



Freedom of Information Response

Our reference: FOI 24-0343

Responded to: 15 February 2024

Your recent request for information is replicated below, together with our response.

On 13th January 2024, it was reported that the NPCC has withdrawn its policy and guidance agreed previously at an NPCC meeting on 9/10 December 2021 dealing with the ability of officers to self-identify as the opposite sex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://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.telegraph.co.uk%2Fnews%2F2024%2F01&data=05%7C02%7Cfoi%40scotland.police.uk%7C2d829d76a106448b21cf08dc227f23d8%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638423176658351327%7CUnknown%7CTWFpbGZsb3d8eyJWljojoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&data=ciw2pBpFJoOcq7wq%2BcPHbgCEaDIOjdr2fzvWkCK9y2o%3D&reserved=0...>

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 Whether this force has also withdrawn the NPCC policy above and on what date it did so.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.

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Police Scotland is committed to regularly reviewing all Policies, Standard Operating Procedures (SOP) and National Guidance (NG). This is a cyclical process led by owning departments and divisions. Each review includes both local and mandatory consultation phases, before final approval by a Head of Department or Executive Officer is given for the publication of said guidance or policy.

Police Scotland is aware of the NPCC policy and guidance.

In respect of Police Scotland guidance for searching both within Custody, and for general stop searches, the guidance is contained within the;

- Care and Welfare of Persons in Police Custody SOP;
- Stop Search National Guidance; along with,
- Scottish Government Code of Practice on the Exercise by Constables of Powers of Stop and Search of the Person in Scotland.

The Police Scotland guidance documents are available publicly and can be found by following this [link](#). The Scottish Government Code of Practice is publicly available and can be found by following this [link](#).

In general, searching of persons are typically undertaken by an officer of the same gender, in line with the Police Scotland Code of Ethics, values and with a clear focus on the Human Rights of all of those involved. A discussion should take place with the person prior to a search commencing to ensure full consideration of everyone's needs and welfare has been undertaken. Searching of persons will be dealt with on a case by case basis maintaining the highest standards of care. This approach is consistent with the values of the organisation.

Police Scotland officers and staff will continue to follow the currently published guidance as previously described.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](#) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalnarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](#), by [email](#) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

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Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](#) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.