

7 May 2025

FOI Ref 21271

Request - You asked us the following:

Staffordshire Police has policies that, in light of the Supreme Court judgement handed down on 16 April 2025 (attached), are now confirmed to be unlawful. What action are you taking to ensure that policies are reviewed and amended to comply with the Supreme Court judgement?

https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf

PS - Context:

In simple terms, the Supreme Court unanimously holds that the terms "man", "woman" and "sex" in the Equality Act 2010 refer to biological sex (biological sex is used in the judgement "to describe the sex of a person at birth").

The judgement confirms that the term "woman" in the Equality Act does not include a man with a Gender Recognition Certificate (GRC) (described in the judgement as a "trans woman with a GRC") and nor does it include "a biological man, ie who was at birth of the male sex, but who has the protected characteristic of gender reassignment" (described in the judgement as a "trans woman"). The court also said: "The definition of sex in the EA 2010 makes clear that the concept of sex is binary, a person is either a woman or a man."

You need to review policy, procedures and practice related to sex and gender identity in the context of all of your policies.

We received your request on 25/04/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police holds the requested information.

- In simple terms, the Supreme Court unanimously holds that the terms "man", "woman" and "sex" in the Equality Act 2010 refer to biological sex (biological sex is used in the judgement "to describe the sex of a person at birth").

The judgement confirms that the term "woman" in the Equality Act does not include a man with a Gender Recognition Certificate (GRC) (described in the judgement as a "trans woman with a GRC") and nor does it include "a biological man, ie who was at birth of the male sex, but who has the protected characteristic of gender reassignment" (described in the judgement as a "trans woman"). The court also said: "The definition of sex in the EA 2010 makes clear that the concept of sex is binary, a person is either a woman or a man."

You need to review policy, procedures and practice related to sex and gender identity in the context of all of your policies. – **Withheld, section 22.**

The following exemption has been applied:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- 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.

Public Interest Test

Factors favouring disclosure for Section 22

To release the information 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.

Factors favouring non-disclosure for Section 22

All policies are currently being reviewed with colleagues nationally and locally, in line with the ruling and will be published in the future.

Balance Test

In this case a decision has been made to publish this information in the 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.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:



STAFFORDSHIRE
POLICE

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

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit