

Phase 2 – National Learning Recommendations re: EIP Searches of Children

This document contains ten, Section 10 ‘quick time’ learning recommendations concerning searches of children that expose intimate parts (EIP). We have issued this learning under Section 10 as some investigations and proceedings within our evidence base are ongoing.

1. Recommendation to the College of Policing re: Updating APP Guidance

Recommendation ref: 0000/000005/002

The IOPC recommends the College of Policing review, and where appropriate update, all relevant sections of Authorised Professional Practice (APP), the national policing curriculum, and any training products it owns relating to searches of children that expose intimate body parts (EIP). This review should ensure:

- **sufficient emphasis is placed upon the safety and welfare of any child, in accordance with Section 11 of the Children Act 2004.**
- **safeguarding is always prioritised and dynamically responds to the risks facing the child. A safeguarding approach includes listening to the Voice of the Child (VoC) and the provision of appropriate healthcare and aftercare.**
- **any decision-making is proportionate and sensitive to the needs of the child. As part of this process, officers should always consider the traumatic impact of such searches.**
- **clarity is given around what information is provided to the child about how and why the search will be conducted, this must be communicated appropriate to the needs of the child so they fully understand.**
- **clarity is given around what information is provided to the parent/carer about how and why the search will be conducted, this information must be communicated as soon as possible and appropriate to the needs of the parent/carer and in such a way that they fully understand.**
- **sufficient detail is given around when an Appropriate Adult is provided, who is suitable to perform this function and how to best communicate their responsibilities.**

Context

This follows a series of IOPC investigations that looked at searches of children inside and outside of custody, involving the exposure of intimate body parts (EIP). Whilst current Authorised Professional Practice (APP) addresses the role of an appropriate adult, the importance of clear communication and promotes safeguarding, we feel there should be greater detail and clarity on good practice in these areas.

We encourage the College of Policing (CoP) to consult with relevant stakeholders around any changes including groups and organisations representing children, young people and families with lived experience of EIP searches.

Response: College of Policing

The College of Policing accept this recommendation.

We recognise the rationale and will work with NPCC portfolio areas of Stop and Search and Children and Young people to ensure the updates are both relevant, useful, and necessary for policing whilst being underpinned by lived experience.

We commit to reviewing the Stop and Search Authorised Professional Practice and College of Policing's Stop and Search Programme Specification, College Learn and wider Curriculum offering to identify where provision is required to address these recommendations.

The College of Policing are exploring options to produce a Quality of Encounter Model which will provide a procedural justice framework. It seeks to specify elements relevant to engaging with both children and vulnerable people, including those in a heightened state of distress.

2. Recommendation to the NPCC re: Provision of Appropriate Adults

Recommendation ref: 0000/000005/003

The IOPC recommends the National Police Chiefs' Council (NPCC) works with chief officers to ensure that all police officers and police staff who could conduct, or authorise, searches of children that expose intimate parts (EIP) understand the legislative requirements relating to the provision of Appropriate Adults.

Forces should ensure officers:

- **understand when an Appropriate Adult is needed and how they access local provision.**
- **provide support and guidance to members of the public acting as an Appropriate Adult, who might have little, or no previous experience of the role so they can give informed consent to take on the role and understand what the role entails.**
- **provide clear and appropriate communications to the child about the role of an Appropriate Adult and who could act as their Appropriate Adult.**
- **capture information on the use of Appropriate Adults including a rationale for when an Appropriate Adult is not used.**

Forces should also work with local Appropriate Adult scheme managers to:

- **understand any barriers to accessing Appropriate Adult provision.**
- **identify any gaps in provision and, where possible, look for potential solutions.**
- **review local guidance to ensure it accurately reflects local provision.**

Context

This follows a series of IOPC investigations that looked at searches of children inside and outside of custody, involving the exposure of intimate body parts (EIP). These investigations, together with work by others including the National Appropriate Adult Network (NAAN) and the Children's Commissioner for England, have identified inconsistencies in the use of Appropriate Adults nationally. While we are aware that a variety of guidance exists to support the use of Appropriate Adults both locally and nationally, we feel that more work is needed nationally to ensure that they are used consistently to support children who are subject to EIP searches.

Response: NPCC

The NPCC accepts the recommendation and regarding stop and searches that result in searches of children that expose intimate parts, the NPCC will commit to working with Chief Officers to ensure that all police officers and police staff that conduct or authorise searches of children understand the legislative requirements under PACE Code C relating to the provision of an Appropriate Adult.

The NPCC will do this through collaborative work with the College of Policing to develop refresher training packages for officers and staff and support them in carrying out a review of their curriculum to deliver a consistent child centred approach to supporting children that are subject to an EIP search.

These will have a child centred focus as well as informing the user of their role and expectations. Developing a package accessible to Appropriate Adults will also ensure they have the necessary information to carry out their role to be able to support the child appropriately and effectively.

Feedback will be gathered from the NPCC Stop and Search Delivery Group which represents all Police forces in England & Wales, and it will also be sought from key stakeholders such as the National Appropriate Adult Network (NAAN), the Independent Office for Police Conduct (IOPC) and HMICFRS to develop the training.

This will be preceded by a letter to all Chief Constables in England & Wales which will be published on Chiefsnet from the NPCC Stop & Search Lead ACC Andy Mariner outlining the key role Appropriate Adults have to have in the process and informing Police forces of the training and recommending that it is viewed by officers and staff that are involved in this process.

The NPCC will also work with Chief Constables from all Police forces in England and Wales to understand if there are any issues with the provision of Appropriate Adult services in their counties through the National Delivery Group, and assist in addressing these, by understanding the differences in regional provisions and why they exist, and engaging stakeholders to develop solutions to reduce these imbalances.

The NPCC Custody Portfolio agrees with the recommendation aimed at improving knowledge and awareness of this subject but notes that 'Exposure of Intimate Parts' (EIP), is not legislative terminology. The procedures and management within custody settings concerning legislative mandates regarding the provision of Appropriate Adults are deeply ingrained within policies, APP and guidance. Custody Staff members are well-informed and trained to recognise the imperative need for an Appropriate Adult.

3. Recommendation to the College of Policing and NPCC re: Child First Approach

Recommendation ref: 0000/000005/004

The IOPC recommends that the College of Policing works with the National Police Chiefs' Council (NPCC) to review national guidance and training around searches of children that expose intimate parts (EIP) to ensure that it supports improved police interactions with children and young people, ensuring a child first approach. This review should ensure that guidance and training covers:

- **the imbalance of power that exists between children, young people and those in positions of authority, and the extent to which this is influenced by factors such as cognitive development, emotional maturity, as well as individual, familial, and community experiences of policing.**
- **recognising the needs of each child and the risks of adultification.**
- **the importance of risk management, de-escalation, and clear, child-friendly communication.**

Context

This follows a series of IOPC investigations that looked at searches of children, both inside and outside of custody, that involve the exposure of intimate body parts. These interactions with the police are often characterised by an unequal balance of power and involve the loss of individual liberty which can cause distress, especially for children. Children's communication, behaviour, and decision-making can also be impacted by a range of factors including (but not limited to) experiences of discrimination and additional needs such as neurodiversity, English as an additional language (EAL), and menstruation. In these circumstances, police should take a child first approach.

A child first approach should also address the risk of adultification. Adultification is defined as a form of bias where some children (particularly Black children) are perceived as being more 'streetwise', more 'grown up', less innocent and less vulnerable than other children. While awareness of the term 'adultification bias' might be growing, it is not clear that nationally there is a shared understanding in policing of this issue yet. The risk of such bias must be better understood.

Response: College of Policing

The College of Policing accept this recommendation.

As you recognise within the context, Adultification is not a term we currently use within policing; the College try to use plain language in communicating with the service to ensure our messages are received and understood and therefore we would not currently use this term. However, we agree with the principle that children should be treated as children no matter how they present.

We commit to reviewing the Stop & Search scenario contained within the recently revised Public and Personal Safety training. This training is being rolled out to every front-line officer across the service having recently received a positive evaluation in terms of risk management and de-escalation.

Response: NPCC

The NPCC accepts the recommendation, and this reply is split into two distinct responses, the first covering stop & search encounters with children which necessitate the exposure of intimate parts, and the second, strip searches of children that take place as part of the custody process.

The NPCC Stop & Search portfolio will work with the College of Policing to review national guidance including Authorised Professional Practice (APP) and training around searches of children that expose intimate parts to improve police interactions.

The NPCC will do this through collaborative work with key stakeholders and the College of Policing by supporting development of their Stop and Search curriculum review and wider product offering, which will drive a consistent approach to supporting children that are subject to an EIP search.

This will have a child centred focus and recognise the imbalance of power that exists between children, young people, and those in positions of authority, the risks of adultification, and the importance of de-escalation and child friendly communication.

Child Centred Policing is an integral part of the revised NPCC Children & Young Persons Portfolio Strategy, currently at consultation stage. Further work is underway to develop a Child Centred Policing Charter from the existing Best Practice Framework, giving greater clarity and taking account of shared learning.

The NPCC understands that a search requiring the exposure of intimate parts can have a significant impact on a child far beyond the initial search, and by recognising the individual needs of each child, the NPCC aims to reduce traumatisation and the risk of adultification.

In respect of the NPCC Custody portfolio, the recommendation is also accepted.

The aim of this recommendation must be supported as we continue to ensure children are recognised as vulnerable and police officers ensure there is a child first approach to law and order.

However the use of the phrase expose intimate parts (EIP) is not in tune with legislative commentary as this is covered in [PACE Code C, Annex A, paragraph 2\(b\)](#)

The Concordat on Children in Custody as well as APP Detention and Custody reflects the need to consider children and young people as vulnerable with specific needs.

The Concordat's aim is to support police forces and Local Authorities across England in complying with their statutory responsibilities with regard to children in police custody and although it details the remanding and transfer of children and young people it is a guide to partner agency responsibility to children and young people regarding the imbalance of power.

APP details the requirement for considering the rights of children and young people in police custody. Children in police detention or custody may be less aware of their rights and entitlements than adults and may need this information communicated to them in a way which meets any speech, language or communication needs they have. Ensuring that children and young people are aware of their rights while in custody is one way in which staff can safeguard and protect them. It is particularly important that children and young people are aware of the role of Appropriate Adults and of their right to legal representation.

In May 2023 DCC Kemp, National Police Chiefs' Council (NPCC) lead for Custody and the movement of prisoners, wrote to all forces about a Child First Approach in Police Custody recognising that we must treat children first and foremost as children rather than as offenders. The C.H.I.L.D* pilot in Custody has been live in Surrey since 1st of September 2023 and we have seen some positive data to support our aim of reducing numbers of children detained in police custody, minimising length of their detention and increasing legal representation. Comparisons between January 2023 and 2024 show a 9% reduction in child detentions., a 37% reduction in detention over 12 hours and a 36% reduction in children opting out of legal advice.

The pilot is being shared nationally through the Professional Workstream under the NPCC Custody Portfolio with forces already adopting the process as the Child First Approach becomes standardised.

*The C.H.I.L.D. acronym stands for: Change Presumption on Legal Advice, Have a Conversation with Appropriate Adult, Inform Local Authority, Limit the Detention Clock, Direct the Investigation

4. Recommendation to the Home Office re: Coordination of National Policing Response

Recommendation ref: 0000/000005/005

The IOPC recommends that the Home Office works with relevant policing stakeholders to coordinate the ongoing national policing response to all recommendations relating to searches of children involving exposure of intimate body parts (EIP). This work should include:

- **developing an overview of all recent recommendations relating to EIP searches of children.**
- **consolidating recommendations to remove duplication, inconsistency and overlap.**
- **prioritising recommendations to focus on urgency and impact.**
- **monitoring and reporting publicly on progress made against each recommendation, to allow for transparency and scrutiny in the area.**

Context

This follows a series of IOPC investigations that looked at searches of children, both inside and outside of custody, that involve the exposure of intimate body parts, as well as the views and concerns expressed by community groups and stakeholders to the IOPC both specifically in relation to these recommendations, and more generally through our day-to-day engagement work. This recommendation is also informed by key data and evidence in relation to the use of stop and search including national data, research reports and information from inspections.

Response: Home Office

The Home Office accepts this recommendation.

A comprehensive cross-system approach is crucial to ensuring an effective, coherent, and lasting action in response to this issue. The Home Office is engaging with stakeholders from the policing sector, including the College, National Police Chiefs Council (NPCC), the Association of Police and Crime Commissioner (APCC), His Majesty's Fire and Constabulary Service (HMICFRS) and civil society groups to consider issues relating to police searches of children involving the exposure of intimate parts, work being undertaken by policing bodies and identify lessons learned.

5. Recommendation to the Home Office re: Annual Data Requirements

Recommendation ref: 0000/000005/006

The IOPC recommends that the Home Office updates its Annual Data Requirement (ADR) to require police forces in England and Wales to collect information on searches of children involving the exposure of intimate parts (EIP).

Data to be collected should allow for scrutiny of EIP searches of children including the location of search, if a supervisor was consulted, use of appropriate adult and their relationship to the child, and safeguarding practices including any referrals made following the search.

As far as possible, comparable data should be collected in the two different sections of the Annual Data Requirement that relate to EIP searches. These are ADR 149 (Police Custody) and ADR 150 (Stop and Search). This is to promote scrutiny of EIP searches inside and outside of custody to encourage consistency of process and safeguarding practice.

This data should be made available for scrutiny via community scrutiny panels and other relevant mechanisms.

Context

This follows a series of IOPC investigations that looked at searches of children, both inside and outside of custody, that involve the exposure of intimate body parts. The ADR sets out the data that police forces across England and Wales should provide to the Home Office for analysis. The data collected covers a wide variety of topics including crime, police workforce, arrests and stop and search. Whilst data is currently collected on EIP searches, it does not contain sufficient detail about a search nor is it collected consistently across forces. We also see an opportunity for consistency in the collection of data in the ADR will help to embed further consistency in how EIP searches are conducted and recorded inside and outside of custody.

Response: Home Office

Partially accept: As part of its Annual Data Requirement (ADR), the Home Office collects significant amounts of data from police forces regarding searches of children involving the exposure of intimate parts. Data collection in respect of stop and search (ADR 150) has recently been expanded to include the level of intrusiveness of the search. Data collection on police custody (ADR 149), introduced for the first time in 2021/22 became mandatory for forces with effect from 2022/23.

The collection of data is vital to transparency, accountability and understanding. All prospective amendments to the ADR are considered via a robust annual process designed to ensure deliverability. The IOPC's recommendations will be considered via this process.

The Home Office has developed a new, national framework, with policing stakeholder and civil society, for how the use of police powers is scrutinised at local level. The draft Community Scrutiny framework includes guidance on referrals to community scrutiny panels, where searches of children involves the exposure of intimate parts.

6. Recommendation to the NPCC re: Data Collection and Monitoring

Recommendation ref: 0000/000005/007

The IOPC recommends that the National Police Chiefs' Council (NPCC) works with police forces in England and Wales to ensure that any data collected on the use of searches of children involving the exposure of intimate parts (EIP) is effectively monitored internally and subject to external scrutiny to help drive improvement in practice.

Context

This follows a series of IOPC investigations that looked at searches of children, both inside and outside of custody, that involve the exposure of intimate body parts. We know from our research and stakeholder engagement that many police forces already have processes in place to monitor stop and search activity internally, to help identify opportunities to improve practice. We also know that many police forces have a variety of active community scrutiny panels, covering topics including stop and search, use of force, custody and detention.

While some police forces may already be taking steps to monitor the use of EIP searches internally, and to share data on their use with community scrutiny panels, the NPCC should help to consistently embed this process nationally. This will ensure that all forces are able to benefit from this kind of robust monitoring and independent scrutiny.

Response: NPCC

The NPCC accepts this recommendation also, highlighting the point made in the context section stating that many police forces already have processes in place to monitor stop and search activity internally.

The Home Office mandate certain data is collected and reported to them through their Annual Data Requirement, this includes the age of the person that has been searched and will be expanding this to collect more detailed information on the level of search including whether it was a search that exposes intimate parts.

The NPCC will work with Police forces to understand how the data they collect is monitored internally and look at how it can be used to drive improvement. This will be achieved through the Stop & Search National Delivery Group and establishing some recommended best practice. We will also be ascertaining what external review the data is subject to and understanding how forces drive improvement through their community scrutiny panels.

In addition to this, the Home Office are in the draft stages of compiling a draft Community Scrutiny Framework for Community Scrutiny Panels to operate by and it is recommended alongside other types of cases that intrusive powers such as strip searches are reviewed. This Framework has not been finalised as yet, but Panels will have a level of discretion to be able to discuss issues affecting their own communities.

7. Recommendation to NPCC re: Authorisation Guidance

Recommendation ref: 0000/000005/008

The IOPC recommends that the NPCC review any existing guidance provided to authorising officers on decision making and authorisation around searches of children that expose intimate parts (EIP).

This guidance should ensure decision-making on EIP searches of children reflects good practice, is accurately recorded, accountable and kept under review.

Context

Current guidance requires EIP searches in custody to be authorised by a custody sergeant. To provide further accountability and support to officers conducting EIP searches of children, a significant number of forces also require such searches outside of custody are authorised by a more senior officer.

We think there is an opportunity for further consistency and sharing of good practice across police forces which will improve how EIP searches are supervised and conducted, ensuring any rationale for an EIP search of a child is robust and allowing for more data to be captured about decision making.

Response: NPCC

The NPCC accepts this recommendation and notes that there is currently nothing in legislation that requires police officers that have the reasonable grounds to carry out a search of a child that exposes intimate parts to seek authorisation from another officer to carry out the search. APP provides guidance to officers seeking authorisation for a search to take place.

The NPCC will take forward this recommendation by developing a training package with the College of Policing. This package will be designed to aid decision making for authorising officers where their Police force has a policy requiring authorisation from a supervisor before the search can take place. Police forces and partners will be involved in its development which will aim to support consistent decision making and reflect good practice. This will be recommended to Police forces via the NPCC and College of Policing, outlining the benefits of its use.

It will also require NPCC Stop & Search to work collaboratively with other NPCC portfolios including the Children and Young Persons Portfolio as part of wide Child Centred Policing considerations.

The NPCC has been notified that the Home Office are carefully considering reforms to PACE Codes A & C.

8. Recommendation to College of Policing re: Research Around Trauma

Recommendation ref: 0000/000005/009

The IOPC recommends that the College of Policing launches a call for practice to examine force practice around searches of children that expose intimate parts (EIP). This call for practice should cover:

- **Existing ways of working in forces including drawing out and sharing any good, trauma informed, practice.**
- **Which children are most affected by such searches and the context as to why.**
- **What good police after care looks like, including examples of successful partnership working.**

Context

The process of an EIP search can invoke feelings of embarrassment, humiliation, and violation. This is compounded when an EIP search involves a child given their age, potential lack of emotional regulation compared to an adult, sense of imbalance of power and other vulnerabilities they might have. In turn this could potentially result in a EIP search having a lasting impact on a child.

The Children's Commissioner for England has also highlighted that children they have spoken with have been clear that the process of an EIP search is itself a safeguarding concern due to the traumatic nature of the search.

This follows a series of IOPC investigations that looked at searches of children, both inside and outside of custody, that involve the exposure of intimate body parts. We are aware that, following early engagement with us, the College of Policing has carried out a review of existing research relating to the trauma of EIP searches and has suggested that an exploratory call for practice would be the best way of identifying and championing good practice. These examples should be actively disseminated and added to the College's Practice Bank which is used by forces to identify potential interventions.

Response: College of Policing

The College of Policing accept this recommendation. We recognise the existing evidence base in this area is insufficient.

Working with the NPCC we will carefully review the call for practice findings to see where we can share best practice and consider any broader guidance changes.

9. Recommendation to College of Policing re: Voice of the Child

Recommendation ref: 0000/000005/010

The IOPC recommends that the College of Policing conducts a review of all relevant sections of Authorised Professional Practice (APP), the national policing curriculum and any training products it owns which support interactions between the police and children to ensure that the Voice of the Child (VoC) is sufficiently reflected, and that young people are meaningfully involved in the development of these products. This work should start by looking at content covering searches of children that expose intimate body parts (EIP). Where VoC is missing or not sufficiently reflected, the College should, where appropriate, engage with children and young people directly and the National Police Chief Council's lead for Children and Young People.

Context

This follows a series of IOPC investigations that looked at searches of children inside and outside of custody, involving the exposure of intimate body parts (EIP). As part of this work, we identified that the Voice of the Child (VoC) was not always considered during police interactions with children. For us, reflecting the voice of the child in APP means:

- listening to children who have experience of EIP searches and bringing this insight into guidance.
- collaborating with children about best practice.
- shared decision-making around content.
- providing feedback on how children have influenced guidance.

Young people have some of the lowest levels of trust and confidence in the police and this distrust is exacerbated by use of powers such as searches of children that expose intimate parts. Children and young people can react to situations in different ways to adults and each interaction with a young person is unique. In any interaction between the police and a child or young person, it is important that officers act in a child-friendly manner and consider any vulnerabilities or safeguarding risks. Children and young people should be kept appropriately informed about what is happening to them so as not to exacerbate the potential stress or trauma or feelings of powerlessness associated with any interaction with the police. Engaging appropriately and actively listening to children's voices can improve the outcome of such searches for both parties.

A participatory approach, which listens to the voices of children and young people and draws on their experiences, can be used to find solutions to improve the interaction between the police and children and young people. This should be facilitated in a sensitive way, which recognises the potential for 're-traumatising' the child and ensures appropriate support is available.

Taking a participatory approach, to include children's voices in the development of guidance and training, will ensure that children can be involved in developing solutions to the issues affecting them and that police officers have a better understanding of children's needs. This should help to improve interactions between police officers and children.

Response: College of Policing

The College of Policing accepts this recommendation.

Our focus will specifically be on both Stop & Search APP and Detention & Custody APP. We will conduct a dedicated review for Stop and Search related content.

The broader APP areas which support interactions between the police and children are subject to maintenance cycles whereby they are sense checked with the latest overarching information (e.g., Code of Ethics) and in line with current schedules, the non-Stop and Search related products will have a Voice of Child sense check built into their maintenance reviews.

10. Recommendation to the Home Office re: Mandatory Safeguarding Referral following EIP search

Recommendation ref: 0000/000005/011

The IOPC recommends that the Home Office amends PACE Codes A and C to introduce a requirement for police forces to make a mandatory safeguarding referral for any child who is subject to a search which exposes intimate parts (EIP).

Context

This follows a series of IOPC investigations that looked at searches of children inside and outside of custody, involving the exposure of intimate body parts (EIP). There is currently no requirement to make a mandatory safeguarding referral following an EIP search. Within PACE, there is no guidance on when safeguarding referrals should be made and current APP guidance is limited and states that officers should 'consider' making a referral. A child or young person subject to an EIP or intimate search is likely to require further support due to the factors leading up to the search taking place and/or the traumatic impact of the search. To ensure children and young people receive appropriate aftercare, all guidance around safeguarding referrals should be strengthened and updated to reflect recent changes made to safeguarding practice.

Response: Home Office

Partially accept: Children and young people are a protected group with specific needs and vulnerabilities. The Children Act 2004 requires agencies to share early concerns about the safety and welfare of children, which includes young persons, and to take preventive action. Under sections 10 and 11 of the Act, local policing bodies and Chief Officers have specific responsibilities to protect young people and co-operate with arrangements to improve the wellbeing of children in the local authority's area.

The Home Office is committed to ensuring that children's right, dignity and welfare are protected. We are engaging with policing partners, including the NPCC, HMICFRS and the College, to consider enhanced safeguards around police strip searching of children including exposure of intimate body parts, to provide clearer guidance for police and promote children's dignity and wellbeing. The Home Office is carefully considering reforms to PACE Codes A and C, including potential measures to mandate safeguarding referral for any child who is subject to a search which exposes intimate parts (EIP).