



Local Child Safeguarding Practice Review

Child Q

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1. Introduction

- 1.1 In 2020, Child Q, a Black female child of secondary school age, was strip searched by female police officers from the Metropolitan Police Service (MPS). The search, which involved the exposure of Child Q's intimate body parts, took place on school premises, without an Appropriate Adult present and with the knowledge that Child Q was menstruating.
- 1.2 Teachers told the review that on the day of the search they believed Child Q was smelling strongly of cannabis and suspected that she might be carrying drugs. On questioning Child Q, she denied using or having any drugs in her possession. A search of her bag, blazer, scarf, and shoes revealed nothing of significance.
- 1.3 Remaining concerned, teachers sought advice from the Safer Schools Police Officer. Due to the restrictions arising from Covid-19, this officer was not on site. He recommended that the school call 101 and ask for a female officer to attend.
- 1.4 A male and female officer subsequently arrived at the school, followed by another two officers (one of whom was also female). After discussions between the police and teachers, Child Q was escorted to the medical room. She was subsequently strip searched.
- 1.5 No Appropriate Adult was in attendance, teachers remained outside the room and Child Q's mother was not contacted in advance. No drugs were found during either the strip search or a search of the room in which Child Q had been waiting beforehand.
- 1.6 Child Q was later allowed to return home where she disclosed the events to her mother. Child Q described how she had been strip searched whilst menstruating. Due to the level of her distress, Child Q's mother took her to the

family GP who made a referral for psychological support. This led to contact with Hackney Children and Families Services (Hackney CFS).

- 1.7 Given these circumstances, a Rapid Review was initiated by the City & Hackney Safeguarding Children Partnership (CHSCP). The Rapid Review report was submitted to the Child Safeguarding Practice Review Panel¹ (*the Panel*) in early 2021. As part of its response, the Panel made the following suggestion.

'We noted your decision to carry out a local child safeguarding practice review (LCSPR) but would encourage you to think carefully about whether one is necessary as we felt that this case was not notifiable and did not meet the criteria for an LCSPR.'

- 1.8 Despite this suggestion, a Local Child Safeguarding Practice Review (*the review*) was nonetheless initiated. The delegated decision to do this was made by the CHSCP's Independent Child Safeguarding Commissioner (ICSC) and ratified by safeguarding partners in line with the CHSCP's written safeguarding arrangements.

- 1.9 In considering the relevant statutory guidance², the overwhelming opinion was that Child Q had been exposed to a traumatic incident and had undoubtedly suffered harm. Whilst there was less certainty about whether the precise definition of a '*serious child safeguarding case*' had been met, there was little doubt that the impact on Child Q had been profound. The repercussions on Child Q's emotional health were obvious and ongoing. Given the context of where and how the search took place, it was impossible not to view these circumstances as anything other than the most serious and significant.

- 1.10 The incident also illustrated unambiguous issues of importance that warranted independent analysis, not least the potential impact of disproportionality and racism and how these factors might have influenced the actions of organisations and individual professionals.

¹ <https://www.gov.uk/government/organisations/child-safeguarding-practice-review-panel/about>

² Working Together 2018, Chapter 4 para 15-19

1.11 Indeed, reinforcing the gravity with which this case was being viewed, Ofsted's National Director for Social Care and Regional Director for London were engaged by the CHSCP and verbally appraised of its details.

1.12 Terms of Reference were set for the review, with the methodology requiring the following questions to be addressed:

- Was the rationale and practice to strip search Child Q sufficiently attuned to the rights of children as set out in the relevant articles of the United Nations Convention on the Rights of the Child?
- Was practice involving Child Q sufficiently focused on her potential safeguarding needs?
- Is the law and policy, which informs local practice, properly defined in the context of identifying potential risk and furthermore, does law and policy create the conditions whereby practice itself can criminalise and cause significant harm to children?

1.13 To ensure the review had access to relevant expertise, a reference panel including Black and Global Majority Ethnic³ safeguarding professionals was also convened. Their input has been invaluable in helping to explore and validate the review's findings in the context of anti-racist practice.

1.14 These and other findings are consistent with the overall purpose of reviews. In line with statutory guidance, they are focused upon preventing or reducing the risk of recurrence of similar incidents. The review has not been *'conducted to hold individuals, organisations or agencies to account, as there are other processes for that purpose, including through employment law and disciplinary procedures, professional regulation and, in exceptional cases, criminal proceedings.'*⁴

1.15 With regards to the above, following a formal complaint, Child Q's school swiftly responded to this by way of a Stage 2 investigation. Investigations remain

³ This terminology is used in place of Black and Minority Ethnic (BAME).

⁴ [Working Together to Safeguard Children 2018, Chapter 4, para 4.](#)

ongoing by the Independent Officer for Police Conduct (IOPC) into the conduct of the police officers.

- 1.16 The review makes eight findings and 14 recommendations for improving practice.

Finding 1: The school was fully compliant with expected practice standards when responding to its concerns about Child Q smelling of cannabis and its subsequent search of Child Q's coat, bag, scarf and shoes. This demonstrated good curiosity by involved staff and an alertness to potential indicators of risk.

Finding 2: The decision to strip search Child Q was insufficiently attuned to her best interests or right to privacy.

Finding 3: School staff deferred to the authority of the police on their arrival at school. They should have been more challenging to the police, seeking clarity about the actions they intended to take. All practitioners need to be mindful of their duties to uphold the best interests of children.

Finding 4: School staff had an insufficient focus on the safeguarding needs of Child Q when responding to concerns about suspected drug use.

Finding 5: The application of the law and policy governing the strip searching of children can be variable and open to interpretation.

Finding 6: The absence of any specific requirement to seek parental consent when strip searching children undermines the principles of parental responsibility and partnership working with parents to safeguard children.

Finding 7: The Covid-19 restrictions in place at the time appeared to have frustrated effective communication between school staff and the Safer Schools Officer.

Finding 8: Having considered the context of the incident, the views of those engaged in the review and the impact felt by Child Q and her family, racism (whether deliberate or not) was likely to have been an influencing factor in the decision to undertake a strip search.

2. Background and Context

- 2.1 Beyond the immediate events of the strip search at school, the review has kept information relating to the background and context of Child Q's lived experience to a minimum. The reasons for this are three-fold. Firstly, to protect Child Q's identity and that of her family, secondly, to allow for the report's publication and thirdly, because the review considers much of this information to be largely irrelevant.
- 2.2 To explain this latter point further, the review has been mindful not to detract from the incident itself. It has also been careful not to introduce a perception that there might be a 'rationale' to excuse the actions of some professionals based on who Child Q is, where she lives or what her family circumstances are.
- 2.3 The review is clear that the strip search of Child Q should never have happened and there was no reasonable justification for it.

Definitions

- 2.4 A 'strip search' is a specific practice related to the overall stop and search powers available to the police. There are two distinct types of strip search that are outlined under the Police and Criminal Evidence Act (PACE) 1984.

More Thorough Searches

- 2.5 A more thorough search, as part of a stop and search, is where an officer deems it necessary that the subject removes more than an outer coat, jacket or gloves. This process does not reveal intimate parts of the body. Powers for this more thorough search are set out under PACE Code A, [paragraph 3.6](#).

'Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby.'

Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.'

Searches Involving Exposure of Intimate Parts of the Body

- 2.6 Searches involving exposure of intimate parts of the body are where the person removes all or most of their clothing. They are, by definition, one of the most intrusive forms of search. As with searches involving less intrusion, they must only be used where it is necessary and reasonable, bearing in mind the object of the search.
- 2.7 Consultation with a supervisor is always required prior to such a search⁵. The police officer must be of the same sex as the person being searched and the process must be conducted in accordance with [paragraph 11](#) of PACE Code C, Annex A. Full powers are set out under [PACE Code A, paragraph 3.7](#).

'Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search.'

⁵ [College of Policing – Authorised Professional Practice](#)

Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle).

- 2.8 During a search involving the exposure of intimate parts of the body, persons are required to remove some or potentially all of their clothing. They can also be required to bend over and spread their legs. The police are allowed to require compliance in this regard if the person is suspected of concealing evidence. This might include, for example, class A drugs or an object that could cause harm. Child Q was searched under this criterion.

Intimate Searches

- 2.9 In addition to these defined 'strip searches', the police can also undertake 'intimate searches'. These involve a physical examination of a person's body orifices other than the mouth. PACE identifies that '*the intrusive nature of such searches means the actual and potential risks associated with intimate searches must never be underestimated*'. It further sets out the specific approach to consent that must be followed prior to any such search being undertaken.

The Day of the Incident

- 2.10 In trying to determine why the events unfolded as they did, inconsistencies in the accounts of those involved have hampered the review's ability to clarify these details with any precision. These variations primarily relate to the initial conversations held between the police and the school, whether school staff knew that Child Q was going to be searched (and to what extent) and who was acting as an Appropriate Adult.
- 2.11 Whilst taking account of interviews and written statements, the review does not draw any firm conclusions about each event in question. Some remain subject to investigation as part of ongoing complaints. That said, the review believes it reasonable to infer the following:

- School staff contacted the police because they remained concerned that Child Q had drugs in her possession. They had searched Child Q to the extent that was permissible, and it is likely they knew a further search of Child Q would be undertaken by the attending officers.
- Indeed, if a potential search wasn't expected, then the instruction for a member of staff to follow Child Q when being taken to another office is unlikely to have been made. This was done to make sure that Child Q didn't attempt to dispose of anything in her possession.
- It is unlikely that the school was informed by the attending police officers of the intention to strip search Child Q.
- It is likely that the importance of the Appropriate Adult role was insufficiently explained to either Child Q or the school staff present. Relevant requirements set out under para 11, Annexe A, Code C of the Police and Criminal Evidence Act 1984 (PACE) appear not to have been followed.
- There is no evidence that the officers consulted with a supervisor prior to the search.
- There is no evidence that Child Q was resistant to the search undertaken by school staff or that there were any indicators in her behaviour that she might be hiding drugs on her person.
- The rationale used by the police to initiate the strip search was primarily based on reports provided by the school – that she had smelt of cannabis, that she had previously smelt of cannabis at school and that someone known to Child Q had previously been excluded for drugs.

Previous Incidents of Concern

2.12 A month before Child Q was strip searched, she was similarly identified by the school as smelling of cannabis. On this occasion Child Q was described by school staff as being 'intoxicated', although on contacting her mother, she explained that Child Q had been studying late the night before and it was this that accounted for her presentation. Such background is relevant to the review given the different approach adopted by the school in managing this earlier

incident (and the likely influence of this event on the actions prior to Child Q being strip searched).

- 2.13 In the school's record log, it is noted that Child Q and her mother were advised that *'if this behaviour continues or that if she is found with weed/drugs on her she will not be able to continue her place with [the school].'* No further action followed by way of exploring this incident further, contacting the police or engaging external agencies for advice and support. Child Q's mother was, however, quickly engaged by school staff to inform her of the concerns.

The School Context

- 2.14 The most recent inspection of Child Q's school found it to be good with safeguarding effective. There are no known complaints regarding pupil well-being or the overall provision for pupils prior to the incident involving Child Q.
- 2.15 There have never been any similar incidents whereby a child has been strip searched on the school's premises. The review is not alert to any other child having been strip searched in any other local school.
- 2.16 In the school's Stage 2 investigation report, its author commented: *'The involvement of the police in this manner is an irregular occurrence at the Academy. In the 12 months prior to the incident the Academy had not requested police involvement about searches or suspicion of possession of banned/illegal items for students.'*

Local Facts & Figures

- 2.17 During 2020/2021, there were 299 *'further searches'* conducted in Hackney by local police officers from the Central East BCU of the MPS. The review was advised that *'further searches'* is the terminology used to cover strip search activity, although this does not differentiate between the specific types of searches that can be undertaken.

2.18 Over the same period, 25 children under the age of 18 were subject of 'further searches'. 19 were male and 18 were handcuffed during the process. The reasons for search primarily related to suspicions about drugs (20), followed by weapons (4) and stolen property (1). 22 (88%) of the searches were negative with an outcome of no further action recorded in 20 (80%) of the cases. In terms of ethnicity, (as per the codes used by the police), 15 (60%) of the children searched were Black, 2 were White, 6 Asian and 2 Arab or North African.

3. Views of Child Q

3.1 During her engagement with the review, Child Q was spoken to and shared a written account of her experiences. The following statements made by Child Q reflect the significant impact that this incident had upon 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.”

4. Views of Mother and Maternal Aunt

4.1 Child Q’s mother and maternal aunt were also engaged by the review. During interviews, there was a clear sense of shock as to what Child Q had experienced and the ongoing impact upon the whole family. The events themselves have dented the family’s confidence and trust in those professionals tasked with caring for and protecting Child Q.

4.2 There was also an overwhelming perception by the family that Child Q had been let down badly, criminalised, and above all, a view that Child Q was treated differently because she is Black. A sample of their views reflecting the impact of the strip-search are set out below.

4.3 Comments from Child Q’s mother during interview.

“...the incident that happened (was) treated not as a safeguarding issue. (It was) treated as a criminal matter.”

“(Professionals) treated her as an adult. (She was) searched as an adult.”

“Child Q is a changed person. She is not eating, every time I find her, she is in the bath, full of water and sleeping in the bath. Not communicating with us as (she) used to, doesn’t want to leave her room, panic attacks at school, doesn’t

want to be on the road, screams when sees/hears the police, and we need to reassure her.”

“We try to get her to do things and reassure her. Child Q is not the same person. Was a person who liked to be active and get into things. Not now, she has changed. She comes home, goes upstairs in the bedroom and closes the bedroom door. Saying she is doing mock exam studies, she just locks off, saying leave me alone. When sleeping, (she is) screaming in her sleep, I have to watch her.”

“At the end of day, things like that happen, is it because of her skin, hair. Why her, now looking at the future, will she be comfortable?”

“Child Q was searched by the police and was asked to go back into the exam without any teacher asking her about how she felt knowing what she had just gone through. Their position in the school is being part of the safeguarding team, but they were not acting as if they were a part of that team. This makes me sick - the fact that my child had to take her sanitary towel off and put the same dirty towel back on because they would not allow her to use the restroom to clean herself. I was also wondering if the officers body cameras were on while my child was stripped of her clothes, are they re-watching it?”⁶

4.4 When questioned, the MPS informed the review that there is no Body Worn Camera recording of the incident.

4.5 Letter from Child Q’s mother to the review.

“Consider what is happening now diversity and racial equality around Black Lives Matter and what is happening to women out there.”

“Do you think it is appropriate for a black girl to be search without a parent or family member, when I send my child to school, I expect teachers to act as a

⁶ The MPS informed the review that there is no Body Worn Camera recording of the incident.

parental substitute. Would allow your child to be strip searched and questioned without consent or a guardian present, for a 15-year-old to be interrogated by multiple unnamed police officers.”

“Why doesn’t my daughter deserve the same rights as every other child, is this because they think she is a young girl, with no respect for her parents or adults and no fear of consequences or because she is a black child living in a poor city area.”

“As you can see clearly in the incident, they have already pointed out the area that Child Q lives in, they made where we live a boundary for Child Q. Our children have families, have names, have hearts and minds, their lives matter. They wish to be scientists, educators and mathematicians.”

4.6 Comments from Child Q’s maternal aunt made during interview.

“I see the change from a happy go lucky girl to a timid recluse that hardly speaks to me...In my personal opinion, they have got a problem with Child Q and the aftermath is that when she sees this individual (a teacher) in school, gets panic attacks. They are the main instigator of the exposure.”

4.7 Letter from Child Q’s maternal aunt to the review.

“I cannot express to you how aggrieved I am with the school and the police enforcement officers for exposing Child Q to such an undignified, humiliating, and degrading exposure. No child of her age should have to experience this without due cause.”

“Child Q was doing exceptionally well at school, top of the class and getting praised every day for her good work and good conduct. She was even the prefect of her year at one stage. She was progressing well, a happy go lucky child, well loved, and cared for. Then for whatever reason, cracks crept in and she appeared to be singled out by the teachers repeatedly for various things.”

“The family do not believe that the officers would have treated a Caucasian girl child who was on her monthly periods in the same way.”

- *“Child Q was made to take her pad off, something so personal and exposed in such a way to strangers.”*
- *“Child Q was racially profiled due to her being black and her extreme large head of locks.”*
- *“She was made to bend over spread her legs, use her hands to spread her buttocks cheek whilst coughing.”*
- *“She was not permitted to use the toilet despite asking.”*
- *“She is now self-harming and requires therapy. She is traumatised and is now a shell of the bubbly child she was before this incident.”*
- *“From the time she was pulled out of her exam to the time she returned home, she was isolated, not given food or offered water, where is the care.”*
- *“It is now being circulated in her school that she is the big-time drugs seller.”*
- *“All the above is related to the police behaviour towards her.”*

5. Findings and Recommendations

5.1 It has been a relatively straightforward process for the review to conclude that Child Q should never have been strip searched. Across many of the professionals involved that day, there was an absence of a safeguarding first approach to their practice. There were other ways that this incident could and should have been managed, beyond the largely criminal justice response from the police and the disciplinary response from the school.

5.2 Whilst school staff were right to respond to their concerns, the intervention that followed is considered by the review to have been disproportionate and ultimately harmful to Child Q.

- 5.3 Prior to addressing each of the questions as set out in the Terms of Reference, the review makes two supplementary recommendations.
- 5.4 The first, not relating to the experiences of Child Q, involves the LCSPR process itself. This has been made given the significant difficulties experienced by the review team in gaining direct access to the police officers involved in the case.
- 5.5 This was due to their practice being subject to a formal investigation by the IOPC. Whilst eventually resolved through effective collaboration between the IOPC and the CHSCP⁷, the following recommendation is made.

Recommendation 1: The Child Safeguarding Practice Review Panel should engage the IOPC with a view to developing national guidance on the IOPC's interface with the Local Child Safeguarding Practice Review process. As a minimum, this should set out the arrangements for securing cooperation, accessing key staff for interview and the requirements for the timely sharing of information.

- 5.6 The second recommendation involves the data submitted to the review by the MPS in respect of strip searches. This lacked specificity on the different types of strip searches, demographics of those searched, locations and timing. The review was informed there was no existing mechanism to retrieve this data without significant operational tasking.

Recommendation 2: The MPS should review and revise its recording system for stop and search to ensure it clearly identifies and allows for retrieval of the full range of activity under stop and search powers (including the ability to differentiate between the different types of strip searches undertaken).

⁷ The CHSCP was designated a formal party to the IOPC investigation in order to facilitate a legal basis for information sharing. Whilst this allowed access to information provided to the IOPC as part of its investigation, none of the officers were engaged in face-to-face interviews.

Review Question 1: UNCRC Compliance

- 5.7 **Was the rationale and practice to strip search Child Q sufficiently attuned to the rights of children as set out in the relevant articles of the United Nations Convention on the Rights of the Child?**
- 5.8 The United Nations Convention on the Rights of the Child (UNCRC) is the most widely ratified international human rights treaty in history. *‘The Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.’*⁸
- 5.9 The European Convention on Human Rights (ECHR) is an international treaty, in which Member States of the Council of Europe, including the UK, commit to upholding a number of fundamental rights.
- 5.10 As part of the review’s analysis, consideration has been given to the relevant articles under both conventions. Firstly, it has examined them in the context of the school’s decision to search Child Q.

Finding 1: The school was fully compliant with expected practice standards when responding to its concerns about Child Q smelling of cannabis and its subsequent search of Child Q’s coat, bag, scarf and shoes. This demonstrated good curiosity by involved staff and an alertness to potential indicators of risk.

- 5.11 The identified concerns about the smell of cannabis, the concern that this was a repeated incident and the additional context about someone known to Child Q⁹ all provided a rationale for the school to act. The school also held concerns that if Child Q did have drugs in her possession, then this could present a

⁸ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

⁹ A person known to Child Q had previously been excluded for drugs and there were concerns about this individual and gang affiliation.

potential risk to other pupils in the school. Given these circumstances, there were reasonable grounds for the school to be worried.

- 5.12 Under the UNCRC, the decision of the school to investigate further and conduct a search of Child Q's bag, scarf, coat and shoes reflects compliance with Article 33 (protecting children from the illegal use of drugs and from being involved in the production or distribution of drugs) and Article 3 (best interests).
- 5.13 Practice by the school at this point was also fully in line with its powers defined in government guidance¹⁰. This describes how school staff can search a pupil for any item if the pupil agrees, alongside setting out the statutory power to search pupils or their possessions, without consent, '*where they have reasonable grounds for suspecting that the pupil may have a prohibited item*'. Prohibited items include illegal drugs.
- 5.14 Actions taken by the school in searching Child Q demonstrated an adherence to obligations under Article 8 of the ECHR. Whilst this defines a pupil's right for respect to their private life, the 'interference' by way of the initial search was fully justified and proportionate.
- 5.15 Whilst evidencing positive practice, the next steps were characterised by a level of ambiguity and a diluted focus on Child Q's safeguarding needs. This is addressed later in the report.
- 5.16 Whilst no recommendations are made in respect of Child Q's experiences at this stage, the review has identified a need for the government's guidance, '*Searching, screening and confiscation - Advice for headteachers, school staff and governing bodies, DfE, January 2018*' to be updated. In the opinion of the review, this guidance could be strengthened by including much stronger reference to the primary need to safeguard children.

¹⁰ ['Searching, screening and confiscation - Advice for headteachers, school staff and governing bodies, DfE, January 2018'](#)

- 5.17 As framed, its tone is largely about discipline and is likely to lead front-line staff down this path of practice. By including relevant narrative about, for example, extra-familial risks and contextual safeguarding, this might help concentrate practice on helping and protecting children.
- 5.18 Indeed, the section covering what should happen after a search contains no reference to Keeping Children Safe in Education 2018 or the expectation that schools should escalate their concerns when indicators of abuse, harm or exploitation are identified. Being in possession of drugs is one such indicator, although the only external agency identified in the guidance for contact is the police.
- 5.19 The guidance also includes worryingly outdated terminology that should be urgently corrected. For example, on pages 12 and 13, the guidance refers to ‘*child pornography*’ and ‘*pornographic images of a child*’ respectively.

Recommendation 3: The Department for Education should review and revise its guidance on *Searching, Screening and Confiscation (2018)* to include more explicit reference to safeguarding and to amend its use of inappropriate language.

Finding 2: The decision to strip search Child Q was insufficiently attuned to her best interests or right to privacy.

- 5.20 There is valid critique about whether the decision and execution of the strip search were consistent with Child Q’s best interests¹¹ and her right to privacy¹².
- 5.21 An example of this can be seen in the approach to engaging an Appropriate Adult for Child Q. Practice was ambiguous and appears not to have aligned with the defined legal application of stop and search (concerning searches

¹¹ Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children. UNCRC

¹² Article 16 (right to privacy) Every child has the right to privacy. The law should protect the child’s private, family and home life, including protecting children from unlawful attacks that harm their reputation. UNCRC

involving exposure of intimate parts of the body) as set out by the College of Policing¹³. This guidance states:

'Unless there is a risk of serious harm to the person or to someone else, there must be a minimum of two persons present in addition to the person being searched. One of those must be the appropriate adult if the person is a child or vulnerable adult unless, in the case of a child, the child and appropriate adult both agree that the adult should not be present during the search.'

- 5.22 In Child Q's circumstances, whilst two people were present, they were both police officers. In the account of one of these officers seen by the review, they comment that Child Q '*indicated*' that she didn't mind one of the teachers acting as an Appropriate Adult but was uncomfortable about them being in the room. The officer further states that this teacher (and another) '*seemed*' happy to be outside whilst the search was undertaken. 'Indicated' and 'Seemed' do not suggest a thorough process whereby specific clarification was being sought about how Child Q's best interests would be protected.
- 5.23 Indeed, school staff dispute having ever been told about the planned strip search. In this sense, even if they knew they were the Appropriate Adult for Child Q, their ability to effectively advocate for her was seriously undermined.
- 5.24 On initiating the review, the MPS quickly recognised this as an area of improvement, issuing a revised guidance note to its officers across London in February 2021. This reinforced the following requirements with regards to Appropriate Adults.
- *Arrange for an Appropriate Adult to be present in the case of a child or young person or vulnerable adult (except in cases of urgency where there is a risk of harm to the detainee or others).*

¹³ <https://www.app.college.police.uk/app-content/stop-and-search/legal/legal-application/>

- *If the subject is under 18 and does not wish an Appropriate Adult to be present during the actual search, ensure they explain this in the presence of the Appropriate Adult and obtain the agreement of the Appropriate Adult.*

5.25 Whilst positive, this guidance could be strengthened by fully reflecting the procedure set out under the revised Code C, PACE, Annexe A, paragraph 11 (C)¹⁴.

'Except in urgent cases ... a search of a juvenile may take place in the absence of the appropriate adult only if the juvenile signifies in the presence of the appropriate adult that they do not want the adult to be present during the search and the adult agrees. A record shall be made of the juvenile's decision and signed by the appropriate adult.'

5.26 No evidence has been seen by the review indicating that any of the above expectations were actioned by the police during the strip search of Child Q. The review makes the following recommendation:

Recommendation 4: The MPS should update its guidance note and local policy to better emphasise the requirements for engaging an Appropriate Adult under the revised Code C, PACE, 1984.

5.27 In terms of the wider responsibility of all practitioners to protect and promote the rights of children, the review makes the following finding:

Finding 3: School staff deferred to the authority of the police on their arrival at school. They should have been more challenging to the police, seeking clarity about the actions they intended to take. All practitioners need to be mindful of their duties to uphold the best interests of children.

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117589/pace-code-c-2012.pdf

5.28 As a learning point, this has been fully accepted by the school staff involved. Many reflected their sadness and disappointment at what Child Q had experienced, with comments made as part of the school's Stage 2 investigation report echoing these feelings:

"In hindsight I put my trust in the law; I know now that I need to understand the law better... For example, insisting on staying with a student at all times..."

"This is the hardest thing that we've had to go through and for anyone to think that the school might be complicit is very stressful and difficult to deal with."

"In my experience with police [at her previous schools], where there has been a suspicion of carrying drugs or a weapon, and police found it necessary to conduct a search, it would only be a 'pat down'. I have known drugs to be found in socks or a waistband as I had witnessed that before, twice in my career. I have never known any more than that on site or known a student to be taken off site."

"I am an experienced Designated Safeguarding Lead with over 6 years' experience of safeguarding and liaising with the police to support young people. I have never known, nor would I condone a strip search of a young person on a school site."

<p>Recommendation 5: The CHSCP should review and revise its awareness raising and training content to ensure the Child Q case is referenced, with a specific focus on reinforcing the responsibilities of practitioners to advocate for and on behalf of the children they are working with / who are in their care.</p>

Review Question 2: Safeguarding Needs

5.29 Was practice involving Child Q sufficiently focused on her potential safeguarding needs? In circumstances where young people are being engaged due to concerns about drug use / possession, is the safeguarding of children a recognised and evidenced priority in practice?

- 5.30 Concerns about strip searching children are not new, having previously attracted scrutiny from a range of different sources. Whilst not practical to highlight every relevant article or document, the following provides a snapshot of some of this material.
- 5.31 In 2014, a report by Joe Sandler Clarke¹⁵ for the Guardian newspaper identified that *'...4,638 children aged between 10 and 16 were asked to remove their clothes and then searched by police between April 2008 and the end of last year. Just over a third were released by police without charge.'*
- 5.32 This article also highlighted the attempts of Julian Huppert, a Liberal Democrat MP for Cambridge who unsuccessfully campaigned for children to be strip searched only if an adult other than police officers was present.
- 5.33 In 2015, Just for Kids Law and Children's Rights Alliance for England (CRAE) published a briefing note¹⁶ detailing their serious concerns about an *'alarming increase in the number of children being strip searched by the police'*. This note also highlighted concerns that in 45% of strip searches of children, no Appropriate Adult was present.
- 5.34 More recently, the practice of strip searching within the CHSCP's footprint has also been critiqued. Whilst involving an adult, the case of Dr Koshka Duff¹⁷ evidences the impact and trauma that can be caused when practice falls well outside of defined standards.
- 5.35 Whilst some may argue that the strip searching of children should never be done at all, the review acknowledges its place in practice, with the caveat that this needs to be firmly embedded in a culture that addresses the safeguarding needs of children.

¹⁵[Metropolitan police strip searched more than 4,500 children in five years](#), Joe Sandler Clarke, The Guardian, March 2014

¹⁶<http://www.crae.org.uk/media/76504/FINAL-Strip-Searching-at-Police-Station-Briefing.pdf>

¹⁷<https://www.bbc.co.uk/news/uk-60141559>

- 5.36 The senior leaders at both the school and the police have fully acknowledged they could and should have done better in this regard. It is accurate to describe the senior leadership teams as being appalled at what Child Q experienced.
- 5.37 If children are suspected of carrying drugs or weapons, it is more likely than not that they are being exploited in some way or form. So, whilst stop and search powers '*enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.*'¹⁸ – they should equally be used as a tool to identify risk and give children the help and protection they might need.
- 5.38 Taking a binary approach as to whether a crime has been committed or not runs the risk that important aspects of a child's life will be missed. Important aspects that may make the difference between that child being protected or not.
- 5.39 In terms of the strip search of Child Q, practice that day appears to have been far too weighted towards a criminal justice response. This may be explained in part by the deference of school staff to the police. It might relate to the relative junior police staff involved or the fact that officers didn't seek the advice of their supervisor. It might also relate to elements of disproportionality and racism leading those involved to make certain assumptions about Child Q and what response was required.
- 5.40 It was also the lack of action taken after the strip search that shows Child Q was primarily being seen as 'the risk' as opposed to being 'at risk'. Because of this, little to no thought was given as to whether a referral to external agencies might be required. Indeed, if the rationale to strip search Child Q was based on fears about exploitation, then it should have followed that this concern was escalated as a safeguarding referral¹⁹. As it was, Child Q was sent home in a taxi.

¹⁸ [Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Home Office 2014](#)

¹⁹ The MPS did create a Merlin report, however, this was RAG rated as BLUE. These are not ordinarily submitted to Hackney CFS as risk is assessed as not being a factor. The Merlin was received by Hackney CFS 14 days later as part of a request for information from the police following the referral from Health. The Merlin made no reference to the strip search.

Recommendation 6: Relevant police guidance (both local and national) governing the policy on strip searching children should clearly define a need to focus on the safeguarding needs of children and follow up actions that need to be considered by way of helping and protecting children at potential risk.

Recommendation 7: The Central East BCU should engage the local stop and search monitoring group, ACCOUNT, and other representative bodies to consider the lessons from this review and how the effectiveness of safeguarding (as part of stop and search practice) can be overseen through their respective activities.

Finding 4: School staff had an insufficient focus on the safeguarding needs of Child Q when responding to concerns about suspected drug use.

- 5.41 When evaluating practice by the school, lessons also emerge about the need to maintain a clear line of sight on the safeguarding needs of children. Neither the incident of the strip search nor the previous concerns about Child Q smelling of cannabis resulted in any contact with external agencies.
- 5.42 Practice during both these incidents was similarly binary in approach, with the focus appearing to be on whether Child Q had breached the rules as opposed to what the alleged substance misuse might mean for her safety and welfare. The review makes the following finding in this respect:

Recommendation 8: Where any suspicion of harm arises by way of concerns for potential or actual substance misuse, a safeguarding response is paramount. Practitioners should always contact Children's Social Care to make a referral or seek further advice in such circumstances.

Review Question 3: Law and Policy

- 5.43 Is the law and policy, which informs local practice, properly defined in the context of identifying potential risk and furthermore, does law and policy create the conditions whereby practice itself can criminalise and cause significant harm to children?

Finding 5: The application of the law and policy governing the strip searching of children can be variable and open to interpretation.

- 5.44 Home Office guidance²⁰ explains that the use of powers relating to stop and search ‘*must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination*’. Under the Equality Act 2010, section 149, officers also have ‘*a duty to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a ‘relevant protected characteristic’ and people who do not share it, and to take steps to foster good relations between those persons.*’ It further emphasises section 11 of the Children Act 2004 that requires chief police officers and other specified persons and bodies ‘*to ensure that in the discharge of their functions they have regard to the need to safeguard and promote the welfare of all persons under the age of 18.*’
- 5.45 The Home Office policy framework also acknowledges that if the fundamental principles (governing the discharge of stop and search powers) are not observed, the use of powers to stop and search ‘*may be drawn into question*’. For any search undertaken by the police, the guidance is clear that it must be based on reasonable grounds for suspicion that the person has a particular article in their possession²¹.
- 5.46 Whilst there is no disagreement with many aspects of this guidance or the broad principles of the law, it is here that the review believes further emphasis could help support improved practice with children.

²⁰ [Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Home Office 2014](#)

²¹ Except when officers are authorised under section 60 Criminal Justice and Public Order Act 1994.

- 5.47 Indeed, with regards to Child Q’s experiences, having a previous associate who used drugs and being noted to have smelt of cannabis twice, should not have led an officer to conclude a strip search on school grounds was the right course of action. This and subsequent actions did not have regard to Child Q’s safeguarding or welfare. They were not the most proportionate tool available, and the extent of the strip search did not keep the degree of intrusion to the minimum.
- 5.48 It is also worth highlighting the IOPC finding²² of a complaint in September 2020 that emphasised ‘*the use of the smell of cannabis as a single ground is not good practice as set out in the College of Policing’s Authorised Professional Practice on stop and search.*’
- 5.49 Whilst fully acknowledging the complexities that face front-line policing and the challenges in making definitions ‘too tight’, it seems to the review that better guidance and training covering ‘reasonable grounds’ would benefit decision making, particularly where this involves children. Practice was undertaken by officers believing they were operating in line with law and policy. Even by doing so, their actions arguably criminalised Child Q and caused her significant harm.

Recommendation 9: The MPS should engage The College of Policing to explore potential improvements to the guidance concerning reasonable grounds involving stop and search activity with children.

Finding 6: The absence of any specific requirement to seek parental consent when strip searching children undermines the principles of parental responsibility and partnership working with parents to safeguard children.

- 5.50 A clear theme of practice on the day of the strip search was the lack of any parental engagement. One account from the police states that Child Q was asked if she wanted her mother to be contacted, which they say she declined.

²² <https://www.policeconduct.gov.uk/news/iopc-upholds-cyclist%E2%80%99s-stop-and-search-complaint-against-metropolitan-police-officer>

Child Q disputes this and states that she did in fact ask for her mother on both this and other occasions that day. In the opinion of the review, little thought appears to have been given to the importance of contacting someone with parental responsibility for Child Q.

5.51 This was first seen in the school's response. Despite Child Q's mother being contacted following the previous incident, this wasn't done immediately on this occasion. It is likely that the involvement of the police influenced this being considered in the depth that would have reflected best practice. School staff appear to have deferred to the decisions of the police. That said, the DfE guidance on searching screening and confiscation²³, is also light on the inclusion of parental consent as an issue of importance. Section 16 of this guidance includes the following relevant statements:

- *'Schools are not required to inform parents before a search takes place or to seek their consent to search their child'*. The review agrees with this position.
- *'There is no legal requirement to make or keep a record of a search'*. This statement is permissive and whilst likely to be accurate from a legal sense, it runs the risk of promoting poor practice. There will be equally no legal impediment to recording a search. Any guidance that steers practitioners away from making records on safeguarding matters is poor and should be changed.
- *'Schools should inform the individual pupil's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.'* In the absence of this document sufficiently referencing the requirement to safeguard children and engage external agencies, this point needs strengthening. Whilst noting that schools should inform parents or guardians, permissive statements such as this risk schools not doing anything. In Child Q's case, she was the one who had to tell her mother she had been searched by the school and

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

stripped searched by the police. In the opinion of the review, this ‘legally permissible practice’ is not good practice.

Recommendation 10: Alongside Recommendation 3, the Department for Education should review and revise its guidance on *Searching, Screening and Confiscation (2018)* to include much stronger reference to the importance of keeping records and engaging parents as part of best safeguarding practice.

5.52 In terms of the strip search of Child Q, her mother was neither engaged to seek consent nor informed by the police that the search was going to take place or had taken place. In the opinion of the review this was poor practice.

5.53 However, as set out within PACE 1984, there is no specific requirement to gain parental consent prior to a strip search – even those that might involve the exposure of intimate parts of the body. For intimate searches, this position is different. Annexe A, 2B of the Revised Code C, PACE 1984 states:

*‘In the case of a juvenile or a vulnerable person, the seeking and giving of consent must take place in the presence of the appropriate adult. **A juvenile’s consent is only valid if their parent’s or guardian’s consent is also obtained** unless the juvenile is under 14, when their parent’s or guardian’s consent is sufficient in its own right.’*

5.54 Both the review and the reference group struggled to understand the rationale behind these differing approaches to consent. On the face of it, the law appears to suggest that the requirement for a child to expose their intimate body parts is insufficiently significant to require their parents to be told it is going to happen.

5.55 This fundamentally fails to acknowledge the dehumanising and traumatic impact that such searches can have on children, and again, the important role that parents / carers have in terms of protecting their own children. It potentially minimises the ability of parents / carers to provide immediate support. The

review struggled to see how the absence of any requirement to even tell parents that a strip search was going to take place could be in a child's best interests.

Recommendation 11: The Home Office and the National Police Chiefs Council should seek to strengthen the Revised Code C, PACE 1984 to better define the engagement of parents / carers / guardians when strip searches that involve the exposure of intimate parts of the body are undertaken on children.

- 5.56 The review considers that benefits could also be accrued by educating and empowering young people to better understand their rights in respect of stop and search activity by the police.
- 5.57 Indeed, Child Q was fully compliant with the school's search of her possessions and compliant with the request to be strip searched by the police. Whilst not advocating she should have been disruptive, she appeared unable to challenge any of the actions being undertaken and is unlikely to have known about what she could expect, even by way of procedure (i.e. such as the requirement for both her and an Appropriate Adult to agree and sign for the Appropriate Adult not to be present during the strip search). She responded in this way, despite being adamant that she had no drugs in her possession and being upset about not being allowed to take her mock examination.
- 5.58 The reference panel considered the arrival of the police at school and how Child Q might have reacted to this trauma. Whilst well-known behavioural responses are the fight, flight, or freeze responses, Child Q may have experienced a fawn response²⁴. Flight includes running away, fight is to challenge aggressively, and freeze is when someone becomes unable to move physically or make choices. The fawn response involves rapidly moving to try to please a person to avoid any conflict. This could have accounted for Child Q's compliance.
- 5.59 Whilst only a hypothesis, the circumstances nonetheless highlight evidence of where improvements could be made in directly raising awareness and

²⁴ <https://www.psychologytoday.com/us/blog/addiction-and-recovery/202008/understanding-fight-flight-freeze-and-the-fawn-response>

knowledge amongst children about their rights. A range of material²⁵ already exists that could be developed in this context.

Recommendation 12: The CHSCP should engage ACCOUNT, Safer Schools Police Officers and other community organisations to develop an awareness raising programme across schools and colleges about stop and search activity by the police.

Covid-19

Finding 7: The Covid-19 restrictions in place at the time appeared to have frustrated effective communication between school staff and the Safer Schools Officer.

- 5.60 The Safer Schools Police Officer (SSPO) was not on the school premises due to the Covid-19 restrictions in place at the time. In usual circumstances, it is likely that the SSPO would have been directly involved with Child Q and this may have led to a different response. Whilst only a hypothesis, the review is alert to the fact that the attending officers that strip searched Child Q had no experience of working in schools.
- 5.61 The SSPO's absence may also have contributed to a dilution in the accuracy of information sharing and a collective understanding about what was being asked for and what would happen. There remain differing accounts provided by teachers and the SSPO as to what exactly the police were being contacted for and the expectations of their subsequent actions.
- 5.62 Whilst no specific recommendations are made in respect of Covid-19 arrangements, there is relevant learning to be accrued about how the SSPO role can help promote a wider understanding about stop and search powers and how these relate to children.

²⁵ https://www.london.gov.uk/sites/default/files/kyr_inner_april_19_v5_new.pdf

Racism

5.63 Finding 8: Having considered the context of the incident, the views of those engaged in the review and the impact felt by Child Q and her family, racism (whether deliberate or not) was likely to have been an influencing factor in the decision to undertake a strip search.

5.64 The actions of professionals involved on the day of the strip search have been evaluated in the context of Child Q's ethnicity and whether she was treated differently because she is Black.

5.65 The importance of this line of enquiry is starkly reflected in several events that took place around the same time. Significantly, some six months prior, George Floyd was tragically killed in the USA and there were repercussions around the globe, including in the UK. It brought into sharp focus some of the negative experiences that Black and Global Majority Ethnic communities can experience when interacting with the police. Valid questions have been raised about racism within the police and other agencies, the priority given to tackling this and whether organisational commitment ever rises above the rhetoric.

5.66 The strip search of Child Q also took place two months before HMICFRS²⁶ published its report into the disproportionate use of police powers²⁷. In her introduction to the HMICFRS report, Wendy Williams CBE, HM Inspector of Constabulary stated:

'Some of the most intrusive and contentious police powers are those that allow the police to use force and to stop and search people. Some view stop and search as a valuable tool in the fight against crime, while others argue that its use has little effect on crime rates and can in fact increase disorder. For some, particularly Black, Asian and Minority Ethnic people, it can reinforce the perception that there is a culture of discrimination within the police. And, now

²⁶ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

²⁷ [Disproportionate use of police powers - A spotlight on stop and search and the use of force, HMICFRS Feb 21](#)

that we have some long-awaited data on the police use of force, similar concerns are arising about this area of practice.'

- 5.67 In framing the rationale for this finding, the review has intentionally avoided the use of '*unconscious bias*'. In the opinion of both the review and its reference group, as a term, this somewhat excuses the actions of those involved. It gives the perception that agencies and its practitioners aren't accountable for what they say or do and that they are unable to pause, reflect and consciously control their actions. It similarly suggests that the behaviour and culture within organisations can't be changed. The review disagrees.
- 5.68 Furthermore, Child Q and her family strongly believe that the strip search of Child Q was a racist incident. Whilst acknowledging the ongoing debate concerning definitions²⁸, the review and reference group were clear that the perception of the victim is central to how racism is defined.
- 5.69 Indeed, the review and reference panel held a firm view that had Child Q not been Black, then her experiences are unlikely to have been the same. This view is broadly supported when looking at the disproportionality evidenced in a previous inspection of custody suites in the MPS. Undertaken by HMICFRS and HM Inspectorate of Prisons in 2018²⁹, this inspection found clear evidence of a disproportionate approach in this area of practice.

'Force data indicated that the numbers of strip searches were high and included many children and a significantly higher proportion of black and minority ethnic detainees compared against the overall throughput. We concluded that overall not all strip searches were warranted or properly justified.'

- 5.70 The full reasons behind why racism continues to feature in professional safeguarding practice are without doubt wide-ranging and complex. The review is simply unable to de-construct all these areas within this report.

²⁸ [Commission on Race & Ethnic Disparities 2021](#)

²⁹ [Metropolitan Police Service police custody suites, Jan 2019](#)

- 5.71 That said, one feature believed to have a significance to the experience of Child Q is that of adultification bias. This concept is where adults perceive Black children as being older than they are. It is *'a form of bias where children from Black, Asian and minoritised ethnic communities are perceived as being more 'streetwise', more 'grown up', less innocent and less vulnerable than other children. This particularly affects Black children, who might be viewed primarily as a threat rather than as a child who needs support'*³⁰.
- 5.72 A US study by Georgetown Law's Center on Poverty and Inequality in 2017³¹ found that Black girls as young as five years old were seen *'as being less in need of protection and nurturing compared to their white counterparts.'* Research also showed that Black girls were 2.7 times more likely to be referred to the juvenile justice system, 2 times more likely to be disciplined for minor violations at school and 20% more likely to be charged with a crime. Whilst a US study, these experiences won't be isolated there.
- 5.73 In reflecting on how adultification bias might have been evident in practice with Child Q, this can be seen in the fact that she received a largely criminal justice and disciplinary response from the adults around her, *'rather than a child protection response'*. This firmly echoes the findings of Davis and Marsh, 2020³². The review believes there to be a high level of probability that practitioners were influenced in this regard. The disproportionate decision to strip search Child Q is unlikely to have been disconnected from her ethnicity and her background as a child growing up on an estate in Hackney.
- 5.74 Recognising the need to immediately influence practice in this regard, the CHSCP commissioned a 12-month programme of multi-agency training sessions on adultification bias. Initially delivered to senior leaders across the safeguarding partnership, this training covers the broad concepts of racism, intersectionality and adultification bias, helping practitioners understand notions

³⁰ <https://learning.nspcc.org.uk/safeguarding-child-protection/children-from-black-asian-minoritised-ethnic-communities#heading-top>

³¹ <https://www.law.georgetown.edu/news/research-confirms-that-black-girls-feel-the-sting-of-adultification-bias-identified-in-earlier-georgetown-law-study/>

³² Davis, J. and Marsh, N. (2020) Boys to men: the cost of 'adultification' in safeguarding responses to Black boys, *Critical and Radical Social Work*, 8(2): 255–259.

of vulnerability and childhood and how these are applied to some children more than others. Specific sessions have been held for the police to facilitate maximum attendance, with scheduled sessions also set up for schools.

- 5.75 The review is also alert to significant activity ongoing across the partnership to create the right conditions for anti-racist practice to thrive and be the norm. Whilst safeguarding partners recognise there is more to do, the review acknowledges both the leadership commitment supporting this work and the rapid training response as positive practice. It makes the following two recommendations:

Recommendation 13: The CHSCP should continue with its rolling programme of multi-agency adultification training. Participation should be actively focused on practitioners from the police and schools, with the Training, Learning & Development Sub group developing a process to specifically evaluate impact across these sectors.

Recommendation 14: The CHSCP should expedite its work on developing an anti-racist charter and practical guides that support the eradicating of racism, discrimination and injustice across its local safeguarding arrangements.