| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2074  Responded to: 28 September 2023 |
| --- | --- |

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

## I would like data about stop and search practices in Scotland in respect of children.

Following clarification with you, you advised:

## To clarify my request, please could you provide data for all children aged 0-16 and in the 16-18 category, please could you submit data for persons subject to a supervision requirement.

## I would like to see any data on the number of times children in Scotland were strip searched in the period of 12 months leading up to the date of this request (17 May 2023).

From your request above, the responses I have provided below relate solely to the stop and search practice and its legislation.

In response to the question above please be advised that data regarding stop and search is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”.*

The information you have requested is available on the Police Scotland website at the link below.

Using the Excel file, I can advise that there are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD and INTIMATE searches which will leave strip searches inside police stations and strip searches outside police stations.

[Data Publication - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/)

Additionally, please note that supervision status is not recorded within a stop search record as such in terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.

## I would like to know if Police Scotland’s policy of ending non-statutory stop and search in respect of under 12s still applies?

## I would like a copy of any policy documents or guidance for police officers relating to stop and search in respect of children in Scotland?

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 noted above, I am refusing to provide you with the information sought.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible.

In response to the two questions above, a Code of Practice on the use of stop and search came into effect on 11 May 2017 where the use of non-statutory (consensual) search stopped, which included under 12’s and still applies.

Section 7 of the Code of Practice is used with regards to policy and guidance when searching a child or young person, for further information on both questions, please see the public link below.

[Stop and Search of the Person in Scotland:code of practice for constables - gov.scot (www.gov.scot)](https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/?inline=true)

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](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, 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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

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](http://www.scotland.police.uk/access-to-information/freedom-of-information/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.