

8 August 2024

FOI Ref 16461

Request - You asked us the following:

On 13th January 2024, it was widely reported that the NPCC has withdrawn its policy and guidance agreed previously at an NPCC meeting on 9/10 December 2021 dealing with the ability of officers to self identify as the opposite sex and conduct searches that are 'same sex' only under the provisions of the Police & Criminal Evidence Act 1984. <https://www.telegraph.co.uk/news/2024/01...>

The NPCC stated at this time, that forces would revert to their own local policies.

I specifically seek to know;

1. Whether this force has also withdrawn the NPCC policy above and on what date it did so.
2. In respect to searches exceeding the most basic search of outer clothing, commonly referred to as more thorough searches, strip searches or intimate searches, please advise whether this force permits any searching to be conducted by an officer of the opposite sex.

For clarity, "sex" here means biological / physical sex, regardless of how the officer identifies, whether by way of a Gender Recognition Certificate or via verbal self-identification.

3. If this force is still permitting such opposite sex searching to continue, which officer has made that decision. Please also identify the rank of the officer.

We received your request on 05/02/2024 and have processed this under the Freedom of Information Act (FOIA).

Please find below our response.

Staffordshire Police holds the following requested information.

1. Whether this force has also withdrawn the NPCC policy above and on what date it did so. – **Information held.**
2. In respect to searches exceeding the most basic search of outer clothing, commonly referred to as more thorough searches, strip searches or intimate searches, please advise whether this force permits any searching to be conducted by an officer of the opposite sex.
For clarity, "sex" here means biological / physical sex, regardless of how the officer identifies, whether by way of a Gender Recognition Certificate or via verbal self-identification. – **Information held.**
3. If this force is still permitting such opposite sex searching to continue, which officer has made that decision. Please also identify the rank of the officer. – **Information held.**

Staffordshire Police discloses the following information.

1. Whether this force has also withdrawn the NPCC policy above and on what date it did so. – **Disclosed – Yes - January 2024.**



2. In respect to searches exceeding the most basic search of outer clothing, commonly referred to as more thorough searches, strip searches or intimate searches, please advise whether this force permits any searching to be conducted by an officer of the opposite sex.
For clarity, "sex" here means biological / physical sex, regardless of how the officer identifies, whether by way of a Gender Recognition Certificate or via verbal self-identification. – **Disclosed – Please see the accompanying files entitled 'FOI 16461 Stop and Search Force Procedure Data' and 'FOI 16461 Transgender Policy Data'.**
3. If this force is still permitting such opposite sex searching to continue, which officer has made that decision. Please also identify the rank of the officer. – **Information held. – Please be advised that this policy is currently under review and is due to be published once the document has been signed off.**

The above information has been withheld for the following reasons:

This information is to be published fully in the near future

The following exemptions have been applied:

In accordance with Section 17(1) of the Freedom of Information act, this letter represents a refusal notice for this particular request as the following exemptions have been applied.

- Section 22(1)(a) – Information intended for future publication

Section 22 is a qualified class-based exemption and as such requires the application of a Public Interest Test.

- Section 21(1) - Information reasonably accessible by other means.

Section 21 is an absolute, class-based exemption and as such there is no requirement to quantify the harm that may arise from the disclosure, nor is there a requirement to perform a Public Interest Test.

Public Interest Test

Factors favouring disclosure for Section 22

To release the information that is held at this particular time would provide the public with an awareness of the most recently collated data serving to enhance public knowledge of the subject of force policy around intimate searches.

Factors favouring non-disclosure for Section 22

Although the information is available, any data that is researched and prepared will need to be checked and authorised to be fit for release. As the information requested is due to be published in the near future the additional time and resources that would be required cannot be justified.



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Balance Test

In this case a decision has been made to publish this information the near future. Section 22 allows for circumstances when it is reasonable and correct for public authorities to delay the provision of information until it is made generally available through publication. The additional resources expended by the force to deal with this request at this time would therefore not be in the public interest.

Advice and assistance

In order to comply with our obligations under Section 16 of the Act, the obligation to provide advice and assistance, please find below links to the information requested.

- In order to assist with question 1, please see the below link:

[foi-16438-custody-procedures-policy.pdf \(staffordshire.police.uk\)](https://staffordshire.police.uk/foi-16438-custody-procedures-policy.pdf)

Next steps

You can ask us to review our response.

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit