

Searching, screening & confiscating

Best Practice Guidance for schools

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- **Child Q – what went wrong**
- **PACE – Code A – stop & search**
- **DFE Guidance**
- **Conclusions & questions**

What happened in Child Q's case?

Strip search took place at Child Q's school in...

December 2020

Staff contacted police concerned Child Q (aged 15 years) had drugs in her possession. This was based on Child Q smelling of cannabis.

Two officers arrived at school, Child Q was escorted out of an exam and a strip search was initiated – no drugs found.

Incident had a traumatic effect on Child Q who was menstruating at the time of the search.

Child Safeguarding Practice Review instigated – reported in March 2022

City & Hackney Safeguarding Children Partnership Safeguarding Review

Key Findings:

- “there was no reasonable justification” for the strip search
- Correct process not followed by the attending officers:
 - No appropriate adult present
 - No supervisor consulted
- School staff acted in accordance with powers
- Racism, unwitting or otherwise, was a factor

Discipline vs Safeguarding

Police & school staff lacked a “safeguarding approach”

Intervention was “disproportionate & ultimately harmful” to Child Q

Child Q’s safety and welfare should have been the priority

Practitioners should have considered the potential risks – what help and protection might have been required?

Too much emphasis on a criminal justice outcome.

Poor aftercare

PACE Code A Stop and Search

Range of stop & search powers available to police

Primary purpose –

to enable officers to allay or confirm suspicions about individuals without exercising their powers of arrest

Three levels of intrusiveness

- (1) JOG – can remove jacket, outer coat and gloves. Can take place in the street, officer of any sex can search
- (2) MTS – removal of more than JOG but not exposure of intimate parts. Must take place out of public view by officer of same sex (unless only headgear or footwear removed)
- (3) EIP – Exposure of intimate parts – a “strip search”

EIP searches, “Strip Searches”

- Consultation with a supervisor must take place prior to searching
- Police officer must be same sex as person searched
- Must be in accordance with para 11 of PACE, Code C, annex A:
 - Detainee cannot be seen by anyone not needed to be present and not by a member of the opposite sex unless requested by the detainee
 - Except in urgent cases - At least two persons present
- For juveniles or mentally vulnerable one person present must be an *appropriate adult*
- Can only take place without a/a present if both juvenile and a/a agree (both must sign)
- Presence or more than two persons (other than a/a) only in exceptional circumstances

About Appropriate Adults

What are they –

An appropriate adult is a procedural safeguard imposed on policing when dealing with a child or vulnerable person. As such it is not a right that can be “waived”.

What is their role –

to safeguard the interests, rights and entitlements and welfare of children and vulnerable people who are suspected of a criminal offence by ensuring that they are treated in a fair and just manner and are able to participate effectively – National Appropriate Adult Network

What can appropriate adults do?

- Support, advise and assist the young person
- Observe whether the police are acting properly and fairly
- Assist in communication
- Ensure rights are protected and respected

Role cannot be fulfilled by

- Any one under 18
- A police officer or police employee

Parent or guardian is ideal person to fulfil this role.

DFE Guidance Searching, screening and confiscation – revised July 2022

Searching can play a critical role in ensuring schools are safe environments.

Head teachers and staff have a statutory power to search for prohibited items which include illegal drugs, stolen items, alcohol, items that may cause personal injury.

Possession of prohibited item shows risk of involvement in ASB, criminality or exploitation.

Only Headteacher or authorised staff member can carry out a search.

If a child is found to be at risk of harm DSL should make a referral to CSC

Guidance provided on conduct and extent of search

Strip search may only be carried out by police

Staff to assess and balance risk of a potential strip search before calling police. Are the police absolutely necessary? Less invasive approaches should be exhausted.

Decision to undertake a strip search is a police matter – staff retain a duty of care and should advocate for pupil wellbeing

Parent to be informed in advance of any search – if parent wants to be a/a this should be facilitated.

After care – appropriate support to be given irrespective of outcome and accompanied by a safeguarding process – follow child protection policy and guidance in KCSIE

Screening

Can help reassure pupils, staff and parents that a school is taking measures to create a calm, safe and supportive environment.

Screening arrangements are an opportunity to engage and educate pupils and parents.

Recent “knife arch” screening operations run in conjunction with TVP, EYJS, YPS have involved inputs at assemblies and consultation events with parents. A good way to keep the conversation alive around knife crime.

Conclusions

- Appropriate for staff to conduct searches for prohibited items
- Think carefully before requesting police assistance
- Understand correct procedure and have confidence to challenge if necessary– you can always speak to a supervisor
- Remember aftercare
- Submit referrals where vulnerabilities exist

Questions:

Can a headteacher be an appropriate adult? No, (see point 6)

Some people are not allowed to be an appropriate adult who include:

1. anyone under the age of 18
2. anyone who has received an admission of guilt prior to attending
3. anyone who might be a suspect, victim, witness or otherwise involved in the investigation
4. solicitors and independent custody visitors at the police station in those capacities
5. police officers, employees of the police anyone under contractual arrangements with, or under the control or direction of, the chief of police (unless they are the parent/guardian of the child; or a relative, guardian or other person responsible for the care or custody of the vulnerable adult; who is the suspect in the investigation)
6. **the principal of a child's educational establishment (unless waiting would cause unreasonable delay and the offence is not against that establishment)**
7. a person suspected of involvement in the commission, preparation or instigation of terrorism
8. a person may not sit as a Magistrate in the same local justice area in which they act as an appropriate adult.

Can you search a pupils shoes?

The conduct of searches in schools can be found on page 11 and it covers what schools can remove (outer clothing only including shoes), the requirement for same sex searches and having more than one member of staff present full guidance can be found here: [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

Guidance documents

Searching, screening and confiscation guidance [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Case review of Child Q [Child-Q-PUBLISHED-14-March-22.pdf \(chscp.org.uk\)](https://chscp.org.uk/Child-Q-PUBLISHED-14-March-22.pdf) in March 2022 .

The role of the appropriate adult [PACE Code C 2019 \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/812213/PACE_Code_C_2019_accessible.pdf)