



Freedom of Information request ref 01/FOI/25/3598
We received your request on the 07/08/2025.

Request

You asked us:

At this stage I am submitting the following Freedom of Information Request seeking:

- (a) The number of trans-specific and allied LGBTQ+ organisations consulted during the guidance's development;
- (b) A list of all organisations engaged, specifying their legal expertise or ideological stances on trans rights;
- (c) Involvement of campaign groups or internal staff networks either pro or opposed to trans rights
- (d) Records of legal advice obtained regarding ECHR and EA compatibility.
- (e) a copy of the equality impact assessment
- (f) a copy of any ethical considerations and methodology applied to this guidance.

I would like you to provide the information in the following format: PDF/Email
Please contact me if you need me to clarify my request.

We have handled your request under the Freedom of Information Act (FOIA)

Our response:

- a) 2, 1 internal and 1 external.
- b) This is listed in the EIA- we do not have a list of their legal expertise on transgender rights.
- c) The internal staff networks consulted are listed in the EIA.
- d) This is exempt under Section 42: Legal professional privilege ([Legal professional privilege \(section 42\) | ICO](#)) – please see further rationale below.
- e) This is captured within the EIA- please see the attachment
- f) This is captured within the EIA- please see the attachment

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

In relation to your particular request, (Part e) the following exemption applies:

Section 42 – Legal Professional Privilege

I can confirm that British Transport Police holds information relevant to your request.

However, we are withholding this information under Section 42 of the Freedom of Information Act 2000, which relates to legal professional privilege.

Section 42 exempts information that is subject to legal professional privilege. This includes confidential communications between legal advisers and their clients made for the purpose of seeking or giving legal advice.

In this case, the withheld information consists of legal advice provided to British Transport Police concerning the compatibility of certain policies or actions with the European Convention on Human Rights (ECHR) and the Equality Act 2010. This advice is confidential and was obtained for the dominant purpose of seeking legal guidance.

Public Interest Test

As Section 42 is a qualified exemption, we have considered whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Factors in favour of disclosure:

- Promoting transparency and accountability in public decision-making.
- Enhancing public understanding of how BTP considers human rights and equality obligations.

Factors in favour of maintaining the exemption:

- Preserving the confidentiality of legal advice.
- Ensuring that British Transport Police can seek and receive legal advice freely and frankly.
- Protecting the integrity of legal processes and operational decision-making.

On balance, we consider that the public interest in maintaining the exemption outweighs the public interest in disclosure. Therefore, the information is being withheld.

In accordance with the Act, this letter represents a refusal notice for part of your request.



**Community/Equality Impact Sub-group following
Supreme Court Ruling in For Women Scotland vs
Scottish Ministers
Equality Impact Assessment**

**Interim Search Position for Transgender and Non-
Binary Search Position**

Equality Impact Assessment (EIA)

SRO	ACC Specialist Capabilities
Author:	I&D Business Partner
Date:	30/06/25

Version	Date Issued	Brief Summary of Change	Owner's Name



**Community/Equality Impact Sub-group following
Supreme Court Ruling in For Women Scotland vs
Scottish Ministers
Equality Impact Assessment**

1. Establishing necessity

Do you believe there might be an impact on BTP officers, staff, or service users (i.e. anyone) because of their:

Age; sex (gender); or sexual orientation; gender identity or reassignment; religion or belief; race; pregnancy or maternity; marital or civil partnership status; disability; Other Issues

Y	N
X	

Does this proposal have any relevance to:		Internal, relevant to staff / or working practices	External, relevant to service delivery	Not relevant to either
A	Age	☐ Yes	☒ Yes	☐ Yes
B	Sex	☒ Yes	☒ Yes	☐ Yes
C	Sexual Orientation	☐ Yes	☐ Yes	☒ Yes
D	Gender Identity/Reassignment	☒ Yes	☒ Yes	☐ Yes
E	Religion or Belief	☒ Yes	☒ Yes	☐ Yes
F	Race	☐ Yes	☐ Yes	☒ Yes
G	Pregnancy, Maternity, Paternity	☐ Yes	☐ Yes	☒ Yes
H	Marital and Civil Partnership	☐ Yes	☐ Yes	☒ Yes
I	Neurodiversity	☒ Yes	☒ Yes	☐ Yes
J	Disability	☒ Yes	☒ Yes	☐ Yes
K	Other Issues including socio-economic and caring responsibilities Specifically operational issues, trust & confidence from railway stakeholders, external scrutiny and travelling public	☒ Yes	☒ Yes	☐ Yes

Where you are using data and the potential sharing of data that may identify individuals protected characteristics please email: [REDACTED] for advice.



Equality Impact Assessment

2. If yes to any, please describe what the potential impact is. Why do you believe there might be an impact?

Wellbeing / SAME	SEEN Network	Rainbow Network	Transgender Community	Subgroup Chair / Co Chair SME	Female Police Assoc
------------------	--------------	-----------------	-----------------------	----------------------------------	---------------------

INTERNAL IMPACT				
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
AGE: BTP Employees				
SEX: BTP Employees If an officer declines to search a detainee because of their sex, the guidance states it will not impact on their career. How will we ensure this? Female officers are disproportionately affected by the risk of sexual harassment/assault internally and externally. Allowing trans women to request searches by female officers increases this likelihood further. Working in a male-dominated environment with a rank structure increases pressure on female officers to be seen to be co-operative, this could undermine whether their consent in a consensual search is freely given.	Clear communications required and appropriate training for frontline supervisors that no officer will face detrimental impact if they decline to search. It is understood that officers may feel pressured to conducting searches, especially if they are young in service. This is the first guidance which stipulates no officer will face detrimental impact if they refuse to search and as such officers can feel supported by the organisation if they were to refuse to conduct the search. Guidance for line manages to support officers experiencing emotional discomfort or identity conflict – potential link in with Wellbeing for direct referrals where concerns arise.	Comms I and D		



Equality Impact Assessment

The Worker Protection Act 2023 creates a positive duty for employers to take steps to protect their employees from workplace sexual harassment. Male officers are disproportionately subject to malicious complaints of sexual misconduct by detainees. Having a consensual, cross-sex system of EIP/strip searching increases this risk. <i>This risk is mitigated as two officers are present, BWV could be reviewed and CCTV.</i> Female officers and staff are disproportionately affected by the risk of sexual harassment/assault. Both from within the workplace, and when 'on duty'. Facilitating trans identified males to request a strip search via female officer in custody disrupts the power balance further. Especially when the detainee is a sex offender, or other high harm or high-risk detainee. This could be traumatic for the detainee and employee. Requesting female officers to agree to consensually searching male bodied people is problematic – in a hierarchal organisation is consent truly given or is there coercion. Despite the promise of no career detriment, people are frightened to express sex realist views.	Guidance could better balance legal sex requirements with dignity language to minimise perceived exclusion: The concerns stem from multiple references throughout the interim position that repeatedly say 'biological sex' as the determining factor for search roles under stat powers. These references are accurate from a legal standpoint, especially following the 2024 Supreme Court Ruling. However, the tone and frequency may come across as exclusionary. It might be appropriate in section 2 to add an area around respecting identity and dignity e.g: <i>BTP recognises that while legislation governs operational practice, it is equally important to uphold the dignity and lived experiences of all individuals. Officers and detainees whose gender identity differs from their legal sex will be treated with sensitivity, respect and inclusion at every stage of the process. The application of legal requirements must never compromise a person's right to feel safe, respected, and heard.</i> To support our colleagues in addition to the role profiles, training should be provided to explain the legal requirements and reinforce the			
---	--	--	--	--



Equality Impact Assessment

I believe that this guidance under its legal restraints has done the best it can in dignifying and respecting the sex characteristic based on consensual searches. It is supportive of all officers both trans and cisgendered. I also appreciate the legal and job protections being offered to those who do not feel comfortable searching trans people. <u>Potential Positive</u> - Guidance aligns with Supreme Court Ruling sex = biological sex under EA 2010 - Provides clarity on legal obligations and operational procedures under PACE - Officers are legal protected when acting in line with national definitions, reducing legal liability Impact: - Supports operational consistency and protects officers from legal exposure if challenged in court for misapplying search powers - Reduces confusion in determining who may conduct EIP or strip searches under statutory powers <u>Potential Negative</u> - Trans officers may feel their identity is invalidated by the restriction to biological sex - Cisgender officers may feel discomfort performing searches on detainees whose	importance of language including explaining the difference between sex and gender. inclusive policy toolkit - part 1 - 2023.pdf To protect colleagues potentially being outed during the Opt-out process, the guide should have explicit reference to safeguarding sexual orientation privacy: Preventing discrimination - Sexual orientation discrimination - Acas Sexual orientation discrimination EHRC Scenarios – Highlight professionalism in interpersonal conduct, particularly in emotionally complex search scenarios To be mitigated through training and all our officers, including Transgender officers, can refuse to search with no implications			
---	--	--	--	--

gender expression differs from their biological sex. Impact - May create identity conflict or internal distress among trans officers and limit psychological safety at work - Could lead to low morale or hesitance in performing duties if officers fear misunderstanding or misgendering detainees	BTP should ensure wellbeing support is available and line managers have conversations with their people to identify low morale or hesitance in performing duties			
SEXUAL ORIENTATION: BTP Employees				
GENDER IDENTITY/REASSIGNMENT: BTP Employees Trans officers / nonbinary officers may be subject to prejudice or discrimination from detainees and other members of the public. I believe this guidance demonstrates the better outcome of what we could do. There is a lot of support for trans officers in opting out of intimate searches and support for those being refused intimate searches by public bodies. The emphasis on wellbeing was well done. There was a lot of care and attention to trans officers and the guidance did the best it could.	Line managers / supervisors to be trained to facilitate wellbeing conversations (to include a scenario in the training toolkit). Update the Wellbeing Team and Occupational Health on changes – a presentation / session to ask questions would be useful to the entire team. Wellbeing () to inform our external wellbeing services of the changes (e.g. EAP, OneBright) Identify one Wellbeing Advisor to lead on this (i.e.)	Wellbeing Team		

Be aware of the gender critical views and beliefs. <u>Potential Positive</u> • Clear opt-out provision without detriment to career • Explicitly acknowledges transitioning officers and the process of gender identity development • Officer dignity respecting language from trans colleagues <u>Impact</u> • Fosters psychological safety by recognising gender diversity in guidance • Reduces pressure on transitioning officers and enable reasonable adjustments <u>Potential Negative</u> • Officers with a GRC are still bound to act according to biological sex, creating potential feelings of exclusion or legal contradiction. • Non-binary officers are not legally recognised creating a grey area does not create grey area legally. • The guidance means trans or non-binary officers of staff with powers of search will need to disclose their biological sex, in effect having to 'out' themselves as trans or non-binary to comply with the guidance. For those that permanently	• Identify clearly what support we can offer trans officers – include this in the guidance, communications and Wellbeing Hub. • Evaluate the effectiveness of this support. • Liaise with Rainbow Network. Despite the negative impacts, we must acknowledge the ruling set out by the Supreme Court limits our legal interpretation considering this we must focus on the support offered to our colleagues who would be looking to undergo a search regardless of their background: • Ensure there is a link to Wellbeing support and/or peer support via Staff Networks • Provide supervisors with training on having supportive and informed conversations with their staff • Ad reference to privacy in data collection and guidance implementation. Currently BTP do not have anyone who has declared they have a GRC. An officer with GRC cannot search based on affirmed gender following Supreme Court Ruling. Wellbeing and			
--	---	--	--	--



Equality Impact Assessment

live in their gender (or are non-binary), having to revert to biological sex is like to be distressing. They may need to repeatedly disclose this information (e.g. to different Supervisors, Custody Sgts or HO Force staff) which will increase the impact. <u>Impact</u> - Can undermine legitimacy and acceptance of trans identities, especially when officers feel the law does not reflect their lived identity. - May contribute to feelings of invisibility or discrimination for non-binary officers.	support from line managers will support the impact to those affected Non binary people for completeness are included in the position but this does not change the biological sex requirement. Trans officers have a legal duty to disclose any conflict when they search. The importance of having honest conversation with supervisors and disclosing if they are trans which could include opting out of EIP searches (as per the draft guidance). Mitigation already outlined would support our trans officers on the above but may not completely remove it. Our position is in line with the Supreme Court ruling which exacerbates these feelings			
RELIGION OR BELIEF: BTP Employees Officers of certain faiths, and those with Gender Critical/Sex Realist beliefs, may legitimately object to being involved in cross-sex EIP/strip searches. Working in an environment with a rank structure increases pressure on officers to be seen to be	Incorporate supervisor guidance on faith-based accommodations Clarify role of belief in operation search refusal. A genuine conflict between a person's religion or belief and their job duties must be reasonable accommodated if it doesn't fundamentally			



Equality Impact Assessment

co-operative, this could undermine whether their consent in a consensual search is freely given. Those with sex realist views are afraid to express these views for fear of being called transphobic. There are also religions that may have objections to being involved in a cross-sex search. The hierarchal nature of the police creates a pressured environment where people must obey orders. I believe this guidance honours religion and beliefs for both internal and external bodies. The emphasis on consent being based on faith was a good and honourable idea. <u>Potential Positive</u> - Allows officers to opt-out based on belief where duties conflict. - Legally recognises that a broad range of religious and philosophical beliefs are protected Impact - Protects freedom of belief and prevents forced participation in actions contrary to faith. <u>Potential Negative</u> - No clear process for faith/belief base role reassignment. - Risk of internal conflict between EA 2010 duties (belief vs gender reassignment). In	prevent them from carrying out their core role or cause undue burden on BTP, their employer. EHRC states we should consider reasonable accommodations for religious beliefs where practical. The guidance needs to clarify: <i>If and when officers can request to opt of searches on religious grounds</i> <i>How such requests should be managed operationally</i> <i>How supervisors should balance religious belief against duties</i> This should be done to ensure supervisors have clear guidance on how to respond and prevent officers fear of discrimination based on religion or belief. This should alleviate concerns of inconsistent decision making leading to potential grievances. The opt out and consensual option is also applicable to faith as a protected belief			
---	---	--	--	--



Equality Impact Assessment

the ruling of the Supreme Court, Trans gender people and gender reassignment are still protected. Whilst there is conflict rights are still protected Impact - Officers with gender critical views may feel unable to express their beliefs or raise concerns without fear of reprisal. - Risk of workplace tensions or grievance if beliefs are perceived to contradict the respectful treatment of trans and non-binary individuals. M Forster v CGD Europe and others: 2200909/2019 - GOV.UK	They don't need to raise their gender critical views, just refuse to do the search and abide by the law Whilst views are protected, they should be discussed in line with CoE			
RACE: BTP Employees Employees who are from a minoritised ethnic community are at an increased risk of assault / harassment at work which is exacerbated if they are trans. Assaults on police – culture, legitimacy and risk College of Policing	Wellbeing support is in place for any employees involved in searching or affected by this position in any way. Training sessions are also being offered to line managers. Op Hampshire's officer assault pledge is also in place. Guidance already states any criminal conduct based on officers' gender will be dealt with – this applies to any protected characteristic.			
PREGNANCY OR MATERNITY/ PATERNITY: BTP Employees				
MARITAL AND CIVIL PARTNERSHIP: BTP Employees				



Equality Impact Assessment

NEURODIVERSITY: BTP Employees A lack of clear policy and guidance could be a detriment to employees with neurodivergent conditions who require clear instruction and do not thrive in an environment of ambiguity. Certain conditions also mean that they struggle to process information in a certain way Ensuring this is in place will support all to do their job well. Studies show that autistic individuals are more likely to identify as LGBTQ+ (Cambridge University 2021) and therefore a lack of understanding could further impact upon our trust & legitimacy externally. <u>Potential Positive</u> Vulnerability protections under PACE implicitly reflected in policy <u>Impacts</u> Protects detainees and by extension encourages staff awareness of disability rights during operational decision making. <u>Potential Negative</u> No reference to officers who may experience trauma or cognitive barriers to participation in sensitive searches <u>Impact</u>	The legal position goes some way to providing clarity for employees with the power of search. Policies are normally text heavy and therefore difficult to absorb. This will be supported by visuals i.e. flowcharts as well as incorporation into core training including: • Leadership Courses • Recruit training • Transferees and Rejoiner Training • Personal Safety Training • Bespoke sessions on the Guidance itself Guidance should include a right to reasonable adjustment for officers and links to training to upskill for neurodivergent officers and relevant supervisors Workplace adjustments will be linked to the position Traumatic impact of EIP searches training being rolled out	Visual diagrams and bespoke sessions: S&S Strategic Support		



Equality Impact Assessment

May limit full participation of disabled officers or increase occupational stress without adjustments What is trauma? Types of mental health problems Mind - Mind				
DISABILITY: BTP Employees <i>Please refer to neurodiversity considerations</i>				
OTHER ISSUES INCLUDING SOCIO-ECONOMIC AND CARING RESPONSIBILITIES: BTP Employees Use of complex language and terminology – legislative terminology is required to be clear. Ease of language will be applied to the scenarios <u>Potential Positive</u> Officers from diverse socioeconomic backgrounds may see their values reflected in the policy's attempt to balance law and inclusion <u>Impact</u> Reinforces BTP's image as an inclusive employer and may support retention of working class or socially mobile officers <u>Potential Negative</u> Officers from less diverse background may feel alienated or confused by the identity terminology or diversity initiatives that lack plain language guidance <u>Impact</u>	Ensure clear definitions are provided in the guidance. Provide a range of scenarios (trans and nonbinary) with clear guidance and definitions. I believe the role profiles should cover this aspect making the concept more approachable for officers less knowledgeable about terminology. Comms should be directed at ensuring front line colleagues understand the professional requirement from a legal perspective why we are taking the direction we are. <u>This will be covered in the scenarios</u> Institutional Reputational Risk Ensure pre-implementation internal comms include FAQs, myth busting and clear rationale	I and D		



Equality Impact Assessment

May create perception of disconnect between frontline culture and senior policy objectives	Reiterate that policy is rooted in legal compliance and safeguarding			
Institutional Reputational Risk <u>Potential Negative</u> Leads or media misreporting of the policy may lead to reputational backlash or officer dissatisfaction i.e. media leak of internal comms <u>Impact</u> Internal morale may decline if officers feel policy is driven by anything other than inclusive ethical drivers Fear of being publicly criticised may reduce officers willingness to make nuanced or inclusive decisions				

EXTERNAL IMPACT				
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
AGE: Juveniles are automatically classed as vulnerable.	Though it doesn't need to be referenced in the policy, any searches relating to minors should have learning points relating to Child Q incident to ensure there is robust safeguarding guidance to			



Equality Impact Assessment

Given the high prevalence of autism (35%), self-harm and co-morbidities such as anxiety and depression, in transgender youth, this is an extremely vulnerable part of the LGBT community. This vulnerability could call into question their ability to consent to cross-sex EIP/strip searches, especially in the context of a negative police interaction. <u>Potential Positive</u> Policy maintains legal safeguards for individuals under 18 including AA requirements <u>Impact</u> Strengthens public and parental confidence in the treatment of young people <u>Potential Negative</u> Young trans and non-binary individuals may feel particularly vulnerable and unsupported The absence of tailored safeguarding protocols risk repeating past 'Child Q' failures to protect minors from traumatic search experiences <u>Impact</u> Increased likelihood of emotional distress and mistrust including long term harm The 'Child Q' incident involving the strip search of a black schoolgirl by MPS highlighted systemic	prevent traumatising of young persons being searched at an outside of custody Child-Q-PUBLISHED-14-March-22.pdf Guidance to AA involved in supporting a young person in custody especially regarding matter relating to young people who identify as trans or non-binary. Juveniles subject to EIP searches will have an AA Question re whether the juvenile can consent or is it AA. Safeguarding in place via AA and referral post search. Authority by supervising officer also required			
---	--	--	--	--



Equality Impact Assessment

safeguarding failures for children with overlapping vulnerabilities related to race, gender and age.				
SEX: Female detainees disproportionally have histories of sexual and domestic violence (57%) and will therefore have complex psychiatric diagnoses and trauma. The offending profile for female detainees differs from men and shows more of a trend for drug offences and acquisitive crime to support their addiction habits. This combination of vulnerabilities in an environment which is male dominated and in which they are detained (lawfully) against their will, may negate their ability to consent to cross-sex EIP/strip searches. According to the CSEW, in 2022 798,000 and 275,000 reported experiencing sexual assault – women are therefore disproportionately affected by this crime type. Women are also disproportionately affected by domestic abuse, and assault. Therefore, women detainees are more likely to have suffered trauma. Being asked if they consent to being searched by a trans identified male in custody may increase that trauma. Female officers may experience	On circulation of interim policy – colleagues to be provided with materials distinguishing legal sex and gender identity. Material to be provided in custody with input from staff network or external organisations or IAGs. Consensual search will only be enacted if the detainee requests one, an officer cannot request cross sex searches. This will be included in the FAQs Many people may not be aware of the legal distinction and may find it at odd with their lived experience. If a transgender detainee is searched based on their sex assigned at birth, they may perceive this to be discrimination or disrespectful despite it being technically lawful. A misunderstanding or lack of awareness can lead to complaints or a break down in trust particularly if this isn't explained well. Offer clarity on the complaints mechanism for individuals who feel harmed by the process to be included in material. Signposting included in the guidance Even if a search is conducted lawfully a detainee may still feel misgendered or uninformed of their rights. By providing a clear complaints procedure we can remove concerns on internal resentment or trauma, uphold reputation and reinforces our commitment to transparency and procedural justice.			



Equality Impact Assessment

discomfort, and stress, resulting in psychological impact. Similarly, female officers and staff may have experienced trauma from sexual violence or domestic abuse. Requesting they strip search trans identified males in custody may adversely affect employees. Cross sex strip searches raise concerns about privacy, dignity, and potential human rights violations of both the detainee and officer/member of staff. I believe that this policy under its legal restraints has done the best it can in dignifying and respecting the sex characteristic based on consensual searches. It is supportive of all bodies both trans and cisgendered. <u>Potential Positive</u> - Aligns with legal sex for statutory compliance; provides clarity to detainees - Upholds PACE expectations on dignity and fairness <u>Impact</u> - Promotes clear understanding among detainees of legal rights under stop and search - Reduces the chance of legal challenge on grounds of incorrect search procedures	The GRC element is the law following the supreme court ruling. PACE dictates detainees are treated as their gender identity in a respectful way outside of legal search requirement and Transgender rights are still protected under Equality Act			
---	--	--	--	--



Equality Impact Assessment

• May lead to distress, mistrust or complaints from detainees who feel misgendered or disrespected • Could reduce community trust, especially among trans individuals and advocacy groups. <u>Potential Negative</u> • Trans detainees with a GRC may feel invalidated or humiliated • Language around 'same sex' may be interpreted rigidly without space for identity				
SEXUAL ORIENTATION: <u>Potential Positive</u> Neutral and inclusive framing of guidance avoids sexual orientation bias. <u>Impact</u> LGBTQIA+ individuals may feel reassured by tone of neutrality and absence of discriminatory language <u>Potential Negative</u> LGBTQ+ detainees may still fear discrimination or assumptions based on appearance or perceived identity, even if the search is lawfully conducted. <u>Impact</u> Though the guidance isn't about sexual orientation, the search environment and	Encourage colleagues to undergo unconscious bias and intersectionality training to recognising that gender and sexual orientation are separate but may have overlapping experiences. Added a section on Mylearn in Additional Resources section of guidance			

experience can still affect individuals based on their perceived or actual sexual orientation: - Intersectionality – many trans and non-binary are also LGB. And a trans person may be assumed to be LGB based on their appearance or presentation. An LGB detainee who presents as gender non-conforming may experience similar assumptions or mistreatment even if the search was legally conducted. From this perspective a person may feel targeted or treated differently not because of gender identity but because of sexual orientation-based assumptions - Fear of outing or discrimination in custody – LGBTQIA+ may feel unsafe if their orientation is assumed or questions, are subject to inadvertent comments. It may create a feeling of hostility or non-acceptance.				
GENDER IDENTITY/REASSIGNMENT: Transgender or non-binary detainees will be required to be searched in their sex at birth, different to their gender identity/reassignment. This may cause detainees not wanting to cooperate and increase the level of risk and vulnerability posed. Positive and negative messages from external sources. Due to the potentially traumatic effect of these searches a safeguarding referral must be made	Ensure police officers are adopting a trauma informed approach and that they are clear what this is. Completion of the design of trauma informed training (involve Wellbeing). Link to PPV added to the guidance Be fully prepared on how to respond to positive and negative messaging from external sources. Monitored by media colleagues and included in policy review group	Diversity and Inclusion Wellbeing		

when conducting an EIP search of a juvenile in all cases and consideration should be made when conducting one on adults. I am in favour of the consensual element of searches towards trans people. It seems to be done in a dignifying, respectful and professional way. However, my only concern, is that if a trans person's consensual search is not achieved as per scenario 5, they should not be subjected to an uncomfortable and humiliating search. Trans people often struggle with our intimate body parts and having to be exposed in such manner. Also, trans people are far more likely to be victims of sexual assaults/forced sex as per California CaiVEX survey, 2023 or (Shanna et al 2021). A non-consensual search of this nature is deemed to be traumatising, demeaning and horrifying. It is BTP's responsibility to source officers of all backgrounds and ensure that there are officers whom are willing to search trans people intimately. This should not be a trans persons burden. <u>Potential Positive</u> • Consensual search route protects dignity of trans and non-binary detainees • Acknowledges detainee preferences in who conducts a voluntary or non-stat search. <u>Impacts</u>	I and D to liaise with Comms / Wellbeing and Rainbow Network. All comms will be consulted on via the sub group and appropriately pitched with wellbeing and networks signposting Ensure there is a link to this process in the policy. Ensure colleagues are fully aware of this process. SVR guidance added to the guidance As with 'sex' to include easy to read material within custody with an overview on detainee rights related to gender identity. The sensitivity of searching Transgender individuals will be covered in training and taking a trauma informed approach			
---	---	--	--	--



Equality Impact Assessment

- Enhances perception of fairness and dignity among trans communities - Helps reduce traumatising or confrontation during interactions <u>Potential Negative</u> - Detainees may still be searched under a legal sex classification that doesn't reflect their gender identity - Risk of traumatising if officers are not trained in respectful language or practices. - The policy means trans or non-binary officers of staff with powers of search will need to disclose their biological sex, in effect having to 'out' themselves as trans or non-binary to comply with the policy. For those that permanently live in their gender (or are non-binary), having to revert to biological sex is like to be distressing. They may need to repeatedly disclose this information (e.g. to different Supervisors, Custody Sgts or HO Force staff) which will increase the impact. <u>Impact</u> - Increases the emotional and psychological burden on trans people in custody				
--	--	--	--	--



Equality Impact Assessment

Could escalate into legal action or reputational harm if perceived as discriminatory				
RELIGION OR BELIEF: BTP Employees Members of the public who object to being searched by a trans officer due to any faith or protected belief will have this request accommodated. Forstater vs CDG Europe found that gender critical beliefs are protected, as are religious beliefs and sex. Employees with the power of search who hold either religious, or gender critical / sex realist beliefs may be impacted when conducting a search on a trans / non-binary detainee. <u>Potential Positive</u> - Offers detainees the ability to request a same sex officer for searches - Aligns with protection for modesty under PACE Code C - Acknowledges faith and belief related objections to physical contact <u>Impact</u> - Protects dignity and reduces distress, especially among religion or faith belief	This is in line with the search position and ruling and the consensual element accommodates this and is regularly done in the custody environment. All parties must agree to a consensual search. Any officer who does not wish to search a trans person is entitled to raise this on grounds of their beliefs or concerns due to their sex. However, all employees must abide by the Code of Ethics and Standards of Professional Behaviour; Authority, Respect & Courtesy and Equality & Diversity. Additionally, those with protected beliefs may need wellbeing support due to this position. Further clarity required on how BTP looks to balance the detainee's belief with operational requirements and officer dignity i.e. after care following a refusal. What is the process involved? Wellbeing should be referred, and who is involved in the process? To be included in material in custody information/ communications that explain the distinction between belief protection from permissible conduct and language to protect colleagues from abuse or harm.	Wellbeing		



Equality Impact Assessment

that practice gender separation such as but not limited to Muslims, Jewish, Orthodox Jewish and Sikh detainees. - Recognises broad scope of belief based protections including philosophical beliefs <u>Potential Negative</u> - No clarity on how gender critical beliefs from detainees will be handled if these beliefs conflict with a trans officers role or presence - Risk of escalating tensions between belief rights and dignity rights <u>Impact</u> - Detainees may feel violated or traumatised if forced to be searched by someone they perceive as the opposite gender - May lead to detainees refusing cooperation or lodging complaints based on their philosophical beliefs - Could result in officers feeling unsupported if they subject of such refusals				
RACE: Detainees who are from a minority Ethnic Group are already at a higher risk of disproportionality and this position may be seen as affecting them even further if they are also trans.	All employees must abide by the Code of Ethics and Standards of Professional Behaviour; Authority, Respect & Courtesy and Equality & Diversity. Additionally, alongside the training already put in place, procedural justice is a key part of ongoing training around the police race action plan.	Inclusion & Diversity / L&D		



Equality Impact Assessment

Studies such as The National Black Women's Justice Institute Surveyed black women (both cisgendered and trans) finding that gender conformity was pathologized and 61% of stops resulted in psychological or physical harm. Reports highlighted that black women were often cognitively merged with black men – seen as less “like women” (intersectional invisibility). With this, and with this search guidance not necessarily honouring article 8 of the Human Rights Act, I am concerned by the potential psychological harm this may do to black non-gender conforming women who are statistically at higher risk of stereotyping and misogynoir.	Points regarding disproportionality on Black Women can be picked up in PRAP work and disproportionality action plan. The process does have the authorising officer element to ensure supervisory oversight, and trauma informed approaches at the end with safeguarding etc. This would also fall within the trauma informed implementation where members of the black community are already identified as a vulnerable group. This training is specifically around EIP and Strip searches.			
PREGNANCY OR MATERNITY/ PATERNITY:				
MARRIAGE AND CIVIL PARTNERSHIP:				
NEURODIVERSITY: Studies show that autistic individuals are more likely to identify as LGBTQ+ (Cambridge University 2021) and therefore a lack of understanding could further impact upon our trust & legitimacy externally.	Material provided explaining the search position and process should be provided in an easy to reach format with visual prompts for all Where it is identified that a person has additional need, it should be explicit that the decision to go through with the consensual search should be in			



Equality Impact Assessment

Cambridge Autism Research Centre study of over 600k adults found trans people and gender diverse people are 3-6x more likely to be neurodivergent. This suggests that there should be extra sensitivity in relation to intimate searches for trans people as neurodiversity is not always visible. Intimate searches are quite distressing as is, so putting autistic and other neurodivergent people through that must be done with care and sensitivity. I am particularly concerned that little to no training will be provided to officers who encounter neurodivergent trans people as again, they should not be burdened by BTP's potential lack of resourcing. <u>Potential Positive</u> PACE recognises vulnerable individuals and outlines protections, which the interim policy aligns with <u>Impact</u> • Strengthens public confidence that legal safeguards are in place for disabled detainees • Risk of the detainee becoming confused by what is a complex area, which may result in detainee being misinformed during the search leaving colleagues open to complaints or questions around the legality of the search. <u>Potential Negative</u> • Not explicitly mentioned how neurodivergent or those with a learning difficulty will be supported during the	the presence of an appropriate adult where the process can be confirmed to being understood.			
---	---	--	--	--



Equality Impact Assessment

consent process or how officers should best communicate with them to ensure the process is legal				
DISABILITY: <i>Please refer to neurodiversity considerations.</i> Provision of consent. Is the detainee able to provide this due to possible use of alcohol, drugs or lacks mental capacity?	Ensure officers can identify whether someone lacks mental capacity. Review where this is covered in training. Incorporate scenarios in the training. The guidance states that for a consensual search a person must be able to provide fully informed consent, and this should not be done when the person is impaired through drink or drugs.	I and D L and D		
OTHER ISSUES INCLUDING SOCIO-ECONOMIC AND CARING RESPONSIBILITIES: <u>Potential Positive</u> - Clearer policy may help avoid excessive or repeated searches of vulnerable populations if applied proportionately and transparently Impact - Supports procedural fairness and could improve legitimacy among communities who often feel over policed or targeted. - Heightened vulnerability and reduced recourse may increase likelihood of trauma or withdrawal from public cooperation. <u>Potential Negative</u>	Ensure material provided to explain process is in a simple format and easy to understand. Potential provide links to community advocacy organisations to signpost for post custody/search support			



Equality Impact Assessment

Migrants or homeless populations maybe less likely to understand or be aware of their rights or trust their dignity will be protected				
THE PUBLIC: A section of the public would welcome a flexible approach to searching, which appears to protect the dignity of some. However, given public opinion on recent media on this subject and the general support for the decision of the Supreme Court, a larger proportion of the public would be concerned that cross-sex EIP/strip searching is taking place, including on juveniles within police detention. As per YouGOV, 40-43% of people in England have declared trust in the police. This number is particularly lower for minority groups. 44% of trans people reported a lack of trust as per parliamentary evidence. This policy is bound to increase that number. Whilst we have provisions in place to prevent malpractice of this policy, the public is well within their right to believe that officers may exploit their policing powers to intimately search people of the opposite sex. Incidents like the Sarah Everard Case is an example of this. Only 33.8% of women have reported trust in the MET per the guardian, this policy will further contribute to that number as per rhetoric seen on social media. Whilst I appreciate that this policy was truly the better outcome of this	Publish a public facing summary that addresses: Legal reasons for the policy How BTP is upholding human dignity Complaint procedures and oversight Engage proactively with IAGs, LGBTQIA+ groups and faith/belief organisations to shape external messaging.			



Equality Impact Assessment

ruling, it does negate the fact that this policy will weaken public trust in policing. <u>Potential Positive</u> - Public confidence – A legally grounded inclusive policy if communicated clearly can strength public perception of BTP as a transparent and accountable organisation <u>Potential Negative</u> - Leaked internal messaging or media framing may portray the policy as ideologically driven rather than operationally necessary - Risk of pollicisation can undermine nuanced public debate <u>Impact</u> - May lead to public perception being skewed or social media backlash. In worst case could lead to a targeted campaign against officers, BTP or trans individuals.				
--	--	--	--	--



PROJECT/POLICY NAME
Equality Impact Assessment

3. Does the policy, proposal or project contribute to meeting the general equality duties to which BTP is subject? These are:
- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
 - Advancing equality of opportunity between people who share a protected characteristic and those who do not
 - Fostering good relations between people who share a protected characteristic and those who do not

Background:

Following withdrawal of NPCC national guidance in January 2024, BTP took legal advice and adopted a position that transgender employees with the power of search could only search in their Sex at Birth or in their affirmed gender IF they held a GRC. This was met with some criticism and press coverage from gender critical and women's rights groups

In November 2024 BTP received a Pre-action from Sex Matters seeking a judicial review of the position as a gender critical organisation they believe that the position was illegal, and searches should be conducted based on sex at birth only.

On 16th April 2025 the Supreme Court handed down a ruling in the case of For Women Scotland vs The Scottish Ministers which found that the definition of 'Sex' as a protected characteristic under the Equality Act 2010 relates to biological / sex assigned at birth and does not include trans people even if they hold a gender recognition certificate (GRC).

BTP has now produced a draft position and will develop scenarios based on legal advice and NPCC interim guidance.

Key Benefits:

Ensuring BTP officers are safe and legal while performing strip / EIA searches and supported with wellbeing as required. Maintaining public trust and confidence including dignity of detainees

Purpose:

This EIA is to capture the feedback on this position and guidance from the Equality and Community Impact Sub-group prior to sign off and final publication.


4. Groups and Individuals:

- What individuals, groups or organisations have been engaged to help with the equality analysis?
- What potential impact has been identified because of any evidence gathering and engagement and show which groups the impact applies to.
- Were changes made at this stage because of this evidence gathering/engagement?
- If there is still a potential impact following any changes, please state what further changes if any could be made to eradicate or reduce this impact.
- If changes are possible, please outline how these will be made and when. If no changes are possible, please say why.

Group	Action	Timeline	Response
RAINBOW			
FPA			
BTP SEEN			
BTP Employees			
National LGBT Network			
Railway Stakeholders			



5. If you have indicated a potential impact but believe that this can be justified, what is the justification? Have you taken advice when making this decision and if so, from whom?

The response following the Supreme Court ruling will have an impact on trans and nonbinary employees, those with gender critical/sex realist beliefs and members of the public. This impact can be justified when we are following the law but must be handled in a respectful and appropriate way. BTP networks have been consulted on the development of this EIA and will be involved in the ongoing work.

6. When will this policy, proposal or project next be reviewed? How will you monitor any impact in the intervening period?

All Public Authorities such as the British Transport Police (BTP) have to comply with section 149 of the Equality Act 2010 more commonly known as the General Duty.

The Duty requires BTP to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

One of the ways we can demonstrate that we are complying with the General Duty is to document how decisions are reached and resulting activities including monitoring and review arrangements. In BTP, the way we evidence this is by completing EIAs.

7. I am satisfied that all available evidence has been accurately assessed for its potential impact on groups with protected characteristics. Mitigation, where appropriate, has been identified and dealt with accordingly.

SRO:	
Rank / Grade	
Date:	