



<b>Search Position</b>
<b>Equality Impact Assessment (EIA)</b>

<b>SRO</b>	<b>ACC Network Policing</b>
<b>Author:</b>	<b>Inclusion &amp; Diversity Business Partner</b>
<b>Date:</b>	<b>30-09-2024</b>

<b>Version</b>	<b>Date Issued</b>	<b>Brief Summary of Change</b>	<b>Owner's Name</b>



**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**  
     

Does this proposal / policy have any relevance to:		Internal, relevant to staff / or working practices	External, relevant to service delivery	Not relevant to either
A	Age	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
B	Sex	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
C	Sexual Orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
D	Gender Identity/Reassignment	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
E	Religion or Belief	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
F	Race	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
G	Pregnancy, Maternity, Paternity	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
H	Marital and Civil Partnership	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
I	Neurodiversity	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
J	Disability	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
K	Other Issues including socio-economic and caring responsibilities	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

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



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

INTERNAL IMPACT				
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
<b>AGE: BTP Employees</b>				
<b>SEX: BTP Employees</b>  As outlined under Gender Reassignment and Religion or belief sections				
<b>SEXUAL ORIENTATION: BTP Employees</b>				
<b>GENDER IDENTITY/REASSIGNMENT: BTP Employees</b>  Trans employees with the power of search may be required to disclose their GRC or may not be able to participate in certain searches as non binary in line with legal advice but contrary to the Equality Act 2010	The option for trans employees to provide a copy of their GRC to be held confidentially on origin will be made available. Where an employee does not wish to provide this, they will not be forced to do so however they may be asked to provide it by professional standards in the event of a complaint or investigation relating to a search.	People Services  Wellbeing	October 2024  Ongoing	Complete – included in forwide and directed communications  Wellbeing have been fully briefed and advised the EAP



**PROJECT/POLICY NAME**  
**Equality Impact Assessment**

	<p>Additionally, trans and non binary employees may need wellbeing support due to this position. The wellbeing team have been briefed to ensure this is considered for any support required.</p>			
<p><b>RELIGION OR BELIEF: BTP Employees</b></p> <p>Employees with the power of search who hold either religious, or gender critical / sex realist beliefs may be affected when conducting a search on a trans detainee</p>	<p>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 &amp; Courtesy and Equality &amp; Diversity.</p> <p>Additionally, those with protected beliefs may need wellbeing support due to this position. The wellbeing team have been briefed to ensure this is considered for any support required.</p>	<p>Authorising officer</p> <p>Wellbeing</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Included in position note and various training interventions</p> <p>Wellbeing have been fully briefed and advised the EAP</p>
<p><b>RACE: BTP Employees</b></p> <p>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.</p>	<p>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</p>	<p>Wellbeing / Line Managers</p>	<p>Ongoing</p>	<p>Wellbeing have been fully briefed and advised the EAP</p> <p>Officers will be reminded of Op Hampshire and including any hate related assaults in reporting.</p>



**PROJECT/POLICY NAME**  
**Equality Impact Assessment**

<a href="#">Assaults on police – culture, legitimacy and risk   College of Policing</a>	managers. [REDACTED] [REDACTED]			
<b>PREGNANCY OR MATERNITY/          PATERNITY: BTP Employees</b>				
<b>MARITAL AND CIVIL PARTNERSHIP: BTP Employees</b>				
<b>NEURODIVERSITY: BTP Employees</b>  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+ ( <a href="#">Cambridge University 2021</a> ) and therefore a lack of understanding could further impact upon our trust & legitimacy externally.	The legal position goes some way to providing clarity for employees with the power of search. This will be supported by process maps and a video as well as incorporation into core training including:  Leadership Courses  New Recruit training  Transferees and Rejoiner Training  Personal Safety Training  Bespoke sessions on the Guidance itself,	Process maps and bespoke sessions: S&S Strategic Support  Videos and other training – L&D	November 2024	L&D have been fully briefed and the appropriate areas are being actioned with support from I&D
<b>DISABILITY: BTP Employees</b>				



**PROJECT/POLICY NAME**  
Equality Impact Assessment

<p><b>OTHER ISSUES INCLUDING SOCIO-ECONOMIC AND CARING RESPONSIBILITIES: BTP Employees</b></p> <p>Postcode lottery in terms of access to NHS vs private treatment and therefore evidence which could affect access to GRC and legal recognition of gender reassignment.</p>	<p>Whilst BTP can provide wellbeing support, it cannot offer private treatment or diagnosis</p>	<p>Inclusion &amp; Diversity Team / Wellbeing</p>	<p>Complete</p>	<p>. The way in which we support our trans and non binary employees is laid out in the associated policy.</p>

EXTERNAL IMPACT				
Potential positive / negative issues / impacts	Activity	Role Holder	Action By Date	Progress/Timescale/ Monitoring
<p><b>AGE:</b></p>				
<p><b>SEX:</b></p> <p>As outlined under Gender Reassignment and Religion or belief sections</p>				
<p><b>SEXUAL ORIENTATION:</b></p>				
<p><b>GENDER IDENTITY/REASSIGNMENT:</b></p>				



**PROJECT/POLICY NAME**  
**Equality Impact Assessment**

Transgender or non-binary detainees may require to be searched in their sex at birth, different to their gender identity/reassignment	Transgender or non binary detainees will be treated in accordance with PACE or the Scottish Code of Practice. Guidance for officers has been covered in the position note as well as in training sessions	Authorising officer  I&D / L&D		Complete
<p><b>RELIGION OR BELIEF:</b></p> <p>Forstater vs CDG Europe found that gender critical beliefs are protected, as are religious beliefs and sex.</p>	<p>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.</p> <p>Similarly, any officer who does not wish to search a member of the trans community 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 &amp; Courtesy and Equality &amp; Diversity.</p>	<p>Authorising officer</p> <p>Wellbeing</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Included in position note and various training interventions</p> <p>Wellbeing have been fully briefed and advised the EAP</p>
<p><b>RACE:</b></p> <p>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.</p>	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	Ongoing	
<b>PREGNANCY OR MATERNITY/ PATERNITY:</b>				
<b>MARRIAGE AND CIVIL PARTNERSHIP:</b>				



<p><b>NEURODIVERSITY:</b></p> <p>Studies show that autistic individuals are more likely to identify as LGBTQ+ (<a href="#">Cambridge University 2021</a>) and therefore a lack of understanding could further impact upon our trust &amp; legitimacy externally.</p>				
<p><b>DISABILITY:</b></p>				
<p><b>OTHER ISSUES INCLUDING SOCIO-ECONOMIC AND CARING RESPONSIBILITIES:</b></p> <p>Postcode lottery in terms of access to private treatment and therefore evidence which could affect access to GRC and recognition of affirmed gender</p>	<p>Those from lower socio-economic backgrounds may be more at risk of being accepted as their affirmed gender and grounds for doubt being applied to them,</p>			
<p><b>THE PUBLIC:</b></p>				





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 NPCCs withdrawal of their guidance around who trans officers can / can't search, BTP has sought legal advice which results in the following position:

Police employees may only search as the sex indicated on their birth certificate or listed on their GRC, whichever is the most recent when enacting a statutory power of search under compulsion.

**Key Benefits:**

Ensuring the dignity of detained persons. It also ensures dignity of police employees with the power of search both in terms of gender reassignment and gender critical/sex realist beliefs as well as keeping them safe from legal challenge in executing their duties.

**Purpose:**

The purpose of the search position is to ensure a consistent searching policy in relation to transgender and non-binary officers and detained persons across British Transport Police (BTP) nationally. This is to ensure all such searches, procedures and requirements must be carried out with courtesy, consideration and respect for the persons concerned following legal advice.


**4. Groups and Individuals:**

- What individuals, groups or organisations have been engaged to help with the equality analysis?
- What potential impact has been identified as a result of any evidence gathering and engagement and show which groups the impact applies to.
- Were changes made at this stage as a result 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
External Feedback	Focus Groups to capture feedback and considerations	Complete	Feedback considered and included in the policy / EIA
Internal Feedback	Microsoft Forms and Focus Groups to capture feedback and considerations	Complete	Feedback considered and included in the policy / EIA



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?

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.

<b>SRO:</b>	
<b>Rank / Grade</b>	
<b>Date:</b>	