



LETTER SENT BY E-MAIL ONLY

4 Sep 2023

2023/24-030

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 29 August, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

I write in relation to the guidance discussed and agreed by Chief Officers at the NPCC meeting of 9th December 2021, which “introduced a consistent searching policy for transgender officers and staff across all forces”. This recommendation was accepted at that meeting by all police chiefs present.

This has been widely reported in the press. As a woman and a member of the public in your area, it causes me real alarm and concern and makes me conclude that the Police have learnt nothing from the lack of trust and confidence that women now have since the terrible murder of Sarah Everard. I have sent this letter to you both as, while this may be an operational issue, it also cuts right across the priorities within the local Police & Crime Plan and the policing objectives for the area.

So that I fully understand what your position will be in practice, I would like to have the following questions addressed and answered by yourself as a matter of priority. I do intend to share your reply with other women’s groups.

1. Does this force intend to fully implement the searching policy as agreed by the NPCC on 9th December 2021 and if so, please identify the implementation date.

2. What equality impact assessments have been carried out in advance of implementation with regard to other protected characteristics under the Equality Act 2010, in particular, race, religion or belief, sex, and disability? If not implemented yet, please advise what your intentions are regarding a full equality impact assessment.

3. Advise in detail what impact you envisage this will have on women's trust and confidence in the Police and what mitigation you intend to put in place.

4. Advise in detail whether a hate crime or a non-crime hate incident would be created under any circumstances if a woman objects to a male officer searching her and what these circumstances may be.

5. Advise in detail what your position will be with regard to female police officers being required to strip search males self-identifying as women and in particular, if you would support those officers having a right to refuse to carry out such searches.

6. If you do not intend to fully implement the searching policy, please advise in detail what the position of this force will be.

Response

Your request for information has been considered and the Scottish Police Authority is able to provide the following.

The Scottish Police Authority does not hold the information you have requested. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

The Scottish Police Authority provides governance and oversight of policing in Scotland and does not hold information on operational policing matters.

Information may be available by contacting Police Scotland. Detail on how to [make a request](#) is available on their website.

To assist, we can advise that [Standard Operating Procedures](#) and guidance documents are publicly available on Police Scotland's website. Of interest may be the following:

[Transitioning at Work](#) – which includes an appendix on Gender Related Occupational Requirement - Stop and Search Guidance.

[Care and Welfare of Persons in Police Custody](#) – which includes guidance on searching transgender persons in custody.

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review. You must specify the reason for your dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

After review, if you remain dissatisfied, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

An anonymised version of this response will be posted to our [Disclosure Log](#) in seven days' time.

