about the types of police search, the powers that police have to search, and where a child might experience a search in their interaction with police.

TYPES OF SEARCH

↑ MORE INTRUSIVE ↑

INTIMATE SEARCH

CUSTODY

- > **What:** Medical professional physically examines body orifices
- > **Where:** In medical premises in custody
- > **Who:** Search must be conducted by a medical professional with Appropriate Adult present

STRIP SEARCH

CUSTODY

- > **What:** Searching officer removes clothing exposing intimate parts and may physically contact the child. The search must be conducted as quickly as possible; with regard for dignity, sensitivity, and vulnerability; and minimise embarrassment by not requiring the child to remove all clothes at once
- > **Where:** Search must be conducted out of public view (but not in a police vehicle) for stop and search, or in a custody suite
- > **Who:** Frontline or custody officers. No more than two people may be present and they must be the same sex as the child being searched. An Appropriate Adult must be present (except for urgency due to risk of serious harm, or if the child refuses)

STOP AND SEARCH

FOCUS OF THIS REPORT

MORE THOROUGH SEARCH

CUSTODY

- > **What:** Searching officer removes any other clothing than the outer layer, but not exposing intimate parts
- > **Where:** Search must be conducted out of public view, or in a custody suite
- > **Who:** Frontline or custody officer. An Appropriate Adult must be present in custody

STOP AND SEARCH

JOG SEARCH

CUSTODY

- > **What:** Searching officer may remove jacket, outer coat or gloves (JOG), and may put hands inside shoes, socks, pockets, collars and hair or headgear
- > **Where:** Search can be conducted in public view, or in a custody suite
- > **Who:** Frontline or custody officers

STOP AND SEARCH

ON ARREST

↓ LESS INTRUSIVE ↓

POLICE POWERS TO SEARCH

CUSTODY

- > **When:** After arrest
- > **Where:** Conducted in a custody suite inside a police station
- > **Who:** Custody officers (or medical professionals)
- > **Guidance:** PACE Code C
- > **Statistics:** Experimental annual reporting from 2021-22

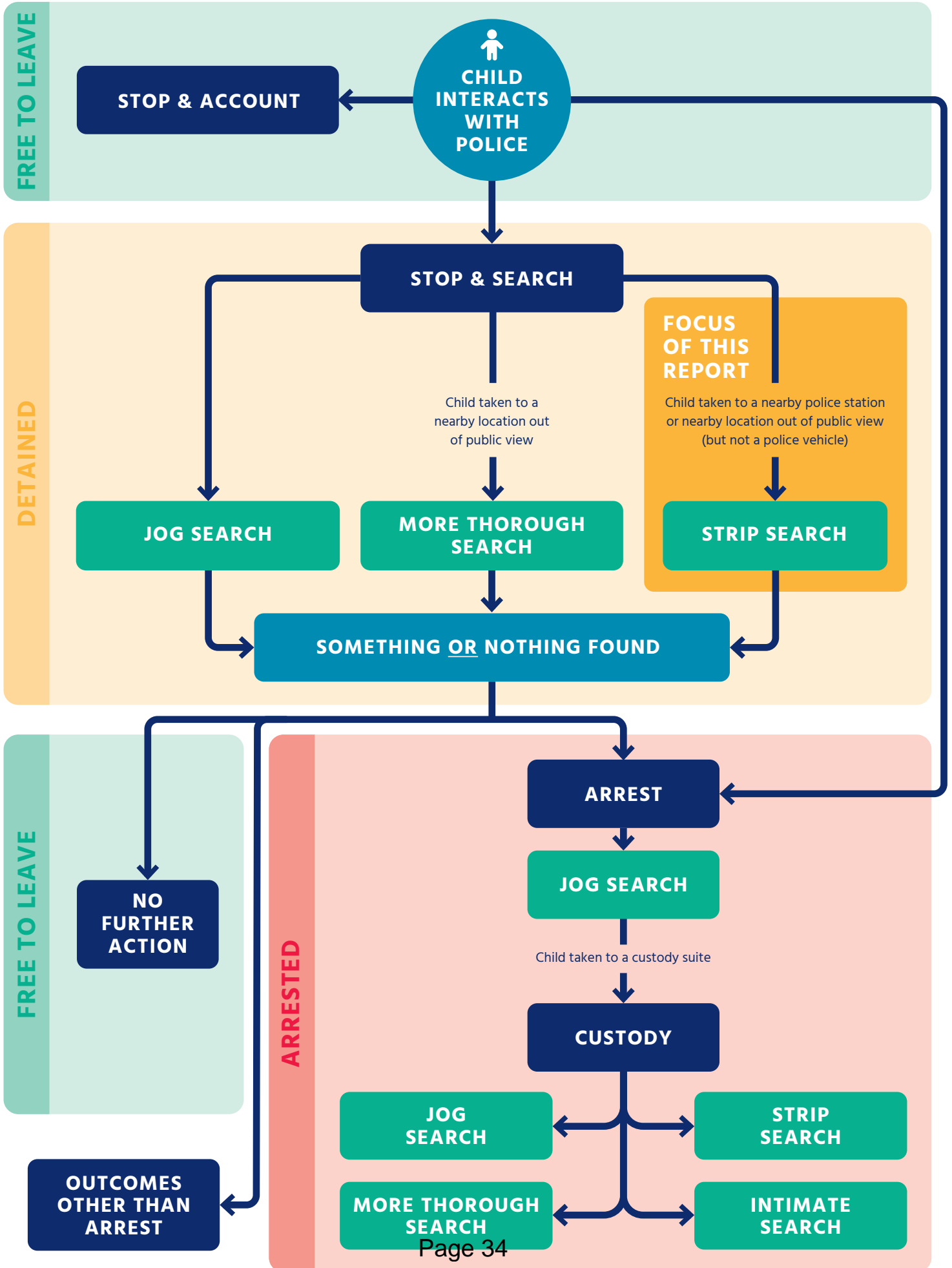
ON ARREST

- > **When:** On arrest
- > **Where:** Conducted in a range of locations
- > **Who:** Frontline officers
- > **Guidance:** PACE Code G

STOP AND SEARCH

- > **When:** Before arrest (detained for stop and search). Officers must have reasonable suspicion the child is involved in certain crimes, or without suspicion in designated areas where violence could occur
- > **Where:** Conducted in a range of locations
- > **Who:** Frontline officers
- > **Guidance:** PACE Code A
- > **Statistics:** No annual reporting

WHERE A CHILD MIGHT BE SEARCHED IN AN INTERACTION WITH POLICE



What are the rules for stop and searches?

Under stop and search powers, police are able to detain members of the public, including children, who they have reasonable grounds to suspect have committed certain crimes. Police have various powers of stop and search, but the most commonly used powers are under section 1 of the Police and Criminal Evidence Act 1984 and section 23 of the Misuse of Drugs Act 1971.

The College of Policing's guidance for stop and search requires officers to use the GOWISELY approach, providing the child being stopped and searched with the grounds for and object of the search, provide a warrant card, identify themselves by name and number, give their station, inform them of their entitlement to a copy of the search record, give the legal power used, and inform the person being searched they are being detained.¹⁹

All police forces in England and Wales have adopted the Home Office's voluntary Best Use of Stop and Search Scheme (BUSS) Scheme to improve data recording, community observation, and community scrutiny, and to reduce the number of 'no suspicion' searches under section 60 of the Criminal Justice and Public Order Act 1994.²⁰

What are the rules for strip searches under stop and search?

A strip search is the most intrusive search that police can conduct under stop and search powers. The vast majority of children searched under this power will not be strip searched. The majority of strip searches of children are conducted under different powers while in custody, after they have been arrested.

Strip searches under stop and search powers have the following safeguards, as laid out in Police and Criminal Evidence (PACE) Code A with reference to PACE Code C:^{21, 22}

- The search cannot be conducted as an extension of a less thorough initial search because nothing is found;
- The search may be conducted at a nearby police station or other nearby location which is out of public view (but not a police vehicle);

- The searching officer must be the same sex as the child. The search cannot be conducted in a place where the child can be seen by a person of the opposite sex, except an Appropriate Adult requested by the child. An Appropriate Adult is usually a parent or guardian, but can be a social worker, or representative of a local authority or charitable organisation the child is in the care of. An Appropriate Adult can be any responsible person over the age of 18 who is not a police officer, and local schemes exist for volunteers to play this role;
- The search cannot be conducted in a place where the child can be seen by anyone who does not need to be present. In addition to the child, there must be neither more nor less than two people present, except in the most exceptional circumstances, and one of these people must be an Appropriate Adult. The search may be conducted without an Appropriate Adult in cases of urgency, where there is risk of serious harm to the child or to others, or if the child refuses and the Appropriate Adult agrees and signs a record of the juvenile's decision;
- The search should always be conducted with proper regard to the dignity, sensitivity and vulnerability of the child, including their health, hygiene and welfare needs. Every reasonable effort should be made to secure the child's co-operation, maintain their dignity and minimise embarrassment. Children should not normally be required to remove all their clothes at the same time, for example, a child should be allowed to remove clothing above the waist and redress before removing further clothing;
- The child may be required to hold their arms in the air or to stand with their legs apart and bend forward so the searching officer can visually examine the genital and anal areas. While the guidelines state physical contact cannot be made with bodily orifices (i.e., the vagina or anus), a recent court ruling has determined that searching officers may make physical contact with, but not a 'physical intrusion' of, these orifices.²³ Searching officers can physically manipulate intimate body parts, including the penis or buttocks, or ask the child to do so themselves; and
- A strip search should be conducted as quickly as possible, and the child allowed to dress as soon as it is complete.

While strip searches conducted by the police under stop and search powers are not explicitly prohibited in schools, it is a power that the police should treat with the utmost caution and

approach with the welfare of children uppermost. Similarly, police have the power to arrest children in school, but are discouraged from doing so except in the most exceptional circumstances.

Why focus on these searches?

The CCo considers that strip searches under stop and search powers require special attention for several reasons.

The first is that a strip search under stop and search was the form of search that was experienced by Child Q. This incident led the CCo in 2022 to investigate the prevalence of searches in London and then across England and Wales. This report shows that, while what happened to Child Q was rare, there are other shocking examples that expose systemic problems in this area.

Secondly, there are no comprehensive national figures on strip searches of children under stop and search because the Home Office does not require annual reporting from forces, and it is particularly challenging for the media to gain these records under the Freedom of Information Act due to the complexity and sensitivity of this data. In 2022, the Home Office requested for the first time that forces report on the number of strip searches they conduct in custody (See Annex 3). The CCo notes that the majority of strip searches of children are conducted in custody and so welcomes this move but considers that it is necessary for these to be accompanied by statistics on strip searches conducted under stop and search powers.

Thirdly, strip searches under stop and search are conducted in the least controlled environment by non-specialist frontline officers with few formal procedures. These searches are often complicated, unplanned, potentially occurring in a high-tension situation, under time pressure, and with no dedicated location away from public view. Given this, it is deeply concerning that there are few safeguards, no transparency, and little scrutiny.

What has changed because of what Child Q experienced?

Following the Child Q case, the Department for Education updated its guidance for schools to emphasise their duty of care towards students and to emphasise the processes that should be followed.²⁴ Schools are encouraged to consider the necessity of calling police to perform strip searches by assessing and balancing the risks to the child's welfare, to inform the parents or guardians of the

child, to ensure that strip searches are conducted in line with statutory guidelines including facilitating the presence of an Appropriate adult if necessary, and to provide appropriate after-care in line with a safeguarding process following the strip search.

The Metropolitan Police have made local policy changes to how strip searches are conducted under stop and search, which the CCo welcomes. These include requiring the authorisation of an inspector, improved record-keeping, and requiring safeguarding referrals for all strip searches under stop and search involving children, as well as adultification bias training for officers in the relevant area.

The Independent Office for Police Conduct (IOPC) is currently investigating the Child Q case and will make recommendations in due course, which the CCo eagerly anticipates. The IOPC has found grounds to investigate several further cases of potentially inappropriate strip searches of children conducted by the Metropolitan Police and has issued binding interim recommendations to the force to ensure it is meeting statutory guidelines relating to strip search. These recommendations relate to conducting searches in the best interest and safeguarding needs of children, the presence of Appropriate Adults, and conducted in a manner that maintains children's dignity and takes into account health, hygiene and welfare needs.²⁵

Following the publication of findings relating to strip searching at the Metropolitan Police, the Children's Commissioner wrote to Baroness Casey to ask that she consider the findings in relation to her independent review of culture and standards at the force.²⁶ The final report of the Casey Review acknowledges the issue of strip searching at the Metropolitan Police, and its impact on trust and confidence among children, and recommended that the force address its child protection approach and provide training to all officer on adultification.²⁷

Children's Voice

Child Q was searched by Metropolitan Police officers at her school in 2020 when she was 15 years old. It was a strip search conducted under stop and search powers due to suspicion of carrying drugs. She made this statement on the impact of what happened to her.

'Someone walked into the school, where I was supposed to feel safe, took me away from the people who were supposed to protect me and stripped me naked, while on my period.'

'...On the top of preparing for the most important exams of my life. I can't go a single day without wanting to scream, shout, cry or just give up.'

'I feel like I'm locked in a box, and no one can see or cares that I just want to go back to feeling safe again, my box is collapsing around me, and no-one wants to help.'

'I don't know if I'm going to feel normal again. I don't know how long it will take to repair my box. But I do know this can't happen to anyone, ever again.'

'All the people that allowed this to happen need to be held responsible. I was held responsible for a smell.'

'...But I'm just a child. The main thing I need is space and time to understand what has happened to me and exactly how I feel about it and getting past this exam season.'

'...I need to know that the people who have done this to me can't do it to anyone else ever again. In fact so NO ONE else can do this to any other child in their care.'

'Things need to change with all organisations involved. Even I can see that.'

Children's experiences of being searched by police

The CCo partnered with Leaders Unlocked to interview children on their experiences of being searched by the police. Leaders Unlocked is a social enterprise that aims to enable young people and underrepresented groups to have a stronger voice on the issues that affect their lives. They provide young people with a platform to influence decisions about policing and crime prevention.

We interviewed two young people about their experience of being searched by police when they were children. The young people are from different regions of England, neither of which is London. The searches that

they refer to are not necessarily strip searches conducted under stop and search powers, but the CCo considers that the experiences of being searched by police in similar circumstances are relevant to the findings. What we heard in these interviews has been included as two case studies below and used to contextualise our findings throughout the report. We have kept these case studies in the language that the young people used.

The Children's Commissioner would like to thank the young people for their willingness to talk about potentially traumatic experiences so openly.

Case study 1

Young man, 19, was a victim of child criminal exploitation (CCE) and county lines. Between 13 and 18 years old, he was arrested multiple times, was strip searched up to four times in custody, and was stopped and searched twice. He was first strip searched in custody when he was 13 years old without an Appropriate Adult present, after having been arrested at school.

'It was a very confusing and traumatic process. [...] So the first time I was arrested was actually in my school, so I was let out of the school in handcuffs and taken into a police station. And that is where I was strip searched. So even that bit was just humiliating - leaving the school in handcuffs.'

'I was being searched every single day at school [by teachers]. [...] I then felt isolated from everyone that I was the odd one out. I was the one that was being made to feel like a criminal. Although when I was first being searched, I wasn't actually a criminal and it was the fact of the pressure that the school was putting on me and because of the people I hanged about with that then actually led me to take drugs.'

'I was incredibly young at my first point of arrest and there was nobody that came and checked up on me. I had a lot of uncertainties, a lot of worries. I'm sitting in the cell, thinking "Oh, my God, my mum and dad are going to kill me. Am I going to prison?" I didn't understand what the law was. [...] Obviously, you're read your rights and you're entitled to a solicitor and all of that sort of stuff. But at that age of 13, I didn't even know what a solicitor at all was.'

'I did not have a parent or guardian present with me when I was strip searched. I was not aware that this was a possibility and that this was going to take place.'

'And if I had a youth worker at that point, I would have said, "Do you mind if he was present." Or someone like that. I would have. I definitely, without a doubt, would have liked to [have a] familiar face there. I don't know if I would have wanted

put my mum through that because it's not nice, it's not a nice thing for anyone to see.'

'So it was very much - I got marched into the police station, I told the custody sergeant what I was actually arrested for and then led to a cell. And I then thought I was waiting to be interviewed. But while I was waiting to be interviewed, clearly some sort of conversation had taken place that then deemed me at risk of having drugs and secreted within me. But none of that felt like a very open conversation, it felt behind closed doors. I wasn't given an opportunity to assure the police that I was not in a position of having drugs secreted.'

'They told me to get naked. They told me to bend over. [...] I think there were about three officers present. So, I've got three fully grown blokes staring at my bollocks, you know. It is rubbish.'

'The police never really looked mortified at doing it. I remember standing there and I was like, "What the hell are you guys doing?" And they're like, "Right, get your clothes off. We're gonna see your bollocks now." "What the hell do you mean by that?" I thought they were joking because of the mannerisms and how they conducted it. It almost felt a bit of a joke to them. It didn't feel that serious. It was like, again, humiliating. [It] felt like they were humiliating me.'

'So that was incredibly traumatic and from that really was just a terrible start of a relationship with the police because instantly I hated them. They humiliated me.'

'How it always felt when I'm engaging with the police is that they're a big group of friends [...] and they've found someone they don't like. And they stand around them and humiliate him. It's like they've all got their inside jokes. They've all got their little code language that they like to say. It just feels like they're a group of friends and you're this outsider and they're the school bullies. They're the playground bullies that are standing there pointing their finger laughing at you.'

Case study 1 (cont.)

'Once I was ready for interview, that's then when I had to have a parent or guardian present. [...] My mum and dad are very hard-working middle-class people. [...] I'm not your stereotypical county lines boy or anything like that. This was a very, very new situation to my mum and dad. They did not have a clue how to deal with me. But the police just said, "You need to give that boy a real bollocking and make him feel like shite, basically." [...] The police gave them no guidance.'

'I got out of the police station, I then disengaged from my family. I then disengaged from school. I then disengaged from everyone and turned straight to drugs.'

'What was a very steep and dangerous slope that I then went down, all from how I felt the police treated me and how I felt my school treated me. It was a very humiliating situation.'

'I haven't let out to anyone how traumatised I was from all of these police engagements and what ultimately led to me using heavy, heavy drug usage really. Because even once I went back to school after being arrested, imagine you're the boy that's been led out of school in handcuffs. No one wanted to know me. Nobody wanted to talk to me.'

'Everything that came into place was a little bit too late. [...] The points where people should have supported me, everything came far too late. It took years for people to actually start going "Right, we should probably help this boy." It took years of them shouting at me that I was a waste of time and that [...] I'm destined for prison or I'm gonna die. I remember one police officer saying that [...].'

'I don't understand how they thought that sort of language would actually benefit me. What did they think about, a 13-year-old [thinking], "Oh, I am bad person. I better quic sort it out." No. I sat there and thought, "You might be right. You're the police officers, what you say must be right. This means I am a bad person and I should do bad things." And it's taken me years of therapy to get out of that mindset. I've had to go to different therapists, psychologists, all of that sort of thing and quite often the root of my problems are how the police first interacted with me and how the police first talked to me.'

'It then actually caused a lot more problems because there were points where I was involved in some very sinister stuff that I didn't want to be involved in, but the problem was I then thought, "Well, I can't turn to the police, I cannot turn to the people that should be helping me because they think I'm a criminal. They talk to me horribly. They strip searched me, they humiliate me. Why am I going to ask them for help?" And it took me years and years and years to get out of my situation because I had no faith in the police. I was subjected to being exploited for years on end because I did not believe that the police would support me and protect me from the people that were causing me great deal of harm.'

'I actually have had a lot of nightmares. I still dream to this day about being there in the police cell and being with the police.'

On talking about being strip searched

'I didn't realise that I'd never actually told my mum I've been strip searched before. Every time that I've been arrested, we'd always focused on why I had been arrested and how much of an idiot I'd been and so I never actually told anyone that I've been strip searched [...] because I was so humiliated. My mum was actually quite shocked about a year ago when she'd heard that I've been strip searched more than once and how young I was. I think it was when the Child Q case came out. She was at a similar age, and I remember seeing it on the news and I said to mum "Why is this such a big deal? This happened to me." And she said "What? What do you mean that happened to you?" [...] The Child Q case isn't actually that far off a case of what happened to me. And that's when I first actually told my mum and I was like, "What? I didn't realise that this was like a big deal." I didn't. I thought this was within police jurisdiction to carry out a strip search in this sort of manner.'

On being searched in school

'I was used to being searched every single day in school [by teachers]. [...] But even being in school I was being searched every day [...] that then got me used to being searched by the police.'

'I felt so isolated. I felt so alone. It really drew me towards a bad crowd because the school was labelling me as this bad person. So then once the police were brought in, the school were very much saying, "This guy is a bad person". Then the police were with the school saying, "You're a bad person."

On receiving support

'I was not offered any support. I was very open and honest to my school about my situation. [...] No help was offered, and it

Case study 1 (cont.)

was very much where, “You know what? You’ve got yourself to blame because of the people you hang around with.” [...] I think I then got a youth worker when I was about 14 but by then I was then very, very heavily involved in stuff. [...] There was a little bit too late at that point, a whole two years have gone by. But for my first arrest, I think I’d actually been excluded from school at that point. I ended up getting kicked out of six schools [...].’

On police conduct

‘Every time I’ve been arrested and every time I’ve been strip searched, it very much feels like a tactic used on purpose to humiliate me.’

‘Every time I’ve been arrested the police are always very excited.’

‘I remember one time when I was arrested, there was one officer in particular that used really excessive force and had his knee right, right in my face. And I remember saying to the custody sergeant, “Whatever you do, please do not let him strip search me. He’s just given me a real beating. I’m not looking to press charges on this officer, but whatever you do, don’t have him strip search me.” And of course, he was the officer that strip searched me. Why did it have to be him? It was really clear that he’d really distressed me.’

‘I do worry that the police when they interact with young people [...] rely on our ignorance and our lack of knowledge that they conduct their stuff in certain manners. I think they rely on the fact that we’re not as clued up as adults, [...] they rely on us being so scared and so intimidated by them that we’ll keep our mouth shut. And that’s exactly what I had done for a number of years.’

‘So every time it has been heavy [language], you know, “Stop fucking there. Don’t fucking move. If you move, you’re gonna get tasered. You little so and so, or whatever.” It’s very, very, very heavy, heavy language.’

On stop and searches

‘My first time I’ve been stopped and searched without being arrested [...] I walked along the street and they were in the

car. The car doors are flung open. “Get down on the ground. Get down on the ground.” It felt very much like I was some sort of terrorist. You know, I’ve been made to get down on the ground, hands behind my back, then brought me up and then searched me. [It] really felt like they were trying to put me in prison. So then when after about 17 [years old], they were stopping me, searching me, arrested me, and they weren’t finding anything, they were finding no evidence of me selling drugs because I wasn’t selling drugs. I’d left that life. It’s still felt incredibly targeted and felt very much like they were trying to pursue something that just wasn’t there. And at that point it’s very, very hard to believe that they’re doing that for the community, that they’re really trying to benefit somebody. [...] It doesn’t feel like they’re trying to close down the net on organised crime or drugs being sold within the town.’

What needs to change?

‘I would like them to use more polite and better language. I would like them to be able to have trauma informed approach at the very front of their mind to be able to understand what young people are really, really going through, to have a really open mindset that people do not always commit crime off their own back and that there are a lot of circumstances regarding that. And then I would also like police to really engage with other services and to use other services.’

Case study 2

Young woman, 20, has experienced multiple searches by the police as part of stop and searches in public and searches at her home and in custody, including searches when she was a child. She is legally recognised as a vulnerable young person due to severe and complex mental health needs. Police are required to secure an Appropriate Adult for children as well as vulnerable adults.

'I've been searched outside the front of my property. [...] It's very much public because the rest of the neighbourhood can see me. [...] I've been searched outside of the van before I've got in the van, but I've never been searched in [police] vehicles. [...] I've been searched in the back of ambulances multiple times by the police.'

'There're quite a few occasions where they will take me out of my property, search me outside my property before either putting me in the back of the van or putting me in an ambulance when they could just search me in my house.'

'When I'm out and about in public, it's normally a surprise, like normally the coppers just walk past me. [...] They'll just turn around and go, "We're searching you."'

Nine times out of 10 because I'm searched at home, I already have probably a minimum of six officers attending my address. [...] It's just a point now where I genuinely think they just send officers out for the hell of it. You don't even need more than four officers in my house with me. [...] And then they wonder why they can't respond to other calls, because [...] you've got six, possibly eight, officers in my house, four of which are just stood downstairs [talking].'

On frequency of searches

'[...] You can get searched before they arrest you. You will be detained under the Mental Health Act. They'll search you before then. So, you get searched in the middle of your street. Then you can be searched again at hospital by the police or

by A&E staff. And then if you go to custody, you then get searched again. At custody, it's like, hang on a second, from my house to [custody], it's probably a 10 minute drive. How the hell am I acquiring an item whilst in the back of a police van in 10 minutes? I have got to have some crafty superpowers to be able to do that.'

'They just do [searches] for the sake of doing it [...]. I've seen farm animals going to a slaughterhouse get treated better than what the police can treat you when they search you sometimes.'

On use of force

'They're always using excessive force. I'll be cuffed straight away, hands down. Even if I've walked out of my house with them complacently, or if I've been complacent with them the whole time, I will get cuffed.'

On not having an Appropriate Adult present

'They did the search without an Appropriate Adult and put me in a cell with a female officer sat outside for [many] hours to finally [arrange an] appropriate adult for me to be interviewed when I should have only been in there for two hours.'

On searches by officers of another gender

'I think there's been a couple of times where I've had male officers search me, but I've had a female paramedic present. There's been a female there to kind of witness. It obviously shouldn't be happening but what can you do when you're 15 years old?'

On trust and confidence in the police

'I'm not fond of [the police]. The way [I] see them is they are government paid bullies, to put it in the simplest form.'

Case study 2 (cont.)

'The police will delete that body cam footage. The police will cover everything up.'

'At the end of the day, long gone are the times when I was growing up, when I was 6-7 years old, you knew the neighbourhood copper, you knew the local PCSO. They checked in with the children, they were there to support you. Nowadays, the only reason I know all of the police officers in my area is because I've dealt with them on so many occasions. It's not because they've made themselves known as a decent human being and gone, "You know, we're here to help you. You know we're there for you. Come up a chat to us." It's, "No, we're here because you're a criminal. We think you're a criminal. We don't care if you're not a criminal, but we're gonna treat you, treat you like one anyway."

What needs to change?

'I just think it's making sure each individual's comfortable at the end of the day and knowing they're making sure people know their rights and knowing who and where they can turn to if they're not happy because, what a lot of people don't realise is that actually if the police are searching you, you have a right to abstain from that search.'

'You have a right to stop that search at any given moment in time. And the police have to respect that. And a lot of people don't know that.'

Findings

Data quality

The section below presents findings across the 39 police forces in England and Wales (including the British Transport Police) that returned data, including one nil return. A further 5 police forces did not respond.

The quality of the data returned was generally poor and leaves the CCo with serious concerns about record-keeping at police forces. Our review of the 39 datasets revealed that 12 forces returned clean datasets in line with the provided template, a further 14 forces included datasets with additional variables in one or more columns, 12 forces returned datasets with missing data and one nil return.

Prevalence of searches

In total, 2,847 strip searches of children under stop and search powers were reported in England and Wales between 2018 and mid-2022. As not all forces responded to our data request and given the poor quality of data, this number should be considered a minimum.

By comparison, police carried out stop and searches of children on 115,601 occasions in 2020-21 and 94,975 in 2021-22, so strip searching was a relatively rare form of search.²⁸ While uncommon, this does not diminish the potentially traumatic nature of each occurrence for each child, nor speak to the overall appropriateness of the number of strip searches conducted.

While not directly comparable, the total number of strip searches and more thorough searches of children in custody was higher at 3,133 in 2021-22.²⁹

The proportion of searches conducted in England (94%) and Wales (5%) between 2018 and mid-2022 was similar to the population of 10-17 year olds in each country, while 2% of all searches were conducted by the British Transport Police (Table 1).

Regionally, police forces in London conducted the highest proportion of searches in England and Wales (32%), followed by the South East (20%) and Eastern England (11%).

Table 1. Number of strip searches conducted per police force area (PFA) and region

Geographic area	Number of searches*	Share of total searches	Population**
National			
England	2,668	94%	95%
Wales	134	5%	5%
British Transport Police*	45	2%	N/A
Regional			
East Midlands	113	4%	8%
Eastern	403	14%	11%
London	899	32%	15%
North East	13	0.5%	4%
North West	244	9%	13%
South East	577	20%	16%
South West	202	7%	9%
Wales	134	5%	5%
West Midlands	101	4%	10%
Yorkshire and the Humber	116	4%	9%
British Transport Police*	45	2%	N/A
Police force area			
Avon and Somerset Constabulary	74	3%	3%
Bedfordshire Police	No data	N/A	1%
Cambridgeshire Constabulary	No data	N/A	1%
British Transport Police*	45	2%	N/A
Cheshire Constabulary	10	<1%	2%
City of London Police	<10	<1%	<1%
Cleveland Police	<10	<1%	1%
Cumbria Constabulary	<10	<1%	1%
Derbyshire Constabulary	19	<1%	2%
Devon and Cornwall Police	33	1%	3%
Dorset Police	67	2%	1%

Durham Constabulary	0	0%	1%
Dyfed-Powys Police	No data	N/A	1%
Essex Police	139	5%	3%
Gloucestershire Constabulary	No data	N/A	1
Greater Manchester Police	20	<1%	6%
Gwent Police	14	<1%	1%
Hampshire and Isle of Wight Constabulary	133	5%	3%
Hertfordshire Constabulary	202	7%	2%
Humberside Police	20	<1%	2%
Kent Police	133	5%	3%
Lancashire Constabulary	56	2%	2%
Leicestershire Police	23	<1%	1%
Lincolnshire Police	17	<1%	1%
Merseyside Police	150	5%	2%
Metropolitan Police Service	891	31%	14%
Norfolk Constabulary	14	<1%	1%
North Wales Police	12	<1%	1%
North Yorkshire Police	37	1%	1%
Northamptonshire Police	54	2%	2%
Northumbria Police	<10	<1%	2%
Nottinghamshire Police	No data	N/A	2%
South Wales Police	108	4%	2%
South Yorkshire Police	16	<1%	2%
Staffordshire Police	14	<1%	2%
Suffolk Constabulary	48	2%	1%
Surrey Police	80	3%	2%
Sussex Police	50	2%	3%
Thames Valley Police	181	6%	4%
Warwickshire Police	13	<1%	1%
West Mercia Police	<10	<1%	2%
West Midlands Police	68	2%	6%

West Yorkshire Police	43	2%	5%
Wiltshire Police	28	<1%	1%
Total	2,847	100%	100%

*To prevent disclosure, counts have been rounded to the nearest 10.

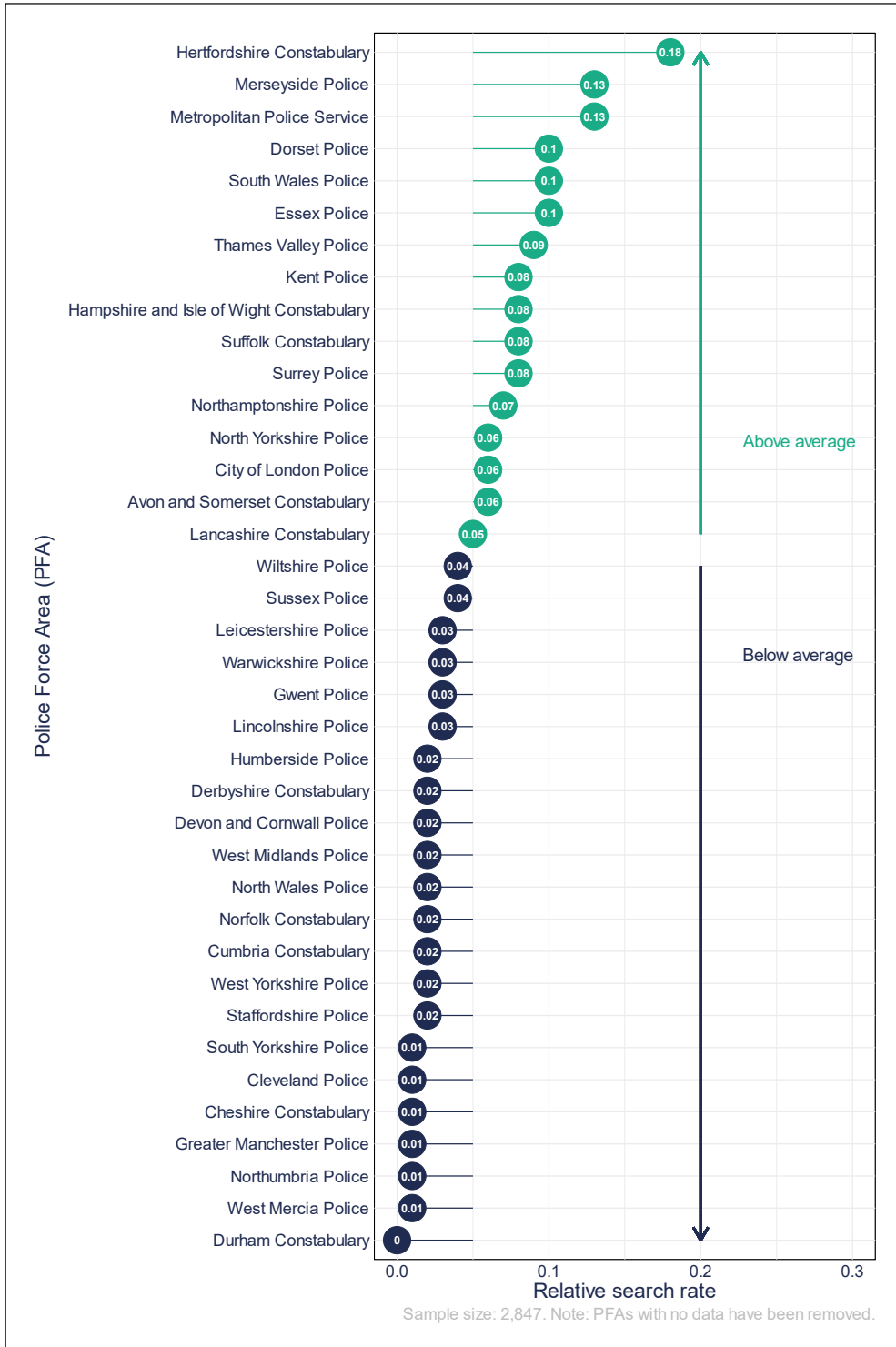
**Population estimates are calculated at the national and regional levels reported for children aged 10-17 in England and Wales using Office for National Statistics' Mid-Year Population Estimates June 2021 dataset.

As a proportion of total population of children aged 10-17 in each region, police forces in London conducted the highest number of searches, while forces in the North East conducted the lowest.

By police force area, the Hertfordshire Constabulary conducted the greatest number of strip searches in England and Wales between 2018 and mid-2022 as a proportion of the population of children in that area, followed by Merseyside Police and the Metropolitan Police Service, while Durham Constabulary conducted the lowest (Figure 1).

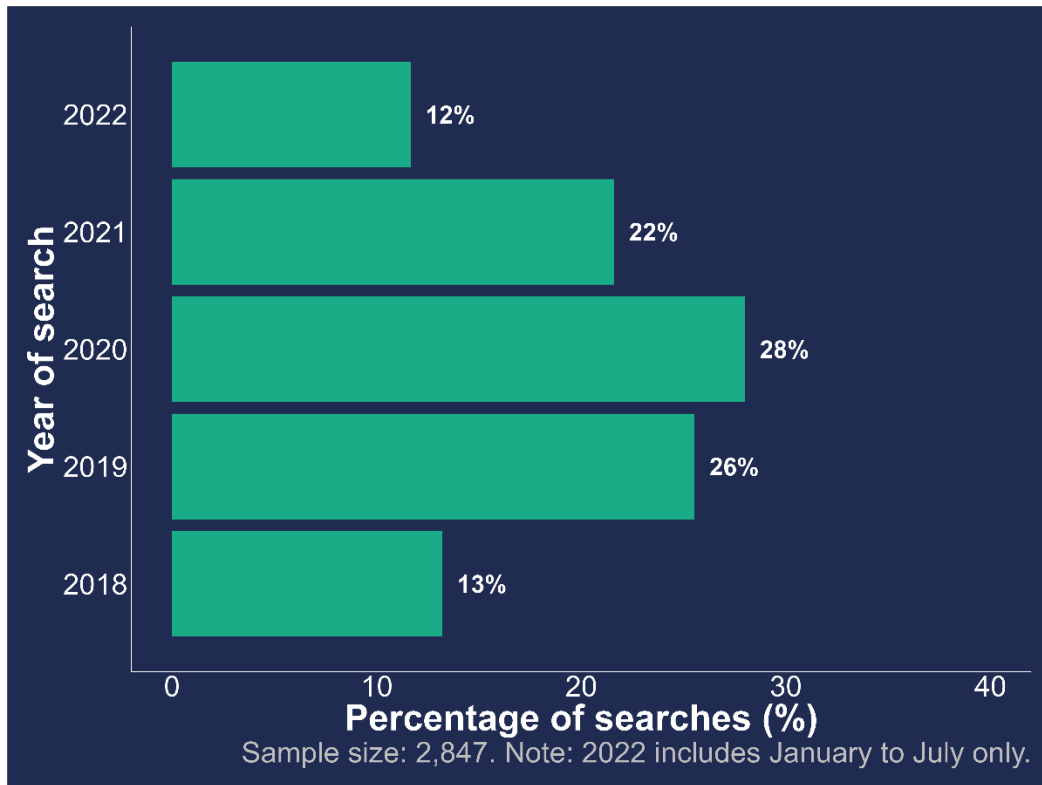
It is worth noting that these figures are an estimation based on the data the CCo received from police forces. Police forces that did not return data in response to the CCo's data request are missing from the findings presented in Figure 1.

Figure 1. Search rate of children aged 10-17 as a proportion of population of children in each police force area. Forces with above average search rate (0.05) shown in green; below average shown in blue.



Across the 4.5 year timeframe, 2020 saw the most strip searches of children at the national level (28%), despite the Covid-19 pandemic and associated lockdowns (Figure 2).

Figure 2. Percentage of strip searches conducted per year from 2018 to mid-2022



Demographic characteristics of young people

Age

Across 2,847 strip searches conducted in England and Wales between 2018 and mid-2022, the minimum age of children searched was 8 years old and the mean age of children at the time of the search was 16 years old. Nearly a quarter (24%) of searches conducted involved a child aged 15 years old or younger and the likelihood of strip search increases as children get older (Table 2).

Children below the age of 10 are below the age of criminal responsibility and may only be stopped and searched in 'exceptional circumstances'.³⁰ It is worth noting, however, that there is no requirement for a child to provide their age (or other details) in a stop and search so some ages will be estimates

by the searching officer. Furthermore, some children will only be identified as a child once they are arrested.

Gender

The overwhelming majority of strip searches between 2018 and mid-2022 were carried out on boys (95%), while 5% of searches were carried out on girls.

Ethnic group

From 2018 to mid-2022 across England and Wales, 42% of children searched were White, 38% of children were Black, 14% were Asian, <1% were of mixed ethnicity and 5% were of unknown ethnicity, did not have their ethnicity recorded during the search or 'other' ethnicity.

Black children in England and Wales were disproportionately more likely to be strip searched, compared to national population figures (over 6 times more likely), while White children were disproportionately less likely to be searched (around half as likely).

The ethnicity used in this analysis is based on the ethnicity of the child as described by the searching officer. The CCo has chosen to use this data because police perception of ethnicity was an important factor in the Child Q case and because there is no requirement for a child to provide their ethnicity (or other details) in a stop and search.

Table 2. Overview of sample size and demographic characteristics of children strip searched.

Demographic variable	Count	Percent of sample	Population*
Age group			
10-12	<20	<1%	38.5%
13-15	667	23%	37.3%
16-17	2,164	76%	24.1%
Total	2,847	100%	100%
Gender			
Female	133	5%	48.7%
Male	2,707	95%	51.3%

Not recorded	<10	<1%	N/A
Total	2,847	100%	100%
Officer-defined ethnic group			
Asian	390	14%	11.8%
Black	1,089	38%	5.9%
Mixed	25	<1%	5.9%
White	1,187	42%	73.9%
Other	62	2%	2.6%
Unknown	71	2%	N/A
Not recorded	23	<1%	N/A
Total	2,847	100%	100%

Note: the '9 and under' age group was removed to prevent disclosure.

*National-level population estimates are reported for children aged 10-17 in England and Wales using Office for National Statistics' Mid-Year Population Estimates June 2021 dataset (age and gender) and the Census 2021 Ethnic group by age and sex dataset (ethnic group).

Who was present at the search?

'They did the search without an Appropriate Adult and put me in a cell with a female officer sat outside for [many] hours' – Young woman, aged 20, on her experiences being searched as a child and a vulnerable young person.

The Police and Criminal Evidence Act 1984³¹ and associated statutory guidance require that an Appropriate Adult is present when a child is strip searched, except in cases of urgency where there is a risk of serious harm to the child or others. As defined in the Act, an Appropriate Adult is usually a parent or guardian, but can be a social worker, or representative of a local authority or charitable organisation the child is in the care of. An Appropriate Adult can be any responsible person over the age of 18 who is not a police officer, and local schemes exist for volunteers to play this role. A child has the right to refuse the presence of an Appropriate Adult during the strip search itself, but an Appropriate Adult is still required to be present in order to sign a statement in the presence of the child stating that they do not wish them to be present for the search.

An Appropriate Adult was confirmed to be present in 48% of strip searches and was not confirmed to be present in 52% of searches in England and Wales. Of the searches where the presence of an Appropriate Adult could not be confirmed, 2% stated urgency as the primary reason for not having an Appropriate Adult present and a total of 1% were identified as a child post-search or an Appropriate Adult was refused by the child. According to our sample, there does not appear to be a clear link between age group and likelihood of an Appropriate Adult being present during the search, however searches conducted in London were significantly more likely to be conducted in the presence of an Appropriate Adult, compared to other regions.

Statutory guidelines require strip searches to be conducted outside the view of officers of another gender than the child, or anyone else of another gender other than an Appropriate Adult requested by the child being searched. Searches were conducted only in the presence of officers of the same gender in 86% of cases and for 7% of searches, the gender of the officers present was unrecorded. However, 6% of searches were conducted in the presence of at least one officer of another gender to the child. Each of these cases are deeply concerning and represent a potential breach of strip search guidelines.

This is mirrored in the experiences of a young woman who spoke about her experiences of being searched in the presence of male officers:

'I think there's been a couple of times where I've had male officers search me, but I've had a female paramedic present. There's been a female there to kind of witness. It obviously shouldn't be happening but what can you do when you're 15 years old?' – Young woman, aged 20, on her experiences being searched as a child and a vulnerable young person.

How was the search conducted?

'They're always using excessive force. I'll be cuffed straight away, hands down' – Young woman, aged 20, on her experiences being searched as a child and a vulnerable young person.

The use of force during the strip search (e.g., restraint or weapons) was not recorded for 92% of searches. The most common tactic used, in the 8% of searches in which force is recorded, was

'restraint' (7%), while 'unarmed skills', 'use of other equipment' or 'other tactics' were used in a combined total of 1% of searches. Restraint tactics can include handcuffing, limb and or body restraints or ground restraint; unarmed skills include distraction strikes, pressure point and joint locks; and other equipment can include the use of batons, irritant spray, spit and bite guards, or shields.³² HMICFRS has identified concerns about routine and disproportionate handcuffing during stop and searches.³³

A young man spoke about his experiences of force and restraint during a search:

'[O]ne time when I was arrested, I got slammed to the floor. I've got four officers on me, but I stood there and said, "Look, you've got me." And they've grabbed my arm and just pulled me straight to the ground. There was no need for that. They could have just put me in cuffs and they could have just led me to the police station. Instead, they're saying, "Get on the fucking ground, you prick," and stuff like that. It's really, really excessive language. And I felt like they've used excessive force as well in most times that I've been arrested.' – Young man, aged 19, on his experiences being searched as a child.

Where was the search conducted?

Figure 3 outlines the proportion of searches conducted in police stations (37%), including custody suites, at the child's home address (12%), at an 'other' location (4%) or in a commercial or public setting (2%). Commercial or public settings include searches conducted within a school, inside a police van or vehicle, or in a civic or council office. A further 45% of searches were conducted in an unrecorded location.

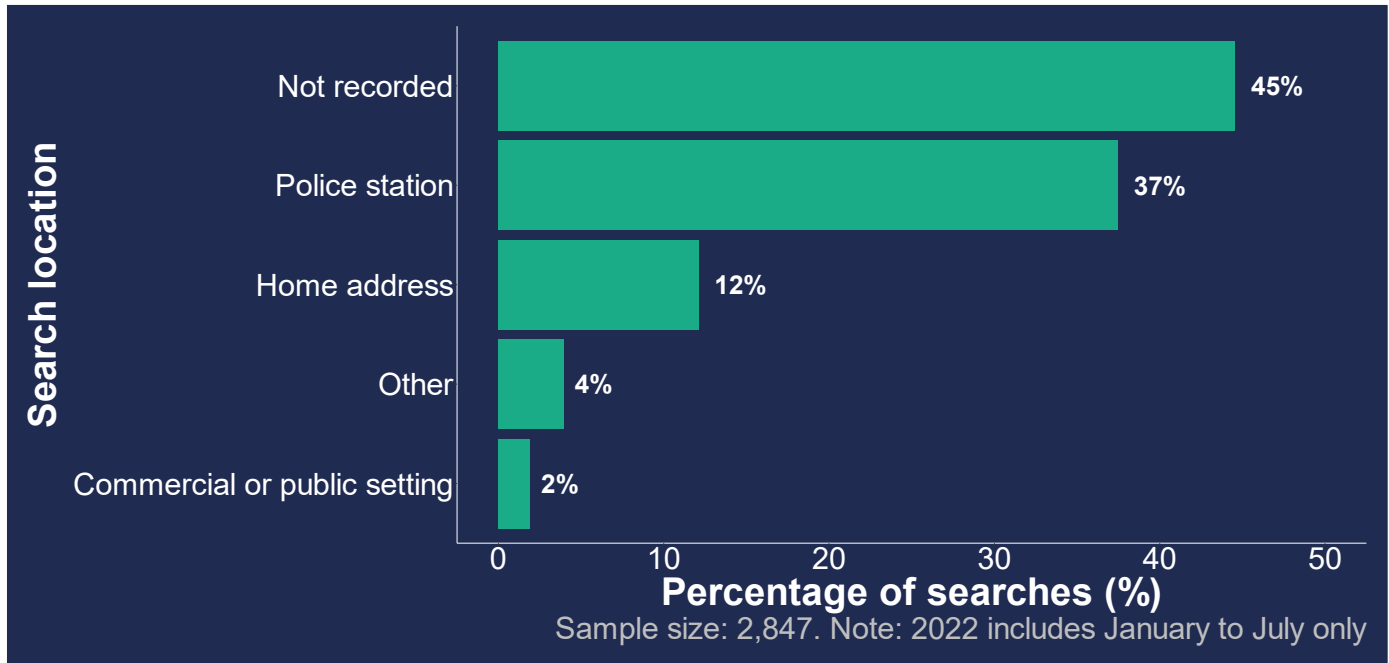
These findings are contextualised by further reporting on whether searches were conducted within or outside public view. Nationally, 54% of searches were conducted outside of public view, while 1% of searches were conducted within public view, 36% of responses were unclear, and data was not recorded for 9% of searches. The 1% of searches conducted within public view are deeply concerning and are in breach of strip search guidelines.

The same young person discussed his experiences of being stopped and searched in public, and the impact searches in public places can have on both self-image and public perceptions of young people:

'I've been stopped and searched on the street twice. I believe both in the town centre. So very, very public places. [It's really, really difficult when] you're trying to change your life, that you're standing

there, being stopped and searched, pockets out. I think one time [...] I had 10 police officers around me [...]. So obviously that paints a picture to the public that I must be a dangerous criminal to have that level of police surrounding me’ – Young man, aged 19, on his experiences being searched as a child.

Figure 3. Percentage of strip searches conducted per search location type



Why was the search conducted?

‘Every time I’ve been arrested and every time I’ve been strip searched, it very much feels like a tactic used on purpose to humiliate me’ – Young man, aged 19, on his experiences being searched as a child.

The vast majority (86%) of searches were conducted on suspicion of carrying drugs, followed by weapons, points and blades (9%) and stolen property (2%). Similarly, 87% of searches were recorded as citing the Misuse of Drugs Act (1971), 12% of searches cited Section 1 of the Police and Criminal Evidence Act 1984 (PACE), less than 1% cited Section 60 of the Criminal Justice and Public Order Act (CJPOA) 1994 and less than 1% were not recorded.

What was the outcome of the search?

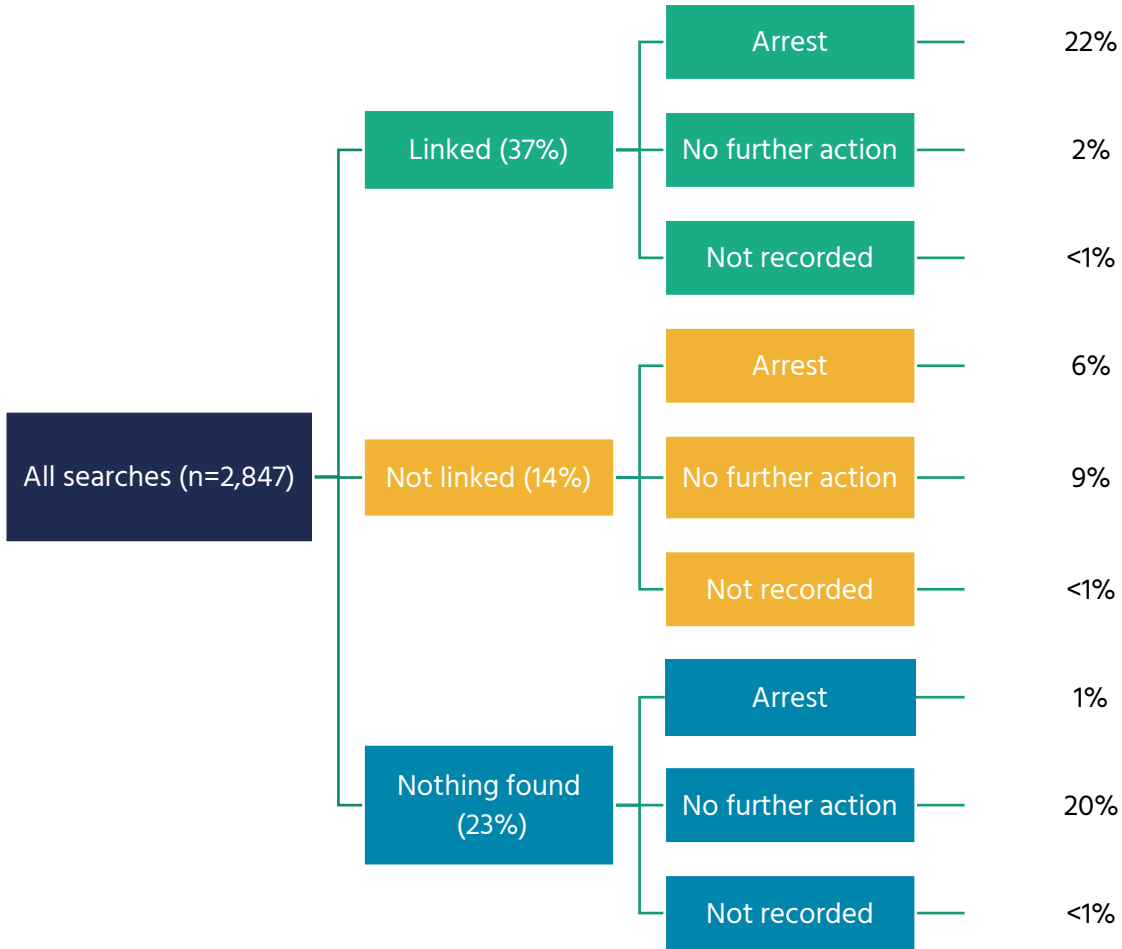
'I got out of the police station, I then disengaged from my family. I then disengaged from school. I then disengaged from everyone [...]' – Young man, aged 19, on his experiences being searched as a child.

The specific outcome of the stop and search was requested for all searches and whether the outcome of the search was linked or unlinked to the initial reason for the search. For example, if the search was conducted due to drugs and the outcome of the search was on the basis of discovering drugs, then the reason and outcome of the search were linked.

Overall, the vast majority of searches resulted in either no further action (51%) or arrest (31%). Another 5% resulted in summons, 4% of searches resulted in community resolution and the remaining 8% resulted in one of the following (listed in order of prevalence): a verbal warning, voluntary attendance, other action, caution, penalty notice or seizure of property. The outcomes of fewer than 10 searches were not recorded.

Figure 4 below breaks down the proportion of searches that led to arrest, no further action or any other outcome, by whether the search was linked to the original reason for the strip search. For 26% of searches, the link status was recorded was 'not applicable', 'unknown' or not recorded.

Figure 4. Proportion of searches where the outcome was linked to the initial reason for conducting the stop and search



Of particular interest are searches in which nothing was found (23% of all strip searches in this sample – Figure 4) and yet the child was arrested as a result of the search (1% of all searches). Of these searches, 57% of children searched were White and 24% were Black.

Safeguarding children from criminal exploitation

‘No help was offered, and it was very much where, “You know what? You’ve got yourself to blame because of the people you hang around with” – Young man, aged 19, on his experiences being searched as a child.

Of the 2,847 strip searches conducted involving children in England and Wales between 2018 and mid-2022, 17% resulted in a safeguarding referral raised by the police force, while for 83% of searches, police forces could not confirm that a safeguarding referral had been raised.

The police have a duty to safeguard children from harm. The statutory guidance which sets out how agencies should work to protect children and promote their welfare, *Working Together to Safeguard Children*, is clear that safeguarding duties include protecting children from criminal exploitation and providing early help if they are being drawn into criminal behaviour.³⁴

A young person explained the importance of getting help early:

'I was very open and honest to my school about my situation. [...] No help was offered, and it was very much where, "You know what? You've got yourself to blame because of the people you hang around with." [...] I think I then got a youth worker when I was about 14 but by then I was then very, very heavily involved in stuff. [...] There was a little bit too late at that point, a whole two years have gone by. But for my first arrest, I think I'd actually been excluded from school at that point' – Young man, aged 19, on his experiences being searched as a child.

If police believe that a child is carrying drugs or a weapon, it is essential that they take a safeguarding-first approach. They must consider whether this child is being exploited, and what help they could be given to divert them away from criminal behaviour. It is deeply concerning that in the large majority of these cases, police were not able to confirm if they took the essential and basic step of making a safeguarding referral for a child who was strip searched.

Safeguarding during a search

The children who the CCo spoke with for this report were also clear that the process of a strip search is itself a safeguarding concern due to the traumatic nature of the search that may have long-lasting effects on a child. One child who spoke to the CCo shared how the search itself drove him further into criminal involvement:

'I got out of the police station, I then disengaged from my family. I then disengaged from school. I then disengaged from everyone and turned straight to drugs. What was a very steep and dangerous slope

that I then went down, all from how I felt the police treated me and how I felt my school treated me. It was a very humiliating situation.'

'I haven't let out to anyone how traumatised I was from all of these police engagements and what ultimately led to me using heavy, heavy drug usage really. Because even once I went back to school after being arrested, imagine you're the boy that's been led out of school in handcuffs. No one wanted to know me. Nobody wanted to talk to me.'

'Everything that came into place was a little bit too late. [...] The points where people should have supported me, everything came far too late. It took years for people to actually start going "Right, we should probably help this boy." It took years of them shouting at me that I was a waste of time and that [...] I'm destined for prison or I'm gonna die. I remember one police officer saying that [...].'

'I don't understand how they thought that sort of language would actually benefit me. What did they think about, a 13 year old [thinking], "Oh, I am bad person. I better quickly sort it out." No. I sat there and thought, "You might be right. You're the police officers, what you say must be right. This means I am a bad person and I should do bad things." And it's taken me years of therapy to get out of that mindset. I've had to go to different therapists, psychologists, all of that sort of thing and quite often the root of my problems are how the police first interacted with me and how the police first talked to me.'

'It then actually caused a lot more problems because there were points where I was involved in some very sinister stuff that I didn't want to be involved in, but the problem was I then thought, "Well, I can't turn to the police, I cannot turn to the people that should be helping me because they think I'm a criminal. They talk to me horribly. They strip searched me, they humiliate me. Why am I going to ask them for help?" And it took me years and years and years to get out of my situation because I had no faith in the police. I was subjected to being exploited for years on end because I did not believe that the police would support me and protect me from the people that were causing me great deal of harm.'

This is particularly concerning with regard to the 52% of searches conducted without the presence of an Appropriate Adult, and the 6% conducted in the presence of at least one officer of another gender to the child. A safeguarding referral was raised in only 10% of searches in which an Appropriate Adult

was not confirmed to be present for the search, and in only 3% of searches in which an officer of another gender to the child was present during the search.

Conclusion

The Children's Commissioner's statutory data request and analysis has uncovered the fact that deeply concerning practice around strip searching of children under stop and search is not isolated to the Metropolitan Police. Instead, there are systemic problems with child protection and safeguarding in relation to strip searches of children, including scrutiny of searches conducted.

The CCo has identified strip searches conducted at 27 police forces where we have concerns about the safeguarding of children, or we consider that there has been a breach of statutory code of practice by the police. The CCo has identified the following breaches of statutory codes of practice:

- More than half (52%) of strip searches were conducted without an Appropriate Adult confirmed to be present;
- 14 strip searches were conducted in police vehicles or schools. While the location of strip searches was not recorded in 45% of cases, additional potentially inappropriate locations for searches included private businesses, takeaway outlets, and amusement parks;
- 1% of strip searches were conducted within public view; and
- 6% of strip searches were conducted with at least one officer of a different gender than the child being searched present.

The CCo is working with local safeguarding partnerships, police forces, and the Independent Office for Police Conduct (IOPC) on these cases.

Based on the findings in this report, the Children's Commissioner makes the following recommendations.

Strengthen national guidelines for strip searching

- **Recommendation:** The Home Office should conduct a comprehensive review of the legislative and policy framework for searches involving children in custody and under stop and search powers. The review, which should include public consultation, should aim to ensure that children are only ever strip searched in exceptional circumstances where it is necessary to

protect them or others from significant harm and that these searches should occur in a safe, controlled and appropriate environment in accordance with strict and transparent procedures that are subject to scrutiny.

- **Recommendation:** The Home Office should make specific changes to the Police and Criminal Evidence (PACE) Codes A and C in order to strengthen the statutory safeguards for children strip searched by police. The Commissioner recommends that Codes be strengthened as follows:
 - Strip searches of children in custody or under stop and search should require a higher threshold that recognises the potential traumatic impact of these searches on children;³⁵
 - An Appropriate Adult must always be present for strip searches of children in custody and under stop and search, except in the most exceptional situations where there is serious risk to the child's life or welfare. Urgency should be removed as an exception to this requirement and constant supervision should be recommended;
 - Strip searches under stop and search may only be conducted at a nearby police station, medical premises or home address. Schools should be specifically excluded as an appropriate location for a strip search;
 - Strip searches should be authorised by an inspector, or ratified by a custody inspector in custody;
 - Parents or guardians of children should be informed in advance of strip or intimate searches of children in custody and under stop and search. Where a child refuses to provide information under stop and search, this should be recorded;
 - A safeguarding referral should be made whenever a strip or intimate search of a child is conducted. Where a child refuses to provide information under stop and search, this should be recorded;
 - Strip searches in custody or under stop and search should not be conducted in front of officers of another sex to the child;

- The potentially traumatic effect of strip searches on children and a police officer's duty to safeguard children should be emphasised;
 - Reduce ambiguity between the safeguards for strip searches conducted in custody and stop and search; and
 - Resolve the contradiction between PACE Codes and case law regarding the amount of physical contact permitted in strip searches and intimate searches.
- **Recommendation:** The College of Policing should amend Authorised Professional Practice for strip searches and police interactions with children to emphasise the duty of police to safeguard children during searches.

Improve data to drive transparency and accountability

- **Recommendation:** The Home Office should require police forces to report annually on the strip searching of children under stop and search. This should distinguish between more thorough searches and strip searches, and include ethnicity information on the child, whether an Appropriate Adult was present, the specific location of the strip search, and whether a safeguarding referral was made.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should embed and improve changes to scrutinise strip searches under stop and search in the framework for PEEL inspections of police forces.
- **Recommendation:** Police forces should report annually on the number and circumstances of strip searches involving children to Police and Crime Commissioners and independent community oversight mechanisms, such as independent advisory groups and stop and search scrutiny panels.

Improve practice and compliance in all police forces

- **Recommendation:** Police forces should commit to reviewing all concerning strip search cases identified by the CCo and refer these to the Independent Office for Police Conduct (IOPC).

- **Recommendation:** Police forces should commit to training for frontline officers, who may conduct stop and searches in the course of their regular duties, on safeguarding children and trauma-informed practice.
- **Recommendation:** Police forces, as public bodies with obligations under the Equality Act 2010 and Human Rights Act 1998, should commit to working with the Equalities and Human Rights Commission (EHRC) as required after the publication of this report in order to deliver necessary reforms.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should conduct a thematic inspection of strip searches of children under stop and search.
- **Recommendation:** His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Ofsted should consider a Joint Targeted Area Inspection (JTAI) approach to inspecting safeguarding outcomes for children interacting with police.

Broader change in police interaction with children and the adoption of safeguarding first policing approach

- **Recommendation:** The National Police Chief's Council (NPCC) should publish an action plan on reforming stop and search practices, including strip searches, of children.
- **Recommendation:** The National Police Chief's Council (NPCC) should update their child-first approach to policing and publish a comprehensive strategy for ensuring that every police force takes a safeguarding first approach to policing children. Every force should have a named senior officer whose responsibility it is to implement the strategy;
- **Recommendation:** Police forces should share strategic information on strip searching of children with local safeguarding partnerships and serious violence duty-holders to inform their priorities and work to assess and understand local need;
- **Recommendation:** The Crown Prosecution Service and the Home Office should consult on adding a safeguarding referral outcome to the Crime Outcomes Framework to encourage police officers to refer vulnerable children to children's social care; and

- **Recommendation:** As recommended in the CCo's *Independent Family Review*, the Department for Education, the Department of Health and Social Care, the Home Office, and the Ministry of Justice should consider how the functions of Local Safeguarding Partnerships, Health and Wellbeing Boards, Adult Safeguarding Boards, and Community Safety Partnerships could be rationalised, and the bodies merged with consolidated duties, powers, funding, and accountability. Schools should have a formal role in this rationalised partnership, which should have operational as well as strategic functions.³⁶

Methodology

Data access and collection

We requested data from police forces in England and Wales under Section 2F of the Children Act 2004. This legislation enables the Children's Commissioner to gather information from public bodies to inform her work. In total, 39 of 43 police forces in England and Wales including the British Transport Police, responded to the request within the required timeframe. Forces were asked to input data into a set data return template which included a key to describe the data. An updated version of the template was provided to further clarify that the request only related to strip searches that occurred outside of custody. Datasets were uploaded by means of a closed survey using the secure, online SmartSurvey platform.

The data collected included demographic data on children, search locations, including location type and territorial district, whether an appropriate adult was present for each search, whether the officer present during the search was of the same gender as the child, whether the search was public, whether force was used, the legal search powers cited and the outcome of the search, including any objects found and whether the reason for the search was linked to the outcome. The template also asked whether a safeguarding referral had been raised after the search.

Data cleaning and analysis

All data returns were manually audited by two researchers to ensure the data structure matched the data return template, then quality assured by another researcher. All further data cleaning, quantitative and qualitative analyses were conducted using R. After combining the police force datasets into one master dataframe in R, any responses which did not match the data template were recoded using the 'tidyverse' and 'stringr' packages. All personally identifiable data was removed so that analysis was conducted on anonymised data.

Population level data was added to the strip search dataset by police force area (PFA). The CCo estimates the population share for each high-level ethnic group in all PFAs for children aged 10-17 using the Census 2021 table on ethnic group by age and sex. Note that reported estimates are the midpoint between the lowerbound and upperbound population shares calculated based on the rounded figures

in the published census data. The estimates are no more than 5 percentage points from the actual share.

A binomial regression was used to analyse the significance of the relationship between whether or not an Appropriate Adult could be confirmed as present during strip searches, and multiple predictors variables, including the gender of the child and geographic region.

Annex 1 - Definitions

Age of criminal responsibility: The age of criminal responsibility is 10 years old. Children under 10 years old cannot be arrested or charged with a crime. Children between 10 and 17 years can be arrested and taken to court if they commit a crime, although they are treated differently from adults. It is possible for children below the age of 10 to be stopped and searched, because there is no requirement for a child has to provide their age (or other details) when stopped by police.

Appropriate Adult: An Appropriate Adult is usually a parent or guardian, but can be a social worker, or representative of a local authority or charitable organisation the child is in the care of. An Appropriate Adult can be any responsible person over the age of 18 who is not a police officer, and local schemes exist for volunteers to play this role.

Arrest: Police have the power to arrest any person, including children, if they have reasonable grounds to suspect they have committed a crime. The police should only arrest children under 18 years old at school if it's unavoidable and they must inform the headteacher.

Custody: People, including children, arrested by the police are in police custody. People in custody are usually taken to a custody suite in a police station where they are held, questioned, and possibly searched before being charged with a crime or released. Police must contact a child's parents or guardians and ensure an Appropriate Adult is present for searches and questioning.

Stop and search: Police have the power to stop and search members of the public, including children, where they have reasonable grounds to believe certain crimes have been committed, without reasonable grounds in designated areas where violence could occur, or with reasonable suspicion in relation to terrorist offences.

PACE Code A: The statutory code of practice under the Police and Criminal Evidence Act 1984 (PACE) that regulates police powers of stop and search.³⁷

PACE Code C: The statutory code of practice under the Police and Criminal Evidence Act 1984 (PACE) that regulates the detention, treatment and questioning of people in police custody.³⁸

Types of searches:

JOG search: A search that involves removal of no more than the jacket, outer layer of clothing, or gloves (JOG). See section of this report, Understanding searches conducted by the police.

Strip search: According to legal usage, a strip search is any search conducted by police that involves removing more than the outer layer of clothing (i.e., jacket, outer layer, gloves). However, for the purposes of this report, a 'strip search' is defined as a search exposing intimate parts (EIP), also known as a more thorough search exposing intimate parts (MTIP). The CCo considers that the public, including children, generally understand a strip search to be one in which intimate parts are exposed. Police are able to strip search a child as part of a stop and search, or when the child is in custody. There is different, though inter-related, guidance for each case and the strip search is recorded and monitored in different systems. A strip search conducted under stop and search powers (PACE Code A) must be located in a location outside of public view, but not in a police vehicle; with no more than two people of the same gender as the person being searched present, one of whom must be an Appropriate Adult, except in cases of urgency where there is a risk of serious harm to the child or others; and the search must be conducted with regard for dignity, sensitivity, and vulnerability, and in a way that minimises embarrassment. See section of this report, Understanding searches conducted by the police.

Intimate search: A search of bodily orifice other than the mouth, conducted by a medical professional in custody. See section of this report, Understanding searches conducted by the police.

More thorough search (MTS): A search that includes the removal of anything other than the jacket, outer layer, or gloves (JOG), but does not involve the exposure of intimate parts. See section of this report, Understanding searches conducted by the police.

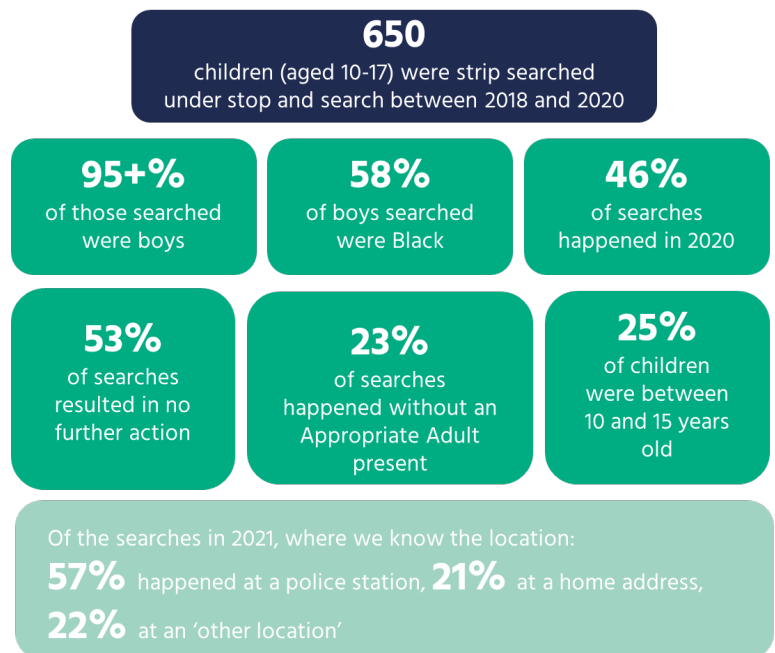
More thorough search exposing intimate parts (MTIP): See strip search definition above.

Search exposing intimate parts (EIP): See strip search definition above.

Annex 2 - Findings from CCo report on strip searches by the Metropolitan Police

In August 2022, CCo published data ³⁹ showing that Metropolitan Police were:

- Frequently strip searching children under stop and search powers, and that these searches have a very concerning ethnic disproportionality.
- Regularly not meeting national guidelines on the presence of an Appropriate Adult (23% of searches).
- Could not readily account for the number or circumstances of strip searches of children.



Recommendations

Ambition 1) Ensure the safeguarding of children is the top priority for the police when undertaking searches, by amending national guidance: The Home Office should amend Police and Criminal Evidence (PACE) Codes A and C to make it clear that strip searches of children should only be used when absolutely necessary. This guidance should also place a greater emphasis on a police officer's duty to safeguard children during strip searches. This should include:

- Clear guidance on making a safeguarding referral whenever a child is strip searched;
- An emphasis on the need for an Appropriate Adult to be present;
- A clear definition of any situation where an Appropriate Adult is not needed, to minimise any ambiguity around the term 'urgency'.

The Home Office should ensure changes are included in both PACE Code A and Code C. The College of Policing should update its guidance to reflect these changes and to recognise changes to practice made by the MPS. The Children's Commissioner's office will send this report to the Minister for Policing and work with the Home Office to achieve these changes.

Ambition 2) Improvements to transparency and scrutiny: Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and the Home Office should work together to ensure that the Annual Data Request of monitoring information collected from each police force includes sufficient information on the strip searching of children. This should include whether an Appropriate Adult was present, the specific location of the search, and whether a safeguarding report was made. HMICFRS should also incorporate questions about safeguarding of children when scrutinising stop and search in the framework for PEEL inspections of police forces. Police forces should ensure that mechanisms for independent community oversight, including independent advisory groups and stop and search scrutiny panels, have regular reporting and sufficient guidance to assess the appropriateness of strip searches involving vulnerable children,

Ambition 3) Increased training: All police forces should commit to additional training for officers on safeguarding and for this to be scrutinised by the National Police Chiefs' Council (NPCC). The Children's Commissioners office (CCo) will work with NPCC on the broader framework for child protection in policing practice.

Ambition 4) Build upon the role of safeguarding partnerships: As we have previously recommended, local safeguarding partnerships should become joint enterprises of local authorities, 16 police, the NHS, and also schools. Schools should be formal members with a voice on formulating safeguarding arrangements and an expectation of cooperation.

Annex 3 – Search data in the public domain

Since the publication of the Child Q case, there has been significant interest in the issue of strip searching. Due to complexity of the data, ambiguity in terminology, and the challenges of achieving comparable data between forces, there has sometimes been confusion in the public narrative about what types of searches are being discussed. Table 3 below clarifies what data on different types of searches exists in the public domain.

Table 3. Sources of police search data in the public domain

Report	Stop and search			Custody		
	JOG search	More thorough search	Strip search	More thorough search	Strip search	Intimate search
Metropolitan Police						
CCo – Metropolitan Police ⁴⁰ <i>Source:</i> Children Act (section 2f) powers <i>Forces:</i> 1	N/A	N/A	650 (2018 to 2020) 46% (2020) 36% (2019) 18% (2018)	N/A	N/A	N/A
National						
Home Office ⁴¹ <i>Source:</i> National statistics <i>Forces:</i> 44			94,975 (2021-22) 115,601 (2020-21)	N/A	N/A	N/A
This report <i>Source:</i> Children Act (section 2f) powers <i>Forces:</i> 39 (including British Transport Police)	N/A	N/A	2,847 (2018 to mid-2022) 12% (Jan to Jul 2022) 22% (2021) 28% (2020) 26% (2019)	N/A	N/A	N/A

			13% (2018)		
Home Office*⁴² <i>Source: Experimental statistics</i> <i>Forces: 28</i>	N/A	N/A	N/A	3,133 (2021-22)	0 (2021-22)

Table 4. Home Office experimental statistics of searches conducted on children in custody, 2020-21

Geographic area	More thorough searches and strip searches	Share of total searches
National		
England	2,950	94%
Wales	183	6%
Regional		
East Midlands	36	1%
Eastern	631	20%
London	1,456	46%
North East	34	1%
North West	69	2%
South East	383	12%
South West	64	2%
Wales	183	6%
West Midlands	176	6%
Yorkshire and the Humber	101	3%
Police force		
Avon and Somerset Constabulary	No data	N/A
Bedfordshire Police	65	2%
Cambridgeshire Constabulary	65	2%
Cheshire Constabulary	30	1%
City of London Police	7	<1%

Cleveland Police	14	<1%
Cumbria Constabulary	19	1%
Derbyshire Constabulary	5	<1%
Devon and Cornwall Police	35	1%
Dorset Police	No data	N/A
Durham	No data	N/A
Dyfed-Powys Police	15	<1%
Essex Police*	300	10%
Gloucestershire Constabulary	4	<1%
Greater Manchester Police	No data	N/A
Gwent Police	35	1%
Hampshire and Isle of Wight Constabulary	329	11%
Hertfordshire Constabulary	68	2%
Humberside Police	34	1%
Kent Police	54	2%
Lancashire Constabulary	No data	N/A
Leicestershire Police	No data	N/A
Lincolnshire Police	No data	N/A
Merseyside Police	20	<1%
Metropolitan Police Service	1,449	46%
Norfolk Constabulary	61	2%
North Wales Police	No data	N/A
North Yorkshire Police	0	0%
Northamptonshire Police	No data	N/A
Northumbria Police	20	1%
Nottinghamshire Police	31	1%
South Wales Police	133	4%
South Yorkshire Police	No data	N/A
Staffordshire Police	No data	N/A
Suffolk Constabulary	72	2%

Surrey Police	No data	N/A
Sussex Police	No data	N/A
Thames Valley Police	No data	N/A
Warwickshire Police	No data	N/A
West Mercia Police	39	1%
West Midlands Police	137	4%
West Yorkshire Police	67	2%
Wiltshire Police	25	1%
Total	3,133	100%

* Essex Police have noted that the force's custody policy uses a strict definition of more thorough searches in the interest of safeguarding, but that this may lead to their figures being higher than comparable forces.

References

- ¹ Independent Office for Police Conduct (IOPC), *National Stop and Search learning report, April 2022*, [Link](#), accessed on 24/03/23.
- ² Children's Commissioner for England, *Local Integration of Services annex to 'A positive approach to a parenting: Part 2 of the Independent Family Review'*, [Link](#), accessed on 24/03/23.
- ³ Office of National Statistics, *Office for National Statistics' Mid-Year Population Estimates June 2021 dataset*, [Link](#), accessed on 24/03/23.
- ⁴ Home Office, *Arrests*, [Link](#), accessed on 24/03/23.
- ⁵ Home Office, *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022*, [Link](#), accessed on 24/03/23.
- ⁶ Youth Justice Board for England and Wales, *Youth Justice Statistics 2021/22 England and Wales*, [Link](#), accessed on 24/03/23.
- ⁷ Runnymede Trust, *Over-policed and under-protected: The road to Safer Schools*, [Link](#), accessed on 24/03/23.
- ⁸ United Nations Convention on the Rights of the Child, [Link](#), accessed on 24/03/23.
- ⁹ College of Policing, *Authorised Police Practice (APP): Children and Young Persons*, [Link](#), accessed on 24/03/23.
- ¹⁰ Children Act 2004, [Link](#), accessed on 24/03/23.
- ¹¹ Department for Education, *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, [Link](#), accessed on 24/03/23.
- ¹² Crest Advisory, *Forgotten voices: Policing, stop and search and the perspectives of Black children*, [Link](#), accessed on 24/03/23.
- ¹³ HM Government, *Ethnicity facts and figures: Stop and search*, [Link](#), accessed on 24/03/23.
- ¹⁴ Independent Office for Police Conduct (IOPC), *National Stop and Search learning report, April 2022*, [Link](#), accessed on 24/03/23.
- ¹⁵ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), *Disproportionate use of police powers – A spotlight on stop and search and the use of force*, [Link](#), accessed on 24/03/23.
- ¹⁶ House of Commons Library, *Police Powers: Stop and Search*, [Link](#), accessed on 24/03/23.
- ¹⁷ House of Commons Library, *Child Q and the Law on Strip Search*, [Link](#), accessed on 24/03/23.
- ¹⁸ National Appropriate Adults Network, *Police searches of people: A review of PACE powers*, [Link](#), accessed on 24/03/23.
- ¹⁹ College of Policing, *Authorised Police Practice (APP): Stop and Search*, [Link](#), accessed on 24/03/23.

- ²⁰ Home Office and College of Policing, *Best Use of Stop and Search Scheme*, [Link](#), accessed on 24/03/23.
- ²¹ Home Office, *Police and Criminal Evidence Act 1984 (PACE) Code A (Revised): Code of Practice for the exercise by: Police Officers of Statutory Powers of stop and search; Police Officers and Police Staff of requirements to record public encounters*, [Link](#), accessed on 24/03/23.
- ²² Home Office, *Police and Criminal Evidence Act 1984 (PACE) Code C (Revised): Code of Practice for the detention, treatment and questioning of persons by Police Officers*, [Link](#), accessed on 24/03/23.
- ²³ National Appropriate Adults Network, *Police searches of people: A review of PACE powers*, [Link](#), accessed on 24/03/23.
- ²⁴ Department for Education, *Searching, Screening and Confiscation: Advice for schools*, [Link](#), accessed on 24/03/23.
- ²⁵ Independent Office for Police Conduct (IOPC), *IOPC recommendations to Met over strip searches of children*, [Link](#), accessed on 24/03/23.
- ²⁶ Children's Commissioner for England, *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*, [Link](#), accessed on 24/03/23.
- ²⁷ Baroness Casey Review, *Final Report*, [Link](#), accessed on 24/03/23.
- ²⁸ Home Office, *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022*, [Link](#), accessed on 24/03/23.
- ²⁹ Home Office, *Experimental statistics: Police custody*, [Link](#), accessed on 24/03/23.
- ³⁰ College of Policing, *Authorised Police Practice (APP): Stop and Search*, [Link](#), accessed on 24/03/23.
- ³¹ Police and Criminal Evidence Act 1984, [Link](#), accessed on 24/03/23.
- ³² Home Office, *User guide to Police use of force statistics, England and Wales*, [Link](#), accessed on 24/03/23.
- ³³ His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), *Disproportionate use of police powers – A spotlight on stop and search and the use of force*, [Link](#), accessed on 24/03/23.
- ³⁴ Department for Education, *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, [Link](#), accessed on 24/03/23.
- ³⁵ Independent Office for Police Conduct (IOPC), *National Stop and Search learning report, April 2022*, [Link](#), accessed on 24/03/23.
- ³⁶ Children's Commissioner for England, *Local Integration of Services annex to 'A positive approach to a parenting: Part 2 of the Independent Family Review'*, [Link](#), accessed on 24/03/23.
- ³⁷ Home Office, *Police and Criminal Evidence Act 1984 (PACE) Code A (Revised): Code of Practice for the exercise by: Police Officers of Statutory Powers of stop and search; Police Officers and Police Staff of requirements to record public encounters*, [Link](#), accessed on 24/03/23.
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³⁸ Home Office, *Police and Criminal Evidence Act 1984 (PACE) Code C (Revised): Code of Practice for the detention, treatment and questioning of persons by Police Officers*, [Link](#), accessed on 24/03/23.

³⁹ Children's Commissioner for England, *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*, [Link](#), accessed on 24/03/23.

⁴⁰ Children's Commissioner for England, *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*, [Link](#), accessed on 24/03/23.

⁴¹ Home Office, *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022*, [Link](#), accessed on 24/03/23.

⁴² Home Office, *Experimental statistics: Police custody*, [Link](#), accessed on 24/03/23.



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