

KCSiE: Understanding the Appropriate Adult expectation

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One of three significant changes to Keeping Children Safe in Education 2022 (KCSiE) is a new expectation that Designated Safeguarding Leads (DSLs) should be aware of the requirement for children to have an Appropriate Adult.

The guidance says nothing more than that, but the DfE has updated the [Searching, Screening and Confiscation Advice](#) to include a new section on strip searches. In this briefing I explain how to meet this new requirement and help you understand what steps you need to take when involving the police in pupil searches.

KCSiE 2022 made a simple but impactful change to Annex C - adding an expectation for DSLs to be aware of the requirement for children to have an Appropriate Adult present. The new paragraphs 35-41 of the [Search, Screening and Confiscation Advice](#) puts flesh on those bones. We all know why this requirement has been added to guidance - the strip searching of Child Q and other similar events that have been publicised since.

This is what schools now need to do:

Less invasive search methods

This goes without saying, but a strip search is a last resort. Before involving the police, schools should ensure other, less intrusive methods of search have been considered and, where appropriate, carried out.

Balance risk

Before bringing in the police, the [Advice](#) says that schools should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item. In carrying out this risk assessment, I suggest there are three issues to consider:

- the seriousness of the item believed to be concealed by the pupil; and
- the reason for and the strength of that belief; and
- the impact you believe the search will have on *that* pupil

I also recommend that you document how you reach this decision.

Remember, once you have determined that police assistance is needed, they call the shots. If they determine that a strip search is necessary, then one will take place. The role of school staff is to then advocate for the safety and wellbeing of the pupil.

Staff attendance

Schools retain a duty of care towards the pupil during any level of police search. There is no requirement for an appropriate adult to be present for a search that only requires the removal of outer clothing, but it would be sensible for schools to determine whether staff should be present at all searches. My advice is that a staff member should be present at all police searches as this will reassure parents that an independent adult was in attendance and affords the staff member the opportunity to support the pupil if needed.

Informing parents

The school should always inform parents once a strip search has taken place and, preferably, they should be informed in advance, even if the parent is not acting as the appropriate adult. Where a parent wants to be the appropriate adult, the school should facilitate this where possible.

The search

Strip searches are not every day, regular occurrences; they should take place only if they are necessary to remove an item related to a criminal offence, and - importantly - the police officer reasonably considers the pupil might have concealed such an item. The law is prescriptive on who must and must not be present and who should carry out the checks. Rather than repeat the advice here, take a look at paragraphs 38-40 of the [Advice](#).

Being the appropriate adult

Any staff member acting as an appropriate adult must understand the rules around strip searches. This means having a good working knowledge of the [Advice](#), especially paragraphs 38-40. There is no restriction on which members of staff can act as an appropriate adult, though most schools are likely to expect the DSL and wider safeguarding team to do it.

The appropriate adult should be the same sex as the pupil being searched, although the pupil can request an appropriate adult who is not of the same sex. The pupil can also determine that an appropriate adult will not be present during the search. To do so, the pupil must expressly state that preference in the presence of the appropriate adult and the appropriate adult must agree. If the appropriate adult does not agree, then they should stay present for the search.

If a pupil does request the appropriate adult not be present, I recommend that the appropriate adult should consider what they believe is in the best interests of the pupil and discuss the issue with the pupil to make sure they understand the position they are in, the role of the appropriate adult and the fact that a different appropriate adult could be present if preferred. The appropriate adult should record the pupil's decision in writing and sign it.

After the search

Whether a suspected item is found or not, the pupil will require support after a strip search. If an item is found, police involvement will likely continue, and the school should consider the [safeguarding](#) needs of the pupil. Where no concealed item is found, the school should still focus on the safeguarding and wellbeing of the pupil, considering why the search was deemed necessary and ensuring the pupil has the opportunity to express their views about the search and events leading up to it.

Keep a record

The [Advice](#) says that schools should keep records of strip searches and should monitor them for any trends that emerge. I suggest taking this one step further by keeping a record of all searches carried out by the police on school premises and carrying out regular analysis on those records to identify trends, address those trends and to plan preventative measures.

If you haven't already, the next step is to determine who will act as appropriate adults in your school and ensure they have a good understanding of the [Advice](#) and the confidence to discharge the duty of an appropriate adult.

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