

21 January 2026

FOI Ref 22375

Request - You asked Staffordshire Police (SP) the following:

This request is further to the Crown Prosecution Service (CPS) press release published on 13 December 2024 about an update to prosecution guidance which clarifies the law on when deceiving someone or failing to disclose birth sex could affect consent in rape cases - link below.

<https://www.cps.gov.uk/cps/news/prosecutors-publish-updated-deception-sex-guidance>

For the period of December 2024 to December 2025 and in relation to rape where consent was affected by a failure to disclose birth sex or transgender identity, please can you provide the following information:

Number of crime reports
Number of incident reports (if held)
Number of people charged to court
Number of people convicted (if held)

SP received your request on 13/01/2026 and have processed this under the Freedom of Information Act (FOIA).

SP's response to your enquiry is as follows:

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

The following exemption has been applied:

- Section 12(1) where the cost of compliance exceeds the appropriate limit.
- Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the prescribed limit'.

The above information has been withheld for the following reasons:

There is no method by which SP can readily retrieve information from our systems to answer this request. For the time period requested, there have been in excess of 1,450 occurrences of rape. In order to determine whether consent was affected by a failure to disclose birth sex or transgender identity, the record for each offence would require a manual review. To extract this data would therefore require a very labour-intensive manual trawl through each record.

From dip sampling, it has been estimated that it would take approximately 5 minutes to review each record to answer this request, this would equate to over 120 hours. To achieve this task would therefore exceed the 18-hour time and cost threshold of the Freedom of Information Act by a considerable margin.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, to comply with this obligation please see below.

Unfortunately, SP cannot suggest a way in which your request could be simplified or pared down to bring it within the confines of the time and cost threshold.

Please be advised that all Freedom of Information request responses are published on the SP 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 SP, 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:

IAT@staffordshire.police.uk

Or by Post to:

Information Access Team
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 Information Access Team 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 a supervisor who is independent from the original Decision Maker. The Information Access Team 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 Supervisor 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, considering the matters raised by the complaint.



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4. Conclusion of the Appeal

On completion of the review the Independent Supervisor will reply to the appellant with the result of the review. If the appellant 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 link:
<https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Information Access Team