

14 September 2026

FOI Ref 23187

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

For the avoidance of doubt, references below to the “Supreme Court judgment” are to the decision of the Supreme Court of the United Kingdom in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16 (handed down on 16 April 2025).

Please provide:

1. Copies of the current Equality Impact Assessment (or equivalent equality analysis document) relating to Staffordshire Police’s custody accommodation, placement or detention policy insofar as it addresses the placement of detainees by reference to sex, gender, gender identity, self-identification, or non-binary status.
2. Copies of any previous version of the Equality Impact Assessment (or equivalent) referred to in paragraph 1 above that was in force or under consideration immediately prior to 16 April 2025.
3. Copies of any internal legal advice, counsel’s opinion, briefing note, or legal analysis prepared or received by Staffordshire Police after 16 April 2025 that considers the implications of the Supreme Court judgment for the force’s custody accommodation, placement or searching policies and procedures.
4. Copies of any written guidance, standard operating procedure, training material, aide-mémoire, or instruction issued to custody officers, custody detention officers, or sergeants after 16 April 2025 concerning the criteria to be applied when determining the accommodation or placement of a detainee whose self-identified gender differs from their biological sex.
5. Copies of any recorded decision, minute, or paper of the Chief Officer Team, Custody governance board, or equivalent senior forum after 16 April 2025 that addresses the force’s response to, or implementation of, the Supreme Court judgment in relation to custody placement or searching.
6. Confirmation of whether Staffordshire Police has conducted any formal gap analysis or policy review comparing its custody accommodation policy with National Police Chiefs’ Council interim guidance on searching issued following the Supreme Court judgment, together with copies of any such analysis or review documents.

SP received your request on 28/07/2026 and have processed this under the Freedom of Information Act (FOIA).

SP’s response to your enquiry is as follows:

SP holds some of the requested information.



For the avoidance of doubt, references below to the “Supreme Court judgment” are to the decision of the Supreme Court of the United Kingdom in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16 (handed down on 16 April 2025).

Please provide:

- 1. Copies of the current Equality Impact Assessment (or equivalent equality analysis document) relating to Staffordshire Police’s custody accommodation, placement or detention policy insofar as it addresses the placement of detainees by reference to sex, gender, gender identity, self-identification, or non-binary status.
- No information held.
- 2. Copies of any previous version of the Equality Impact Assessment (or equivalent) referred to in paragraph 1 above that was in force or under consideration immediately prior to 16 April 2025.
- No information held.
- 3. Copies of any internal legal advice, counsel’s opinion, briefing note, or legal analysis prepared or received by Staffordshire Police after 16 April 2025 that considers the implications of the Supreme Court judgment for the force’s custody accommodation, placement or searching policies and procedures.
- Withheld, please see Section 42 exemption below.
- 4. Copies of any written guidance, standard operating procedure, training material, aide-mémoire, or instruction issued to custody officers, custody detention officers, or sergeants after 16 April 2025 concerning the criteria to be applied when determining the accommodation or placement of a detainee whose self-identified gender differs from their biological sex.
- Withheld, please see Section 42 exemption below.
- 5. Copies of any recorded decision, minute, or paper of the Chief Officer Team, Custody governance board, or equivalent senior forum after 16 April 2025 that addresses the force’s response to, or implementation of, the Supreme Court judgment in relation to custody placement or searching.
- Partially disclosed, please see the accompanying files titled;
‘FOI 23187 EMB Paper Transgender Policy Update 30052025’.
‘FOI 23187 NPCC Interim Transgender Search Guidance’
‘FOI 23187 Suggested Womens Rights Network reply’
‘FOI 23187 Chief Constable Update NPCC Interim’
‘FOI 23187 Transgender Searching Guidance’
Please see Section 40 and 42 exemptions below.

There were two relevant Chief Officer Team discussions held after 16 April 2025;

- **Chief Officer Team Discussion: Supreme Court Judgment / Transgender Policy – 2nd May 2025.**
Chief officers received an update regarding the force’s transgender policy and communications following the Supreme Court judgment. The discussion recorded a direction that appropriate force communications, guidance and organisational positioning should be developed and communicated.
- **Chief Officer Team Discussion: Transgender Searching – 30th May 2025 (EMB paper)**
Chief officers received an update on the force’s policy relating to transgender searching. The discussion noted that:

- The force was reviewing and formalising its policy in line with the legislation and internal work already undertaken.
- Further communication and socialisation of the policy would take place.
- Consideration was being given to wider implications, including custody estate issues and facilities.
- It was noted that Freedom of Information requests on the subject were being coordinated nationally.
- Internal engagement with staff networks had taken place, with ongoing monitoring of emerging issues.
- 6. Confirmation of whether Staffordshire Police has conducted any formal gap analysis or policy review comparing its custody accommodation policy with National Police Chiefs' Council interim guidance on searching issued following the Supreme Court judgment, together with copies of any such analysis or review documents.
 - Withheld, please see Section 42 exemption below.

Please be advised that papers are produced based upon the information available at the time. As circumstances may change, the information contained within should be considered subject to review and amendment.

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 parts of this particular request.

- Section 40(2) Personal Information

Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by SP, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

- Section 42(1) Legal Professional Privilege

Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

Public Interest Test

Factors favouring disclosure under Section 42(1)

Disclosure of the requested information would allow the public to be aware of the legal process that SP follow in such circumstances and would thereby provide openness and transparency. It would also provide further understanding of government processes in decision making by SP.

Factors favouring non-disclosure under Section 42(1)

It is recognised that the concept of Legal Professional Privilege reflects the strong public interest in protecting the confidentiality of communications between lawyers and their clients. Such confidentiality promotes respect for the rule of law by encouraging clients to seek legal advice and allowing for full and frank exchanges between clients and their lawyers. It is important that any advice given is fully informed and reasoned were the legal advice released. Through disclosure of the requested information, SP would find that this agreement may be breached which would have a detrimental impact.

Balance test

Although the use of Legal Professional Privilege must be open and transparent, SP is accountable for the protection of any information involved and if to release this means SP would place certain information at risk, then this would not be in the public interest.

Having considered the public interest test factors, SP are required to determine whether, on balance, the factors favouring disclosure outweigh those which are against disclosure. It is the view of SP that the factors favouring disclosure do not outweigh those which favour withholding the details. Therefore, SP declines to provide the information for the reasons stated above.

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



STAFFORDSHIRE
POLICE

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 SP 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 twenty working days. In more complex cases the review may take up to forty 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.

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