



Children and Young People's
Centre for Justice

Consultation on the revised Code of Practice on the use of stop and search in Scotland

CYCJ response

May 2026

Collaborating for rights-respecting justice
cycj.org.uk | cycj@strath.ac.uk

Overview

The Children and Young People's Centre for Justice very much welcomes the opportunity to respond to this consultation on Police Scotland's stop and search code of practice. The code of practice provides a framework for when and how officers may stop and search individuals. It came into being in 2017, following the passing of the Criminal Justice (Scotland) Act 2016, and this consultation is part of a review into the code which is required every four years.

Summary of CYCJ position

The Children and Young People's Centre for Justice (CYCJ) works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting, contributing to better outcomes for our children, young people and communities. CYCJ is funded by the Scottish Government and our response to this consultation is drawn from our practice, participation, research and policy expertise and evidence.

CYCJ believes that the code broadly sets out the circumstances and procedures for a search to be undertaken, and welcome the inclusion of several factors which could impact a child or young person's interactions with the police, such as past trauma or speech, language and communication needs.

That said, we believe that significant amendments need to be made to the code. In particular, there needs to be a greater focus on the rights of children and young people, with a specific awareness of the need to actively tackle discrimination and bias, alongside a separate section for young people, covering the age range of 18-25.

There needs to be more steps outlined to include the views and experiences of children and young people in the ongoing monitoring and review process. This is especially important to reduce the number of unnecessary searches of children and to ensure that a very high bar is set for a search to be undertaken.

As we have also set out, there is a considerable number of points from the previous guidance which have been removed without justification and we would like to see them reinstated.

If you have any questions, or would like to discuss CYCJ's response in more detail, please contact Allan Young allan.young@strath.ac.uk.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

Consultation response

Question 1

Does the revised Code clearly set out the circumstances in which a search of a person may be carried out when the person is not in police custody?

- Yes**
- No
- Don't know

Question 2

Does the revised Code clearly set out the procedures to be followed in carrying out a search of a person who is not in police custody?

- Yes
- No
- Don't know**

Question 3

Please suggest any areas that could be made clearer or more detailed, or any other improvements that would support better understanding.

The Children and Young People's Centre for Justice (CYCJ) works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights-respecting, contributing to better outcomes for our children, young people and communities. CYCJ is funded by the Scottish Government and our response to this consultation is drawn from our practice, participation, research and policy expertise and evidence.

CYCJ believes that the Code broadly sets out the circumstances and procedures for a search to take undertaken. However, we believe that it is crucial the code recognises the potential harm and trauma caused by a search, particularly strip and intimate searches, on children and young people and must ensure that these only ever happen where there is a clear and immediate risk of harm. The previous code

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

referenced this at point 7.16 where it stated “Even where there is no history of abuse, children and young people have reported that being searched by someone who is a stranger to them is both uncomfortable and intrusive”. We believe this needs to be reinstated.

The UN Committee on the rights of the child concluding observations for the UK in 2023 called for the UK to “explicitly prohibit, without exception....strip searches for children” (UNCRC, 2023). We would stop short of that absolutist position, recognising the potential danger around child exploitation, but do believe that the number of children being searched can and should be reduced. The most recently published statistics for stop and search in Scotland, covering April to December 2025, showed a positive outcome rate of only 3.8% for searches of 1-11 year olds. The next age group, 12-15, only had a positive outcome rate of 15.2%, also significantly below the average across all age ranges (Police Scotland, 2026). These statistics raise significant issues around the process for determining if a child should be searched. We believe, therefore, that the code should be changed to outline a high bar for a routine search of a child to be undertaken, and that a strip or intimate search should only be performed for children where there is a clear and immediate risk of harm.

We know that different children and young people can have a variety of experiences when interacting with the police and it is important to understand this through an intersectional approach, understanding wider issues of protected characteristics and inequality. We welcome the references throughout the code to non-discrimination and protected characteristics but, as set out in more detail in response to question 5, we believe the code needs to be stronger in addressing unconscious bias and on the need to prevent discrimination. Recent findings from the Coalition for Racial Equality and Rights (CRER) found that children and young people from black and minority ethnic backgrounds were more likely to be searched in Scotland than other groups, with African, Caribbean and Black backgrounds being almost four times more likely to be strip searched than those from white Scottish/British backgrounds (CRER, 2025). It is vital that police officers learn from this report and that wider issues such as unconscious bias are effectively monitored and reviewed when carrying out this code. As set out below, we believe there needs to be stronger public monitoring and analysis of how the code is applied.

In order to strengthen children’s rights in this situation, we believe three sections from the previous code should be reinstated. Section 7.12 stated “Where it appears to a constable that a child/young person lacks the capacity to understand why a search may be necessary, or what a search may entail, then the presumption is that

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

the search should not proceed. Consideration should then be made of how best to safeguard that child or young person, where it is believed that child or young person continues to be at risk of harm.” This is a particularly important safeguard for children with disabilities or neurodivergence. At 7.17 the previous guidance said “Where a child or young person is becoming distressed during a search, consideration should be given to discontinuing the search or pausing it until a responsible adult can be present (where this is practicable and the child or young person wishes this to happen).” At 7.21 “A constable should explain at each stage of a search of a child or young person what they are doing and why. Where a child requests a brief pause in the search (for example, to compose themselves) then this should be accommodated, where practicable. The search should be completed as swiftly as possible.” We do not understand why these have been removed and seem to weaken the rights of the child and could make their experience of a search more uncomfortable than necessary.

The issue of a child/young person/adult being taken to a location to be searched should be refined in more detail. It is positive to see 7.17 refer to the involvement of a child/young person in determining where an alternative location could be, though greater clarity on how this should work in practice would be beneficial. It is also welcome that the Code notes that some locations suitable for an adult may not be the same for a child, but greater information is needed as to the types of locations which would be deemed appropriate. This is also important given the ongoing work to develop places of safety as local alternatives to police custody for under 18s, particularly following the passing of the Children (Care, Care Experience and Services Planning) Bill in March 2026, as explained in response to question 11.

Uncertainty also exists as to the level of necessity being placed on the requirement for a responsible adult to be present when searching a child. We are particularly concerned with this regarding younger children given the very low success rate of searches identified above. The Children’s Commissioner for England has very recently published a report on strip searching and use of force on children and recommends that a strip search is only carried out on a child without a responsible adult where “there is a serious risk to a child’s life and welfare” (Children’s Commissioner, 2026). A greater clarity on, and requirement for, a responsible adult to be present would be welcome.

Related to this, we are also unclear from the Code as to the parameters for defining a ‘responsible adult’ and would wish to see a clearer definition. We note that the previous Code, at 7.18, contained a definition and would request that it is reinstated, either as written in 2017 or in a draft form for consultation.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

CYCJ is also troubled with the classification of young people as being under 18. The Children (Care and Justice) Act 2024 and the UNCRC (Incorporation) (Scotland) Act 2024 are clear that all under 18s are legally children. The Scottish Government's updated Vision and priorities for youth justice, published in 2024, also recognises this and states it is applicable for young people up to the age of 26, which is also in line with the Scottish Government's Whole Systems Approach (Scottish Government, 2024), and the Scottish Sentencing Council's guidelines for young people is applicable to those up to the age of 25 (Scottish Sentencing Council, 2022).

Notwithstanding the slight variation between these different organisations and documents, the principle remains that all under 18s are children and that it is widely recognised in care and justice systems that there is a separate category for young people as being individuals from the age of 18 until at least 24. The Scottish Sentencing Council guidelines were produced in recognition of the fact that neurodevelopment continues well beyond an individual's 18th birthday, impacting on decision making ability and risk analysis, and accordingly there needed to be specific sentencing guidelines created for the age range of 18 to 25 (Scottish Sentencing Council, 2022). We believe that the stop and search code needs to be amended in the same way, to include a new section for young people which recognises that whilst they would not be entitled to the specific rights of the United Nations' Convention on the Rights of the Child (UNCRC), they are nonetheless deserving of extra care and support due to their continuing brain development.

Alongside this, of course, it should be noted that many children, particularly those closer to 18, will see themselves more as young people, and not children. We believe police officers, therefore, should where possible use the language preferred by the child/young person they are interacting with, differentiating where necessary from the legal terminology, in order to aid communication and their overall interaction.

CYCJ urges the removal of footnote 1, part of section 7.6, which states that police constables in Scotland "do not have to comply with the UNCRC when exercising search functions conferred by Acts of the UK Parliament." Whilst we recognise this is legally true and understand the ramifications of this, we do not feel it is in keeping with the otherwise strong commitment from Police Scotland to comply with UNCRC. We also feel it adds an extra level of complexity for police officers in offering a dual approach to addressing a potential stop and search situation which, as evidenced in the code, can already be a challenging process. We would ask that this section is

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

removed and that the default approach to stop and search in all situations in Scotland is to deliver a UNCRC compliant process.

As set out in more detail in our response to question 9, we also have concerns regarding the process of determining and responding to an individual's sex and gender, including the lack of individual guidance for transgender people for each specific type of search – routine, strip or intimate.

Question 4

Does the revised Code provide clear guidance to ensure everyone is treated fairly and respectfully during a search?

- Yes
- No
- Don't know**

Question 5

Please provide any suggestions where the Code could be strengthened or provide stronger protection for individual or group rights?

CYCJ believe the code should be strengthened through a greater focus on rights in order to overcome discrimination and bias, through a more rigorous and public facing monitoring and review process, which is connected to training and continuous improvement.

We note that the code sets out to comply with the appropriate legal landscape, including the Human Rights Act 1998 and the Equality Act 2010. However, other than Article 3 of the UNCRC, on the consideration of the best interests of the child, no other human or child rights are mentioned in the code, despite the fact that there are many other key rights considerations in the context of stop and search. Article 5 of the European Convention of Human Rights (ECHR) affords everyone the right to liberty and security save under certain exceptions, including, under 1(c) as relates to this code, the lawful arrest or detention of a person where it is “reasonably considered necessary to prevent his committing an offence or fleeing after having done so”. Article 14, Prohibition of discrimination, states the enjoyment of other rights in the ECHR shall be secured without discrimination on any ground (Council of

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

Europe, 1950). There is a further protection for children from non-discrimination under UNCRC Article 2, and for disabled people under Article 5 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD, 2006). We welcome the reference in the Code to non-discrimination and protected characteristics but believe the Code should be stronger on its requirement that police officers must be actively anti-discriminatory in their decisions to search individuals or groups.

Equally Police officers must remain cognisant of the inherent power imbalances which come with their role and interacting with members of the public, particularly in a scenario such as a stop and search. Being approached by the police can be daunting and scary, even for those with nothing to hide, and this fear will be more pronounced for certain individuals, particularly those who have not had positive experiences of the police.

We welcome the various examples in the code of children and young people who may find a stop and search more challenging than others. This includes those who have difficulties with communication and participation, as a result of long-term mental, intellectual or sensory impairment; various past experiences, such as abuse or previous/ongoing justice involvement; and individuals with experience of care who, due to their personal experiences, may have less faith in engaging with public bodies more generally. The code could establish in greater detail what this would mean in practice, noting the rights children have, such as UNCRC Article 39 on recovery from trauma, Article 37 on not being subject to degrading treatment, to privacy under Article 16, and to parental guidance and support on account of their evolving capacities, under Article 5.

Given all of this, the most recent Police Scotland stop and search data for under 16s is particularly concerning. As highlighted previously, this data covered April to December 2025, and showed a much lower percentage of positive searches for under 12's (3.8%) and for 12–15 year olds (15.2%), than the total positive search rate (24.2%). This raises serious concerns around discrimination on account of age, and potential widespread officer bias against children and young people.

As mentioned before, the CRER [State of the Nation 2025 - Vol 1](#) report also highlighted racial discrimination in relation to stop and search practices by Police Scotland. Data covering April 2024 to June 2025 showed certain ethnic groups were significantly more likely to be subject to a stop and search, with disparities in the percentages of positive searches with the lowest being Chinese with only a 18.2% positive outcome rate. The data also showed that 1 in 27 stop and searches of

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

people from African, Caribbean and Black backgrounds included a strip search, compared to just 1 in 52 searches for white Scottish/British people (CRER, 2025).

As well as setting a very high bar for searches of children, as explained in response to question 1, we believe the code needs to give a clearer direction on how all of the rights and circumstances outlined above are to be considered when an officer considers a search of a child. Central to a rights-respecting process, is transparency and accountability, ensuring the views and experiences of those impacted by decisions are heard, such as under Article 12 of the UNCRC, and Article 29 of the UN CRPD. It is vital that the monitoring and review of the code both incorporates these voices and disaggregates the data to identify current progress in tackling discrimination and bias, which in turn should help identify training needs. This could include reflection on bias awareness, rights and rights-respecting practice, neurodiversity and speech, language and communication needs awareness, and communicating with children. The code should also place a responsibility on Police Scotland to actively take action to reduce the number of searches on groups where the level of positive outcomes are noticeably lower than the average.

Question 6

Does the revised Code provide clear guidance on how strip searches and intimate searches should be conducted?

- Yes**
- No
- Don't know

Question 7

Please provide any suggestions for how the guidance on strip or intimate searches could be improved/strengthened.

We believe that the guidance overall is clear but would be strengthened through greater clarity in a few specific areas. At point 8.9, for example, it is unclear if the witness can be chosen by the person being searched or if this is another officer/a different individual. As mentioned in response to questions 1 and 11, we believe there needs to be a definition of 'responsible adult', as contained at point 7.18 of the

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

previous guidance. As set out in more detail in response to question 9, we also have concerns regarding the stop and search of transgender people.

Question 8

Does the revised Code provide clear guidance on establishing the sex of a person for the purposes of a search?

Yes

No

Don't know

Question 9

Please provide further comments if you think the Code could be strengthened to support consistent and respectful practice.

Whilst we do believe the guidance on establishing the sex of a person is clear on a general level and recognise some of the inherent challenges with this for police officers, we do feel that the code leaves a lack of clarity around specific practices impacting transgender people. Our understanding is that it is written so that points 8.7 and 8.16 are not applicable to a transgender person. As such, there is no individual guidance for transgender people for each specific type of search – routine, strip or intimate. We believe this unintentionally diminishes the different levels of impact between the types of search, particularly where a request from a transgender person for an officer of a particular sex to search them, or witness the search, has been refused. We believe there needs to be greater information provided here.

We also feel there is lack of recognition of the diversity of both sex and gender regardless of sex recorded at birth or receipt of a Gender Recognition Certificate (i.e. intersex, non-binary, gender fluid). Individuals who identify with these may not wish to be categorised as a specific sex/gender, and their perceived physical characteristics may differ from common understandings or expectations.

Given the sensitive and potentially intrusive nature of determining sex, we believe that stringent monitoring and review processes need to be in place, particularly for

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

monitoring the rate at which requests from a transgender person for an officer of a particular sex are accepted, and their experiences of being searched.

We also question why point 7.20 from the previous guidance was removed, which stated that “Any search of a child or a young person should be carried out by a person of the same sex.” We believe this should be reinstated.

Question 10

Does the revised Code clearly explain how children and young people should be treated when being stopped and searched by police?

Yes

No

Don't know

Question 11

Please provide further comments if you think the Code could be strengthened to ensure children and young people are safeguarded and treated fairly and respectfully.

Whilst there is significant detail in certain parts of the code, there are notable gaps which we believe need to be filled to better safeguard children and young people.

A clear way the code could better safeguard children's rights would be to aim to reduce the number of unnecessary searches, given the very damaging impacts which this can have on a child's mental health and wellbeing. As mentioned elsewhere, the most recent Police Scotland data showed a positive outcome rate of less than 4% for children under 12, and a significantly lower than average rate for children aged 12-15. The Children's Commissioner for England has recommended that there needs to be “a serious risk to a child's life and welfare” before a strip search can be carried out and we believe a similar threshold needs to be set for this code (Children's Commissioner, 2026).

As mentioned in response to various answers, the code needs a greater focus on the full protections given to children through national and international human rights frameworks. Specifically, their right to parental guidance on account of their evolving

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

capacities (Article 5) is not considered, and we would question if they always have a complete enough understanding of the situation to make an informed decision and consent. Their right to participation (article 12) can only be fulfilled if they understand what is happening (Article 13), and whilst we note many positive sections within the code which recognise the reasons behind certain behaviours being presented, the code needs a stronger focus on checking comprehension or communication issues. Connected to this is the need for a definition of 'responsible adult', as was included in the previous code but was removed for this version. From our participation work, we know that children can often say they understand justice processes as they do not want to look ignorant, but if this is not properly verified then this can constitute discrimination on account of age. The code does mention UNCRC Article 3 on the best interests of the child, but there is nothing on how to incorporate this as a consideration, and that it requires article 12 to be met.

Throughout participation and engagement work at CYCJ, we are aware that many children and young people feel that their experience(s) of stop and search practice do not meet the standards of fairness and respect outlined in the code. For many children and young people there is a sense that their age, physical location, prior contact with justice (and care) processes, appearance, and race/ethnicity all influence the likelihood of stop and search practice aimed towards them. Whilst quantitative data on this is difficult to access and analyse, the Coalition for Racial Equality and Rights (CRER) report, as mentioned elsewhere, highlights that children and young people from particular race and ethnic backgrounds experience disproportionately high rates of stop and search. Using Police Scotland data, CRER found that black and minority ethnic groups combined represented 24% of strip-searched children and young people, in contrast to the group representing 11% of Scotland's population (aged 10-24) (CRER, 2025).

To tackle these issues, the code needs a more detailed explanation of how it will operationalise the rights of children and tackle bias and discrimination. This requires transparency and accountability, and a clear process for children and young people to have their views and experiences heard. A robust monitoring process is vital to match these experiences with the data, to understand any ongoing issues of discrimination and bias, and to respond accordingly, such as through greater training.

As mentioned in response to question 1, describing young people as under 18 is confusing and runs contrary to core parts of the care and justice landscape, both in Scotland and internationally. Legislation such as the Children (Care and Justice) Act 2024 a, Scottish Government's wider youth justice policy (Scottish Government,

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

2024), and the United Nations, all categorise under 18s as children, and identify the necessity for a separate category for young people as being individuals from the age of 18 until at least 24. The Scottish Sentencing Council in 2022 recognised the need for separate sentencing guidelines for individuals aged 18-25 on the basis that neurodevelopment continues throughout this period and as such impacts on factors such as ability to manage risk (Scottish Sentencing Council, 2022). Therefore, we believe that the stop and search code needs to be amended in the same way, to include a new section for young people which recognises the ongoing issue of neurodevelopment and as such require more care and support than older adults.

More detail is also needed around suitable locations for a search to be conducted. As recognised by the Scottish Police Authority and many others, including CYCJ, there is growing recognition that police custody is not a suitable location for under 18s. In response to this, there is widespread cross-agency work to advance the use of places of safety as alternatives to police custody, with significant progress made with an amendment to the Children (Care, Care Experience and Services Planning) Bill which passed Parliament in March 2026. As such we believe the code needs to be amended to encourage the use of places of safety, in place of police stations, as locations where searches of children and young people can be carried out.

CYCJ questions the statement within the code that it is consistent with GIRFEC. Given the timely and often reactive nature of a stop and search process, we would say this was arguably inconsistent with the GIRFEC approach to assessment and intervention for children. We also note that section 7.7 of the code states that GIRFEC can apply to those up to the age of 26 in “specific circumstances”, such as care experience, but it is unclear if this means that the additional considerations for children should apply to these young people if they are known to fit these criteria. This further reinforces our earlier point on the need for a separate section specifically for young people which recognises that by virtue of age, developmental stage, past experience, and potential speech, language and communication needs, they would benefit from specific guidance around power imbalances, adultification, communication, and the understanding that challenging behaviours can be produced in reaction to underlying issues.

Question 12

Does the revised Code provide sufficient guidance on how police should identify and interact with people who may be vulnerable or need extra support?

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

Yes

No

Don't know

Question 13

Please provide further comments if you think the revised Code could include additional measures or safeguards to ensure vulnerable people are adequately protected during a search.

Further context and information would strengthen guidance relating to vulnerable people. The Code defines 'vulnerable people' as those unable to properly safeguard themselves, however it is important to note that vulnerability can include heightened risk of harm. The inclusion of 'heightened risk of harm' could encourage awareness of criminal and/or sexual exploitation. We welcome the inclusion at section 6.1 of various potential issues that vulnerable people may be affected by but believe these could be clarified to avoid confusion and increase awareness of potential vulnerability. We suggest that 6.1 be amended to include:

- age (all individual under the age of 18 are classed as children and are therefore considered 'vulnerable') and developmental stage
- "mental health conditions, including the impact of trauma and personality disorders"
- "neurodivergent conditions (including but not limited to autism, ADHD, dyslexia, Foetal Alcohol Spectrum Condition)"
- "conditions impacting Speech, Language and Communication Needs (SLCNs)"
- "substance use and/or addiction (including those experiencing long-term impacts of past substance use such as Alcohol-Related Brain Damage (ARBD) or those receiving substance replacement and/or management treatment (i.e. Opioid Substitution Therapy, Managed Alcohol Treatment)"

In addition to these amendments, section 6.2 could be clarified further to include reference to additional guidance/support to assist Constables with remaining alert to vulnerabilities.

The revised Code also appears to lack guidance on 'active assessment' beyond identifying an appropriate adult or interpreter to assist with communication (actions which would be taken after an initial assessment). Guidance should be clearer to

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

include ways in which a fair assessment of vulnerability could be carried out through initial communication and/or observation – this assessment requires awareness and understanding of contributing factors to vulnerability, and it would be beneficial for guidance to include links to recommended/mandatory training. Similarly, guidance could include recommendation that constables with specialisms/training are contacted wherever possible prior to the search to advise on actions taken.

Section 6.3 refers to modifying or amending communication. The examples in this section (language, tone of voice, physical behaviour) are helpful however they focus solely on a constable's active communication towards individuals. This section could be strengthened with reference to the mutual exchange of communication, and offer guidance on how constables can adapt the ways in which they interpret communication (including non-verbal communication). Inclusion of this would also provide helpful examples of communication to identify vulnerabilities. For example, verbal communication from those with certain SLCNs which is loud or abrupt may be interpreted as hostility/aggression towards a constable. Similarly, active physical harm to self or property can be a common non-verbal communication of distress in autistic people. In both examples the way that a constable receives communication could be amended to understand the language, tone of voice, and physical behaviour of others, in addition to their own responses.

Section 6.6 refers only to trauma and adverse experiences, however all of the underlying causes of vulnerabilities listed in 6.1 would be relevant to the point raised about mental capacity. It may be helpful to separate out reference to vulnerability not necessarily negating the right to make one's own choices, and reference to taking a trauma-informed approach. 'Non-engagement' could also be clarified and expanded on here – the term 'non-engagement' is generally at odds with an inclusive, trauma-informed approach as it suggests an individual's active choice, rather than acknowledging that the issue is lack of accessibility. This could be rephrased as "[...] remain alert to the possibility that vulnerability may lead to a lack of communication, communication which appears to contradict social norms, or other difficulties in engaging with others".

Question 14

Does the revised Code clearly set out what information and records are to be kept in relation to a search of a person who is not in police custody?

Yes

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

No

Don't know

Question 15

Does the revised Code clearly set out the right of someone to receive a copy of the information and record kept in relation to a search of a person who is not in police custody?

Yes

No

Don't know

Question 16

Please provide further comments if there are improvements you would like to see in how stop and search data is collected, monitored or reported.

Under 5.14 a person who has been searched can only request information on the search if they have provided their full details, indicating individuals are afforded this information only if they forgo their right to privacy. Whilst not providing a name may present an issue with data sharing, it is not insurmountable and they could be provided with a reference number/online portal from which the person could access information without having to provide personal details.

As set out elsewhere, there needs to be an open and transparent process for data collection, monitoring and reporting. This includes the breakdown of key data by age, sex and race to identify and track levels of positive search outcomes. A robust monitoring process is vital to identify any ongoing issues of discrimination and bias, and to respond accordingly, such as through training.

Section 9.4 requires amendments relating to gender. Advising that a constable avoids asking questions that “disclose a person’s trans history...” implies that they must make a judgement on whether someone is likely to be transgender or not, in order to make the decision to avoid asking questions that might disclose this. Whilst it is important to protect people’s transgender identity in public to protect their safety and dignity, a constable should not be expected to make a judgement on when to

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

'avoid asking questions'. A more inclusive and trauma-informed approach might be for a constable to ask 'is your gender different to that which was assumed/assigned at birth'. This question could be included verbatim in the code, and may be posed with the disclaimer that it is a standardised question that a constable must ask everyone. Within the same section the terminology "trans history" is not in common use in the current context – reference should be made instead to an individual's 'gender identity' (which encompasses transgender identity) or 'transgender identity'.

Question 17

Does the revised Code support respectful and transparent communication between police and the public during a search of a person?

Yes

No

Don't know

Question 18

Please provide further comments if there are additional steps the revised Code could take to strengthen trust and understanding, particularly with communities that may have concerns about stop and search.

The revised code's additional considerations round comprehension would ideally apply to everyone, not just children and vulnerable people. Speech, language and communication needs are not always detectable, or known to the person, and the nature of stop and search interactions does not allow time for detailed assessment, therefore making these considerations universal would better protect everyone's rights and increase understanding of the process by more people.

Guidance on checking comprehension to ensure consent is informed would strengthen the code, with it made clear this should not be done exclusively via closed questioning. For example, an officer could ask the person to relay back what has been said to check it concurs. Processes should highlight that clear and straightforward language is to be used for everyone, with time allowed for information to be considered by the person, and for them to have opportunities to ask questions if they are unsure.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

There are also two points from the previous guidance which we believe should be reinstated. Under 7.24, “following completion of a search, a child or a young person should be supplied with a receipt, which should include age-appropriate information about stop and search, and details of how to make a complaint if the child or young person feels that they have been treated unfairly.”

7.25 “Constables should be aware that children and young people can find it difficult to access complaints processes, which are often designed by adults for adults. Where a complaint is received by the Police from or on behalf of a child or young person, consideration should be given to how best to respond in an age appropriate, timely and child-centred manner.” The new guidance would benefit from specific mention of a child friendly complaints process.

Question 19

Is there anything in the revised Code that should be added, changed or removed?

Yes

No

Don't know

Question 20

Please provide any further comments about the Code.

Whilst there is a lot in the code which we agree with, as we have set out in response to various questions above, there is a significant amount which we would like to see amended.

In particular, there needs to be a greater focus on the rights of children and young people, with a specific awareness of the need to actively tackle discrimination and bias, alongside a separate section for young people, covering the age range of 18-25.

There needs to be more steps outlined to include the views and experiences of children and young people in the ongoing monitoring and review process. This is

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

especially important to reduce the number of unnecessary searches and to ensure that a very high bar is set for a search to be undertaken.

As we have also set out, there is a considerable number of points from the previous guidance which have been removed without justification and we would like to see them reinstated.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

References

Children's Commissioner (2026). Police powers and children – strip searching use of force. Available at: <https://www.childrenscommissioner.gov.uk/resource/police-powers-and-children-strip-searching-and-use-of-force/>

Coalition for Racial Equality and Rights (CRER) (2025). Racial inequality in Scotland: State of the Nation – Volume 1. Available at: <https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/691f27fd9b20664cbb2d97ec/1763649533269/CRER+SotN+2025+-+Volume+1.pdf>

Council of Europe. (1950). European Convention on Human Rights. Available at: https://www.echr.coe.int/documents/d/echr/Convention_ENG

Police Scotland (2026). Management Information National Stop and Search Database: Quarterly Report. April - December 2025. Available at <https://www.scotland.police.uk/spa-media/icyojw33/stop-and-search-information-1-april-2025-31st-december-2025.pdf>

Scottish Government (2024). A right-respecting approach to justice for children and young people. Scotland's vision and priorities. Available at: <https://www.gov.scot/publications/justice-children-young-people-vision-priorities-2024-26/>

Scottish Sentencing Council (2022). Sentencing young people. Available at: <https://www.scottishsentencingcouncil.org.uk/media/4d3piwmw/sentencing-young-people-guideline-for-publication.pdf>

United Nations (2006). UN Convention on the Rights of Persons with Disabilities. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

United Nations Committee on the Rights of the Child (UNCRC) (2023). Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland. Available at: <https://digitallibrary.un.org/record/4013807?v=pdf>

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.