

Chief Constables

*Sent via email:*

22<sup>nd</sup> May 2025

Dear Chief Officer colleagues,

### **Interim Transgender Search Guidance**

We would like to thank all of you for your ongoing cooperation, patience and support as we work through the implications of the UK Supreme Court ruling in relation to the scope of the Equality Act on sex and gender. This is complex, sensitive work and we are trying our best to provide much needed clarity and consistency for policing.

We would like to share an update about the draft interim guidance on searches of members of the transgender community, as well as searches carried out by transgender police officers, which the National Police Chiefs' Council (NPCC) will be publishing today (Thursday).

It makes clear that more thorough police searches, such as those which expose intimate body parts, should be carried out by police officers and staff of the same biological sex as the detained person.

The guidance sets out where very limited exceptions can be requested by the transgender community where they ask to be searched by someone of their lived gender. Police will endeavour to accommodate such requests where this is operationally viable.

Our aim is to ensure we are implementing the law in a pragmatic and consistent way that treats people with fairness, dignity and respect.

This guidance has been informed by independent legal advice as well as the Metropolitan Police's Department of Legal Services, acting on behalf of the NPCC. Copies of this legal advice are attached. It also reflects working practice which already happens every day across policing, where officers and detainees make requests about searches for a multitude of reasons.

We have been engaging with the Equality and Human Rights Commission (EHRC) throughout this process and continue to update the Home Office on our progress with this matter.

We are keen to work with the Home Office to consider the impact of the Supreme Court decision on legislation and help ensure there is consistency and clarity for policing and our partners.

The guidance is clear that no lawful order can be made for an officer to search a trans individual. Officers will face no career detriment from declining to carry out searches, and any search not conducted in line with biological sex must have the written consent of the detainee, the officer carrying out the search as well as the authorising officer.

The guidance is attached and has also been sent to force leads for relevant areas – namely diversity equality and inclusion, custody, learning and development, as well as stop and search – to assist forces in considering their next steps.

The NPCC can only set guidance. It is for chief officers to set their own policies in their forces, and we would encourage your teams to speak to your workforce, unions, relevant staff networks and any other stakeholders you see fit in order to understand their views on the guidance before making any decisions on its adoption.

However, policing would undoubtedly benefit from a clear and consistent position in this area. I am happy to answer any questions that may arise in your force as you consider the guidance's implementation.

To assist with consistent messaging around the ruling, we have prepared internal communications statements which will be shared with your comms teams this morning for use as required. We have placed a temporary mandate on FOIs to be shared with the Central FOI Referral Unit so the team can assist with the response, while you will also find attached to this email a suggested reply to the Women's Rights Network, which has recently written to forces.

An equality impact assessment has been carried out for the guidance and can be made available on request.

We understand the depth of feeling there is on these issues, both among transgender communities as well as those who hold gender critical views. Policing remains committed to treating everyone with fairness, dignity and respect.

The Supreme Court ruling has caused understandable concern amongst the trans and other communities, including our own colleagues.

We all have a responsibility to create a supportive and inclusive culture where everyone feels valued and respected. I would encourage you to continue this engagement with your workforce to ensure that officers and staff feel supported and valued, including signposting to relevant local and national wellbeing resources such as Oscar Kilo.

In the coming weeks the NPCC will be leading an internal community impact assessment to understand the reaction to and impact of the Supreme Court decision across policing. We welcome your support for this process when it launches.

We are continuing to consider other policies and practices following the Supreme Court decision, such as the provision of toilets and changing rooms.

The College of Policing and NPCC are also reviewing its protected characteristics data standards, working alongside the likes of the Office for National Statistics as well as the Office for Statistics Regulation. Thank you again for your ongoing support and please reach out to ourselves or the team with any questions.

*Yours sincerely*



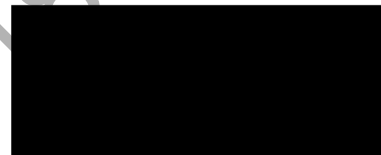
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