CHILD Q, SCHOOL SEARCHES AND CHILDREN'S RIGHTS

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Abstract

The troubling case of "Child Q", regarding a black girl who was strip-searched at her school while on her period in 2020, highlighted the discriminatory and often brutal treatment experienced by young people at the hands of the police. This commentary considers the response to the incident, focusing on the local authority's use of a children's rights framework to assess the actions of both police and schoolteachers. It compares the scrutiny of police powers to stop and search minors in public with the lack of focus on powers to search pupils in schools, noting the potential for disproportionality and the need for systematic data collection. It draws attention away from the focus on individual police failures and towards systematic problems with disciplining school pupils, focusing on suspicions about drug use—and the smell of cannabis specifically—as a potential source of inequitable outcomes.

Keywords: drugs; racism; education; policing; exclusions.

[A] INTRODUCTION

The case of child Q concerned a 15-year-old black girl who, in late 2020, experienced a humiliating and distressing strip search at the hands of police officers at her school in London. The search involved the exposure of her intimate body parts, with the knowledge that she was menstruating, and took place without an appropriate adult present as required by statutory guidance (Home Office 2020). Teachers thought that Child Q smelled of cannabis, although she denied possessing any drugs. They searched her bag, blazer, scarf, and shoes but found nothing illicit. They then sought advice from the police who visited the school and conducted the strip search. Child Q was so distressed after the incident that she was referred for psychological help. In September 2023, it was announced that three Metropolitan Police officers would face gross misconduct hearings over the incident (Rawlinson 2023), whereas the Independent Office for Police Conduct (IOPC) called for a review of policing powers relating to the strip-searching of children (IOPC 2023). In this

article, I ask whether the responses from different stakeholders to the incident, and particularly a local safeguarding review that was guided by a children's rights framework, were sufficiently attuned to the potential for discriminatory and unjust treatment at all stages of the disciplinary process.

The case prompted concern and anger among the local community, as well as wider debate and research about the incidence of strip-searching. According to a subsequent report by the Children's Commissioner for England (2023), 2,847 children aged 8-17 were strip-searched by police forces in England and Wales between 2018 and 2022. A quarter involved a child aged between 10 and 15 years old, over half (52%) took place without an appropriate adult present, and 38% were carried out on black children. In response to an urgent question in Parliament in 2022, Kit Malthouse, the Minister for Crime and Policing, said the case was "both troubling and deeply concerning" and that "this experience will have been traumatic for the child involved; the impact on her welfare should not be underestimated".1 Other Members of Parliament, including Bell Ribeiro-Addy, considered the incident as an example of racist degradation in line with the over-policing of minority populations by London's Metropolitan Police. Research has drawn attention to the particularly damaging consequences of stop and search on black teenagers (Flacks 2018; 2020). In 2021/2022, almost 18% of all stop and searches in England and Wales were conducted on those aged 10 to 17. Seventy were carried out on children under 10. Just 9% of these stop and searches (and only 7% of drugs searches) resulted in an arrest (Home Office 2022).

The local safeguarding review into the incident had a mandate to consider it in light of the United Nations (UN) Convention on the Rights of the Child 1989 (CRC) and concluded that a number of provisions had been breached (Gamble & McCallum 2022). In the discussion below, I pay particular attention to this review, noting that it endorsed the initial teachers' decision to search Child Q—despite finding flaws in subsequent events—and found it to be compliant with the CRC. I suggest that the lack of focus on the school search was significant and reflects a general lack of attention directed towards the potential racialization of school disciplinary measures. It also points to the centrality of illicit drugs within mechanisms of governance and surveillance, both at school and in public, and their role in authorizing incursions into young people's privacy and even bodily autonomy. I conclude that these deeper and broader questions need to be further interrogated in order to uncover the

¹ HC Deb, 21 March 2022, volume 711, column 138.

factors that contributed to the humiliation of Child Q, turning attention to the deficits in disciplinary oversights that exist in schools rather than simply the failure of two police officers to comply with guidelines on the presence of appropriate adults during strip searches.

[B] POLICE STOP AND SEARCH

Although there has been much less scrutiny of searching practices within schools and other educational establishments (Parpworth 2017), police powers in relation to "street" stop and search have long been subject to criticism in the field of criminology because of the ways in which members of black and ethnic minority communities are disproportionately targeted (Bowling & Phillips 2007; Equality and Human Rights Commission 2010; Human Rights Watch 2010; Stopwatch 2013). Studies have found that stop and search can damage relations between police and citizens and lead to criminality due to processes of labelling and deviancy amplification (Bradford 2015; 2017). Using data from a survey of Londoners aged 14 to 16, Bradford & Ors (2022) suggest that the consequences of procedurally unjust stop and search experiences may run deep. They found them to be associated with lower levels of trust in the police, higher levels of involvement in and exposure to gang-related activities, and the belief that it is acceptable to harass females in public space and control intimate partners. In addition to criminological critique, the stop and search of under-18s in the United Kingdom (UK) has been subject to criticism from human rights bodies. The UN Committee on the Rights of the Child, responsible for implementing the CRC, has repeatedly asked the UK to ensure stop and search checks are proportionate, taking into account the age and maturity of the child and principles of non-discrimination, and to more systematically collect data (Committee on the Rights of the Child 2016, 2023).

Nevertheless, a succession of Home Secretaries and police chiefs have defended use of the powers, arguing that they fulfil a "necessary" function in preventing crime, despite a lack of evidence to support this contention (Flacks 2020). For Bradford and Loader, such fictions persist because they "form part of a legitimation strategy which maintains that stop and search is in principle controllable, measurable and that the will exists to control it and assess its effects" (2016: 32). Minority victimization by the police is therefore framed as an accidental or necessary consequence of police tactics, or perhaps a failure of governance or the result of individual "bad apples", rather than as a central characteristic of the racial state (Martinot & Sexton 2003). It has been argued that the maintenance of disproportionate stop and searching can be understood as an investment in imprisonment, social exclusion and segregation as solutions to the insecurities of the advanced liberal order (Flacks 2020).

Recall that Child Q was initially stopped in a school corridor because it was thought that she smelled of cannabis. The College of Policing's Authorised Professional Practice (APP) advises against apprehending individuals on the basis of the smell of cannabis alone (College of Policing 2022). This corresponds with guidance issued by both the IOPC (2022) and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), which has stated:

on its own the smell of cannabis on a person provides only weak grounds. This is because there could be legitimate reasons why a person might smell of cannabis—close recent contact with a person using cannabis for instance (HMICFRS 2021: 37).

Distinctions are not made between adults and under-18s. In spite of this guidance, recent research by Grace & Ors (2022), on factors influencing police decision-making in cannabis possession offences, found that threequarters of public searches in their sample were conducted due to the sight or smell of cannabis. The individuals most likely to be policed for cannabis possession were young and ethnically minoritized. Interviews with police officers as part of the study suggested that the smell of cannabis could, in the words of one participant, serve as "a gateway to try and discover other offences that you cannot readily search for" (ibid: unpaged). A third of the officers interviewed thought that smell alone was sufficient to conduct a search, in spite of the APP guidance.

This is not to suggest that stopping and searching school pupils does, or should, mirror practice on the streets, or that the powers available to teachers are/should be analogous to those of police officers. However, as discussed in the next section, teachers have been given more power in recent years to conduct searches, including where drugs or alcohol are concerned, despite objections from children's rights advocates. There remains a lack of data and guidance on such practices, and research on police stop and search suggests a potential for disproportionality and the need for greater scrutiny.

[C] POWERS TO SEARCH CHILDREN IN SCHOOL

There has been considerable interest in recent years on the disproportionate exclusion of children from some social groups, including minority backgrounds and those with mental health problems

and other additional needs (DfE 2019). However, behaviour has long been a dominant discourse within education, reflecting broader societal fears about crime and social disorder, as typified by drug use and knife crime (Ball & Ors 2012: 100). Behaviour policies are also one of the ways in which schools, within an increasingly marketized and competitive education system, can present themselves as attractive choices for parents (Kulz 2014). According to Ball & Ors (2012: 106): "Discipline is big-money business and the rhetoric of 'crisis' helps produce a market opportunity for the private sector to support the—in this discursive construction, 'failing'—public sector." Neville Harris (2014: 4) argues that the result is that "reforms of recent years have ... promoted the interests of schools ... over pupils who misbehave". Such reforms have included increased powers to search pupils for prohibited items, despite objections from children's rights advocates.

As indicated above, the Child Q incident occurred after teachers at her school expressed concern that she smelled strongly of cannabis. Under the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA) (section 242), the powers of school staff to search students (or their possessions) without consent were extended to include drugs, as well as weapons. At the time, a report by the Joint Committee on Human Rights (JCHR) concluded that the Government had not provided sufficient evidence to explain why these measures were necessary (JCHR 2009: 40-42). During a reading of the Bill, the Secretary of State responsible for schools, Ed Balls, explained that the measures were required "to ensure that teachers have the powers that they need so that they can get on and teach in the classroom".² In a subsequent debate, it was acknowledged, apparently with approval, by the Conservative opposition that the Bill would make police involvement in schools more likely.3 It was only in the House of Lords that the Bill faced significant opposition. Baroness Walmsley said that: "Teachers should not be seen as an extra arm of the Ministry of Justice";4 whereas Baroness Sharp said: "It is an important issue, and it is important that we recognize children's dignity and privacy. It would be lovely if we could see the UN Convention on the Rights of the Child incorporated into British law."5 The Child Rights Alliance for England (CRAE) noted that the enlargement of powers under the ASCLA went ahead in the absence of any evaluation of the use of existing search powers within schools, as recommended by the Practitioners' Group on School

² HC Deb, 23 February 2009, volume 488, column 28.

³ HC Deb, 5 May 2009, volume 233, column 127.

⁴ HL Deb, 2 Jun 2009, volume 711, column 116.

⁵ Ibid column 197.

Behaviour and Discipline (CRAE 2009). Provisions under the Convention on the Rights of the Child require that "school discipline is administered in a manner consistent with the child's human dignity" (Article 28). The Committee on the Rights of the Child has also asked the UK Government to: "Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education" (Committee on the Rights of the Child 2016, paragraph 40).

Despite the relatively muted opposition to the introduction of stronger powers to search, further plans—under the Education Act 2011—were soon tabled to extend powers even further to include any item that was prohibited by the school. The CRAE argued that this constituted a "significant intrusion into children's privacy ... which must be shown to be necessary and proportionate in order to be lawful" (2009). The CRAE called for a review of the use of existing powers and disaggregated data on students who had been searched. In a further debate on that Bill, Baroness Walmsley said:

I think that searching affects the fundamental relationship between teachers and pupils, which changes from one of trust, about preparing the child for its future life at work and in the family, to one of policing \dots^6

A report by the Children's Commissioner for England into stripsearching, released in 2023, found that both searching and stripsearching had deleterious consequences for school pupils. According to one former pupil:

I was being searched every single day at school [by teachers]. ... I then felt isolated from everyone that I was the odd one out. I was the one that was being made to feel like a criminal. Although when I was first being searched, I wasn't actually a criminal and it was the fact of the pressure that the school was putting on me and because of the people I hanged about with that then actually led me to take drugs (Children's Commissioner for England 2023: 24-25).

Neil Parpworth (2017) has pointed out that guidance on police stop and search is relatively detailed in comparison to guidance for teachers, particularly in terms of what constitutes "reasonable suspicion" and when the use of force might be appropriate. The DfE reviewed and updated its guidance on searching, screening and confiscation following Child Q, placing more emphasis on safeguarding and the rights of the pupil during and after a search (DfE 2022). However, there is no further guidance on

⁶ HL Deb, 14 June 2011, volume 728, column 670.

what might constitute reasonable grounds for a search, or the potential for some pupils to experience searches disproportionately and for there to be unconscious bias on the part of teachers. It is now a requirement that data is collected on police stop and searches (College of Policing 2020), but schools are only "encouraged" to record searches, including information about which pupil was searched and the reasons for doing so. Moreover:

Schools who conduct a high number of searches should consider whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this (DfE 2022: paragraph 46).

The guidance is unclear on how exactly schools should monitor potential disproportionality. There is also no expectation that this data be made public so that schools can be accountable in the same way as other public sector bodies such as police forces.

[D] THE SEARCHING OF CHILD Q

An important, yet largely overlooked, factor in the Child Q case was the grounds for her initial searching. The discovery of drug use, possession or supply in school-and sometimes off school grounds-is likely to lead to temporary or permanent exclusion (Flacks 2021). As indicated above, pupils from minority backgrounds are disproportionately likely to be punished in this way. Black and mixed Caribbean and Gypsy and Roma pupils are particularly vulnerable to permanent exclusion compared with white British pupils (DfE 2023). However, there is considerable variation in how schools discipline students for matters involving drugs. According to a study of school drugs policies (Flacks 2021), the question of "drugs" is itself contentious, with some schools including asthma inhalers and herbal remedies within the definition. It also found that descriptions of the nature of the threat from drug use/possession tended to be ambiguous and related to the reputation of the particular institution (and perhaps its position in the league tables within a marketized education system) as much as the precise risks posed to pupils. The result is that penalties for drugs infractions are likely to vary widely from school to school, with some pupils subject to permanent exclusion as a consequence of "zero tolerance" policies, whereas others may benefit from a less punitive approach.

The Local Child Safeguarding Practice Review into Child Q by the City of London & Hackney Safeguarding Children Partnership (Gamble & McCallum 2022) found that Child Q's rights had been violated in a number of respects, but not in relation to her initial search. The Review lays out its terms of reference at the outset:

- 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? (paragraph 1.12)

In Finding 1, the Review praised the actions of the school, concluding that it 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 (ibid paragraph 1.16).

The Review went on to find that other factors, in addition to the smell of cannabis, justified the stop and search of the student. They were that it was a "repeated incident" (teachers had suspected that she smelled of cannabis one month previously); there was "additional context about someone known to Child Q"; and there was a potential risk posed to other pupils in the school by the possession of drugs (ibid paragraph 5.11). It found that decision-making thus far complied with Article 3 (best interests) and Article 33 of the CRC. Article 33 states that:

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

The Review emphasizes that school staff can search a pupil, even without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item, and that the actions adhered to Article 8 of the European Convention on Human Rights 1950 which permits interferences with the right to privacy on certain grounds (Gamble & McCallum 2022: paragraph 5.14). The review did state that the government's guidance, "Searching, screening and confiscation—Advice for headteachers, school staff and governing bodies, DfE, January 2018" should be improved with

"stronger reference to the primary need to safeguard children" (paragraph 5.16), rather than focusing primarily on discipline and only mentioning the police in respect of external agencies to contact (ibid paragraph 5.51).

The lack of critical scrutiny of the initial decision to apprehend and search Child Q, and the use of children's rights provisions to justify the search, was significant. To take first the question of the initial search, it is reasonable to be concerned about pupils smelling of cannabis and—as the Review makes clear—in line with established safeguarding practice. In addition to concluding that a search was appropriate and consistent with children's rights provisions, the Review found that the concerns about Child Q smelling of cannabis should have resulted in contact with "external agencies" (Gamble & McCallum 2022: paragraph 5.41). Instead, the focus was on the breach of rules rather than "what the alleged substance misuse might mean for her safety and welfare" (ibid paragraph 5.42). A month earlier, when Child Q also reportedly smelled of cannabis, the school contacted her mother and warned that further instances may result in exclusion (paragraph 2.13).

However, a focus on Child Q's welfare could have prompted more reflection on whether the search was necessary and reasonable in the circumstances. As the Review makes clear (Gamble & McCallum 2022: paragraph 5.48), the smell of cannabis alone should not constitute "reasonable grounds" for a strip search. If it is enough to warrant the searching of a school pupil's outer clothes, there needs to be more guidance on the basis for such a search. For example, smell should not constitute grounds for further intelligence-gathering by teachers in relation to other potential behaviour issues, nor be used for the primary purpose of disciplining rather than safeguarding. The Review did not consider what safeguarding in relation to suspected cannabis use might mean or involve in order for the action to have been proportionate and justified. However, given the potential for disproportionality and unconscious bias, as well as right to privacy considerations, teachers might be advised in future to consider factors such as the age of the pupil concerned, their ability to accurately identify the odour, and whether certain pupils are more likely to be searched than others. They also might consider whether a conversation with the pupil would be more beneficial, and respecting of their dignity, than an interference with their privacy rights.

It was notable that the justification for the initial search was premised on the potential risk posed to other school pupils who required protecting from drugs (paragraph 5.11). However, the Review did not go on to explain these risks, and nor does Article 33 say anything further about the needs for measures to be, for example, proportionate-as discussed further below. Although not explained, it appears that teachers may have been concerned that Child Q might have been supplying cannabis to fellow pupils, rather than, for example, a victim of exploitation, since no call was made to social services either in this incident or when teachers previously suspected she smelled of cannabis. Again, questions might have been asked about whether the smell alone, along with undefined information about an individual's peer group and the fact that it was a repeated incident, constituted sufficient grounds for this suspicion. If this does not fully explain how other pupils might be at risk, then there is a need for more explicit policy and safeguarding guidance in order to balance a pupil's individual rights with concerns for protecting the school body. Again, given the dearth of data on school searches, we do not know whether disproportionality exists, but minority students are more vulnerable to temporary and permanent exclusion from school. The disproportionality in both police stop and search practices and school exclusions suggest a need for such school searches to be more systematically monitored, including stronger expectations on schools to collect and publish data, in case of any unfair targeting of specific social groups.

Article 33 and the Use of Children's Rights

The use of the CRC as a guiding framework for the Review was innovative. However, a child rights-based approach should involve a complete review of relevant provisions, rather than "cherry picking" those thought to be most relevant, according to the human rights principles of indivisibility and interdependence (Byrne & Lundy 2019).⁷ In particular, the invocation of Article 33 in an otherwise critical safeguarding Review did not result in adequate consideration of Child Q's welfare, nor illuminate the ways in which she may have been subject to racialized disciplinary measures because it was considered in isolation from other relevant Convention rights. The principles of indivisibility and interdependence are especially important in respect of Article 33 because it is a short provision, without qualification, that potentially affords generous powers to authorities to curtail children's rights to privacy and bodily autonomy in the interests of protecting children from drugs. The CRC is the only international human rights convention to contain a clause relating specifically to drugs. Since the Article was drafted in the late 1980s, there is more understanding of the ways in which the "war on drugs" causes harm to those it is ostensibly

⁷ Vienna Declaration and Programme of Action (Article 5), adopted by the World Conference on Human Rights, Vienna, 25 June 1993.

aimed at protecting, particularly young racial and ethnic minorities (Eastwood & Ors 2016; Koram 2019). Article 33 has been used in this "war" to justify punitive and coercive responses to drug use by both adults and children. For example, a 2010 report to the JCHR by the Department for Children, Schools and Families (DCSF) on the implementation of the CRC (DCSF 2010) used the extension of searching in schools to drugs, criticized by children's rights organizations, as explained above, as an example of CRC compliance. International campaign organizations such as the World Federation Against Drugs and Drug Free World, the latter sponsored by the Church of Scientology, have used Article 33 to justify a prohibition-based approach to drug laws (World Federation Against Drugs 2009; Drug Free World 2023). It is well documented that such laws have resulted in rampant human rights violations all over the world (Lines 2017). Countries including Singapore have used the CRC and Article 33 to justify long prison sentences, and even capital punishment, for relatively minor offences relating to possession and supply (see Committee on the Rights of the Child 2017). This potential for misuse makes it even more important that Article 33 is considered with reference to other Convention rights such as Article 2, which requires state parties to protect children from discrimination. The Review only considered the provision in isolation, however, and did not explain how Child Q's initial apprehension protected her from drugs, nor how the provision might be balanced against her best interests, and rights to privacy and nondiscrimination. The Committee on the Rights of the Child should consider issuing further guidance on Article 33 in the form of a General Comment, including the need for any protection measures to be proportional and balanced against the other rights of children.

The Role of the Police

The Review found it acceptable that police were called to investigate the incident, but that school staff "should have been more challenging to the police, seeking clarity about the actions they intended to take" (Gamble & McCallum 2022: paragraph 1.16). However, the question might have been whether it was necessary to bring in the police at all. According to the Runnymede Trust (2023), almost 1,000 police officers are operating within UK schools, largely within "Safer Schools Partnerships" (SSPs) in which an officer is placed permanently within a designated school. The partnerships were introduced under the New Labour Government in 2002, and subsequently promoted with the aim of "Taking early action to ensure pupil safety and to prevent young people from being drawn into crime or antisocial behaviour" (DSCF 2009: 4). Despite having broad political

support, SSPs have been resisted in some communities. For example, the "No Police in Schools" campaign group was set up to "decriminalise the classroom" in the Greater Manchester area and beyond.⁸

SSPs are more likely to be based in areas with higher numbers of pupils eligible for free school meals, correlating with higher numbers of black and minority ethnic students (see Henshall 2018). Joseph-Salisbury (2021) argues that increasing police presence in school has a detrimental impact on learning environments, helps to create a culture of low expectations, criminalizes young people, and cultivates a school-to-prison pipeline. He found that many teachers themselves had reservations about allowing police into the classroom. Evidence to support the involvement of police in schools is at the very least limited (Bradford & Yesberg 2020; Gaffney & Ors 2021).

Staff at Child Q's school may have considered it their duty to call the police since they suspected a crime could have been committed. This decision was not criticized in the Review, although it suggested that welfare services might have been contacted at an earlier point. However, given that their initial search of clothing produced no evidence of cannabis possession, it is questionable whether it was then necessary to contact police rather than further discuss the issue with Child Q and her carers. If those discussions uncovered further suggestions of criminal activity, or welfare concerns, it may then have been necessary to contact either the police and/or social services, or another appropriate welfare organization. The decision instead to contact police, who are principally employed for the purposes of crime detection, perhaps points to a more fundamental issue with the ways in which concerns about drugs are addressed within school-primarily as questions of criminality and/or punishment-as well as the role and function of SSPs. A lack of criticism in the Review lent support to the value of police involvement in school, while shifting the focus towards the problematic conduct of individual officers rather than any deficiencies in school disciplinary or safeguarding processes.

[E] CONCLUSION

The primary concern about Child Q from the outset seemed to be that she posed a risk to the school and may have engaged in criminal activity. As such, the sights of all the adults involved seemed to be trained on the appropriate disciplinary processes, rather than safeguarding requirements. This was likely not the result of any deliberate decisions

⁷ See "No Police in Schools".

by those in positions of power, or failures of office, but rather systemic shortcomings. Although it has been argued that Child Q was failed both by her teachers and the police officers involved, and that the incident may have been the result of racial bias, the links between the disciplining of drug use and racialized school exclusion policies have not been interrogated. I have argued that suspicions of drug activity in school require an approach that carefully weighs up the possible risks posed to the wider school body with respect for a child's right to privacy and best interests. This means balancing Article 33 of the CRC with other Convention rights and carefully considering the principles of indivisibility and interdependence while ensuring that measures taken are proportional. It has also been suggested that there should also be a requirement that schools collect data on rates of searching in school, disaggregated by age, ethnicity or race, gender and other identifying characteristics, and for this data to be published annually so that we can better understand how these powers are deployed. Finally, Child Q's treatment was shocking and troubling, but the focus on the intimacy of the body search, and the lack of an appropriate adult or the behaviour of the police officers, should not draw attention away from systemic failings. Locating the blame for the incident within the poor decisionmaking practices of individual police officers avoids scrutiny of the broader context in which the incident took place.

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References

Ball, Stephen, Meg Maguire & Annette Braun. *How Schools Do Policy: Policy Enactment in Secondary Schools.* Routledge: London & New York, 2012.

- Bowling, Ben & Coretta Phillips. "Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search." *Modern Law Review* 70 (2007): 936-961.
- Bradford, Ben. "Assessing the Impact of Stop and Search Powers on Individuals and Communities." In *Stop and Search*, edited by R Delsol and M Shiner (eds). Basingstoke: Palgrave Macmillan, 2015.
- Bradford, Ben. Stop and Search and Police Legitimacy. Oxford: Routledge, 2017.
- Bradford, Ben & Ian Loader. Police, Crime and Order: The Case of Stop and Search. In B Bradford & Ors (eds), The SAGE Handbook of Global Policing. London: Sage, 2016.
- Bradford Ben & Ors. "A Street Corner Education: Stop and Search, Trust, and Gendered Norms among Adolescent Males." *PLoS ONE* 17(12) (2022).
- Bradford, Ben & Julia Yesberg. *Police in Schools—An Evidence Review*. London: UCL Jill Dando Institute for Security and Crime Science, 2020.
- Byrne, Bronagh & Laura Lundy. "Children's Rights and Policy-Making: A 6 P framework." *International Journal of Human Rights* 23(3) (2019): 1-17.
- Child Rights Alliance for England (CRAE). *Behaviour and Discipline in Schools* (CRAE 2010).
- Children's Commissioner for England. Strip Search of Children in England and Wales—Analysis by the Children's Commissioner for England. London: Children's Commissioner for England, 2023.
- College of Policing. "Transparent: Authorised Professional Practice." Coventry: 2020.
- College of Policing. "Legal Basis: Authorised Professional Practice." Coventry: 2022.
- Department for Children, Schools and Families (DCSF). "Safer School Partnerships Guidance." London: Crown Office, 2009.
- Department for Children, Schools and Families (DCSF). *The United Nations Convention on the Rights of the Child: How Legislation Underpins Implementation in England*. London: Crown Office, 2010.
- Department for Education (DfE). *Timpson Review of School Exclusion*. London: Crown Office, 2019.

- Department for Education (DfE). "Searching, Screening and Confiscation Advice for Schools." London: DfE, 2022.
- Department for Education (DfE). "Permanent Exclusions and Suspensions in England: 2021 to 2022." London: DfE, 2023.
- Drug Free World (DFW). "Press Release: Drug Free World Global Conference at the United Nations Sustainable Solutions per the UNGASS 2016 Consensus" (International College of Dentists 2023).
- Eastwood, Niamh, Edward Fox & Ari Rosmarin. A Quiet Revolution: Drug Decriminalisation across the Globe. London: Release, 2016.
- Equality and Human Rights Commission. Stop and Think: A Critical Review of the Use of Stop and Search Powers in England and Wales. Manchester: Equality & Human Rights Commission, 2010.
- Flacks, Simon. "The Stop and Search of Minors: A 'vital police tool'?" *Criminology and Criminal Justice* 18(3) (2018): 364-384.
- Flacks, Simon. "Law, Necropolitics and the Stop and Search of Young People." *Theoretical Criminology* 24(2) (2020): 387-405
- Flacks, Simon. Law, Drugs and the Politics of Childhood: From Protection to Punishment. London: Routledge, 2021.
- Gaffney, Hannah, David Farrington & Howard White. *Police in Schools: Toolkit Technical Report.* London: Youth Endowment Fund, 2021.
- Gamble, Jim & Robert McCallum. *Local Child Safeguarding Practice Review: Child Q.* London: City & Hackney Safeguarding Children Partnership, March 2022.
- Grace, Sharon, Charlie Lloyd & Geoff Page. "What Discretion Do You Need?' Factors Influencing Police Decision-Making in Possession of Cannabis Offences." Criminology and Criminal Justice Online First (2022).
- Harris, Neville. "Getting a Grip? The Role of the Law in Response to Behaviour Concerns relating to Pupils at School." *Education Law* 15(2) (2014): 99-114.
- Henshall, Amanda. "On the School Beat: Police Officers Based in English Schools." *British Journal of Sociology of Education* 39(5) (2018): 593-606.

- His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). *Disproportionate Use of Police Powers: A Spotlight on Stop and Search and the Use of Force*. London: HMICFRS, 2021.
- Home Office. Statutory Guidance: PACE Code C. London: Crown Office, 2020.
- Home Office. Police Powers and Procedures: Stop and Search and Arrests, England and Wales, Year Ending 31 March 2021. London: Crown Office, 2022.
- Human Rights Watch. Without Suspicion: Stop and Search under the Terrorism Act 2000. London: Human Rights Watch, 2010.
- Independent Office for Police Conduct (IOPC). "IOPC Calls for Stop and Search Law Change and Identifies 18 Opportunities for Improvement." London: IOPC, 20 April 2022.
- Independent Office for Police Conduct (IOPC), "IOPC Calls for Review of Police Strip Search Powers following Child Q Investigation." London: IOPC, 14 September 2023.
- Joint Committee on Human Rights (JCHR). Legislative Scrutiny: Welfare Reform Bill; Apprenticeships, Skills, Children and Learning Bill; Health Bill. London: Stationery Office, 2009.
- Joseph-Salisbury, Remi. "Teacher Perspectives on the Presence of Police Officers in English Secondary Schools: A Critical Race Theory Analysis." *Race Ethnicity and Education* 24(4) (2021): 578-595.
- Koram, Kojo, ed. *The War on Drugs and the Global Colour Line*. London: Pluto Press, 2019.
- Kulz, Christy. "Structure Liberates?': Mixing for Mobility and the Cultural Transformation of 'Urban Children' in a London Academy." *Ethnic and Racial Studies* 37(4): (2014).
- Lines, Rick. Drug Control and Human Rights in International Law. Cambridge: Cambridge University Press, 2017.
- Martinot, Steve & Jared Sexton. "The Avant-Garde of White Supremacy." Social Identities 9(2) (2003): 169–181.
- Parpworth, Neil. "Searching School Pupils: The Need for Better Guidance." Education Law Journal (3) (2017): 171-185.
- Rawlinson, Kevin. "Met Police Admit Overusing Powers to Strip-Search Children after IOPC Inquiry." *The Guardian*, 14 September 2023.

- Runnymede Trust, "Over-Policed and Under-Protected: The Road to Safer Schools". London: Runnymede Trust, 2023.
- StopWatch. StopWatch Submission to the Consultation on Police Powers to Stop and Search. London: StopWatch, 2013.
- United Nations Committee on the Rights of the Child. Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland, 2016 CRC/C/GBR/CO/5.
- United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention Fourth and Fifth Periodic Reports of States Parties: Singapore, 3 November 2017, CRC/C/SGP/4-5.
- United Nations Office on Drugs and Crime (UNODC). Justice in Matters Involving Children in Conflict with the Law. Vienna: UNODC, 2013.
- World Federation Against Drugs (WFAD) "Declaration." Stockholm: WFAD, 2009.

Legislation, Regulations and Rules

Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA)

Education Act 2011

European Convention on Human Rights 1950

United Nations Convention on the Rights of the Child 1989 (CRC)