

By email: pacereview@homeoffice.gov.uk

Friday 7 June 2024

ADCS response to the proposed amendments to PACE Codes of Practice A and C: Strip searches

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the *Children Act (2004)*. The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to this important consultation.
2. This response concerns the proposed updates to PACE codes A and C, which have been informed by reviews conducted by the City and Hackney Safeguarding Children's Partnership, the Children's Commissioner and the Independent Office of Police Conduct responding to the traumatic experience of Child Q. Child Q was a 15-year-old Black girl, who was strip searched at school by police officers without a parent or carer being notified or appropriate adult being present. This experience was deeply traumatic for Child Q herself, and her family, as well as the wider community and it brought questions about discrimination, adultification and police conduct to the fore once again.
3. Many of the clarifications or expansions to existing provisions within the guidance feel broadly helpful. However, it is worth noting that PACE guidance already stated that strip searches should not be conducted as a routine extension of a less thorough search if nothing is found. Further, there was already a longstanding expectation that a more senior officer is notified of the intention to carry out an intimate search on a child or if there was no appropriate adult present during a search at the time of this incident taking place.
4. The approval of a more senior ranking officer, now set at inspector level, to conduct a search that will expose the intimate parts (EIP) of a child, either following a stop and search (Part A) or in custody (Part C), and the need to notify a superintendent if such a search was carried out without an appropriate adult, is included in the updated version of the guidance. Clearly, training on, as well as enforcement of, these increased expectations will be important to ensure that these extra protections prevent similar situations arising in the future. Child Q's experiences starkly highlight the disconnect that can exist between guidance and practice on the ground.
5. ADCS members felt that there could be stronger messaging about the use of intimate searches on children and greater clarity around the definition of what constitutes "serious harm" and what is considered "practicable" when contacting parents and guardians to help officers understand what is, and is not, appropriate during the course of their daily duties.
6. Similarly, the circumstances in which an intimate search is carried out without notifying parents and carers, or an appropriate adult being present, must be clearly set out e.g. if contacting parents or guardians would place the child at further risk. This should be absolutely exceptional and potentially represent a threat to life e.g. there is good reason to believe the child is carrying drugs internally and their health is seriously at risk. Although, in such circumstances, this would arguably be better undertaken by medical professionals

with the aid of specialist equipment, such as scanners, to minimise trauma. Further clarification in the final version of the guidance here would be welcome.

7. The strengthened focus on treating anyone under aged 18 years old as a child, the recognition of the trauma these kinds of interactions with the police can have as well as the need to put safeguarding, the child's rights and welfare at the forefront of decision-making and actions rather than a criminal justice response feels helpful. Oversight and monitoring will be required to ensure children are benefitting from these new protections.
8. Data show that stop and search and intimate searches are disproportionately used on people of all ages from global majority backgrounds, who are many times more likely to be stopped by the police and are over-represented in the criminal justice system, see Lammy Review (2017). At an individual level, stop and search experiences can make children feel scared, unwelcome or unsafe in their local neighbourhoods and communities, which in turn can have a lifelong impact on trust in the police. So, it is important to get this right.
9. The Children's Commissioner's second report on this issue in 2023 flagged concerns about record keeping, making transparency and scrutiny difficult. She found more than half of searches were carried out in vehicles, in public and in schools, against expectations set out in the existing version of the PACE guidance. The Commissioner also found the current system too permissive, too reactive and called for more scrutiny here to understand performance, impact and inform learning.
10. A new expectation that a referral to children's social care is made whenever an EIP or an intimate search is conducted has been added to the guidance. ADCS would welcome a further discussion with both the Home Office and the police on this; unless the child is already known to the local authority, the referral may not meet the threshold for a social work intervention, so the purpose of a referral is unclear and may risk adding to a child and family's distress. If it speaks to the transparency and scrutiny concerns raised by the Children's Commissioner, then this activity should be owned by forces, reviewed regularly and any anomalies identified and explored to support learning and improvements in practice, as well as children's experiences and outcomes.
11. To discuss any of the points or concerns raised here with members of the relevant ADCS policy committee, please contact katy.block@adcs.org.uk in the first instance.