



Being stopped, searched and discriminated against in shops and supermarkets

This guide gives you some information and tips on what you can do if you're stopped and searched, and if you're discriminated against in a shop or supermarket.

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Disclaimer: Nothing in this guide constitutes legal advice or gives rise to a lawyer/client relationship. Specialist legal advice should be taken in relation to specific circumstances. The contents of this guide are for general information purposes only. Some of the material in this guide may have been prepared some time ago. Please contact us if you need a comprehensive and up-to-date statement of the relevant law.

Part 1: Stopped and searched in a shop/supermarket

Who has stopped you?

Police and store security staff have different rights to stop and search the public in shops. Their rights to stop and search you affect your own rights and how you can respond to the situation.

As soon as you're stopped, you should ask the individual stopping you to identify themselves. You can identify a police officer or a police community support officer (PCSO) by their uniform and their warrant card which they must carry when working.

Both police officers and PCSOs can stop you **without your consent**, and police officers can search you **without your consent**, in certain circumstances (see below). This means that it doesn't matter whether you agree to it or not.

Security guards that work for a shop or supermarket ('a service provider') can only stop and search you **with your consent**. This means only if you agree to it.

Being stopped and searched by the police¹

The police can stop and question you at **any time**. If a police officer is not wearing a uniform, they must show you their warrant card.

A PCSO in uniform can stop you, **but only police officers can search you**.

Reasons for searching you

The police can stop and search you if they have **good reasons** ('reasonable grounds') to suspect that you're carrying: illegal drugs, a weapon, stolen property or something which could be used to carry out a crime.

¹ <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>.



You can only be searched **without good reasons** ('reasonable grounds') if this has been approved by a senior police officer, and if it's suspected that:

- serious violence could happen
- you're carrying a weapon or have used one, or
- you're in a specific location.

Before searching you

Before searching you, the police officer must tell you:

- that they are stopping and keeping you from leaving (detaining you). You can only be detained by a police officer during a stop and search, so if you're not being detained, you can leave;
- their name and police station;
- what they expect to find (for example, illegal drugs or a weapon);
- why they want to search you;
- why they are legally allowed to search you; and
- that you can have a record of the search immediately, or how you can get a copy afterwards.

When searching you²

- You can be asked to take off your coat, jacket and gloves
- A police officer can put their hand inside your shoes, socks or headgear (if they believe something is hidden)
- You can be asked to turn your pockets inside out or they can pat your pockets down

If they ask you to take off anything else (including anything you're wearing for religious reasons), they must take you somewhere out of public view. They must give a reason for this – it can't be that nothing has been found. This **must** be done by an officer of the same sex.

A 'strip search' is when all your clothes are removed. This can **only** happen at a police station or a designated police location (eg. a police tent). It **must** be out of public view and be done by an officer of the same sex. An appropriate adult **must** be present during a strip search if you're 17 years old or younger.

² <https://www.release.org.uk/law/stop-and-search>

For more information [check our blog post here](#).

Being stopped and searched by security guards³

Security guards (in a shop or supermarket) are responsible for protecting the shop or supermarket from theft, damage, or other dangerous incidents. Unlike the police and PCSOs, security guards don't have any more legal powers than any other member of the public.

They can only stop and search you with **your consent**. This means you need to agree to it. But, if a security guard asks to search you and you refuse, then the security guard can **stop you from entering the shop/supermarket**.

Citizen's arrest

Security guards can make a citizen's arrest if:

- you're carrying out or have carried out an offence (eg. shoplifting); or
- the security guard has **good reasons** ('reasonable grounds') to suspect you're carrying out or have carried out an offence

A security guard can only legally arrest you if:

- they believe it isn't possible for a police officer to arrest you instead; and
- they have good reasons ('reasonable grounds') to believe the arrest is necessary to prevent you: physically injuring yourself or others; being physically injured; causing loss of or damage to property; or leaving before a police officer can take responsibility.

During a citizen's arrest, the security guard should tell you:

- what they are doing;
- why they are doing it; and
- what offence they believe has been committed.

³ Police and Criminal Evidence Act 1984, s 24A:

<https://www.legislation.gov.uk/ukpga/1984/60/section/24A>.



A security guard is entitled to use a 'reasonable' amount of force in the circumstances to detain you.⁴ This means they can use force that is necessary for the situation.

How to handle the stop

'Y-Stop', a collaboration between charities, young people and youth workers, has produced tips to help you deal with a stop and search by police, which you can also use if you're stopped by a security guard. These tips can be remembered with the word S.E.A.R.C.H.⁵

- **Stay Calm** – keep yourself calm all the time to get to a clear and quick solution.
- **Eye Contact** – be polite so that it makes it's harder to get angry or scared.
- **Ask Questions** – ask questions about the process as the police and/or security guards need to explain themselves.
- **Receipt** – get written proof of the search and check it's been completed truthfully⁶
- **Record** – you have a right to record the search, but you **must** ask permission first before getting your phone or video recording device. Filming protects everyone's interests.
- **Confidence** – know your rights.
- **Hold to account** – following these steps can encourage the police and/or security guards to behave properly.

⁴ Criminal Law Act 1967, s 3: <https://www.legislation.gov.uk/ukpga/1967/58/section/3>.

⁵ <https://www.release.org.uk/law/stop-and-search>.

⁶ A receipt is your official proof of the search. The police must give you this at the time of the search, or they must tell you how to get a receipt once they have completed it. If the police officer is recording the search electronically, you will get a card with a reference number that you can use to claim your receipt. The police officer can only leave you without filling the receipt out if he or she is called to an emergency. You can claim your receipt from the police station for up to 3 months after the search took place. This is easier if you have the police officer's ID. Once you have the receipt, check that all sections have been completed and that it is accurate (<https://y-stop.org/sites/default/files/resources/Search%20Card.pdf>).



Complaining about police conduct

If you wish to complain about discriminatory actions taken by the police, the charity Stop Watch has prepared a helpful guide ([click here](#)).

Please see our blog post here that explains how to make a complaint [INSERT LINK HERE](#).

You can also download the Y-Stop app to make a complaint directly to the police or, if you don't feel comfortable doing this, you can report what has happened to Y-Stop's database ([click here](#)).

If you feel the incident was serious enough to be a hate crime, you can report it to the police using the True Vision website ([click here](#)) or by phoning 101 (or 999 if it's an emergency).

Part 2: Discriminated against in a shop/ supermarket

What is a discrimination claim?

If you've faced discrimination during a stop and search and/or when buying goods and services, you can bring a claim under the *Equality Act 2010*.

To bring a claim under the *Equality Act 2010*, generally you **must** show that:

1. You have a **protected characteristic** – age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation.⁷
2. The person or organisation is responsible for a **prohibited conduct** connected to your protected characteristic. This is conduct that is illegal under the *Equality Act*. There are several types of prohibited conduct. See the table below.

⁷ Equality Act 2010, Chapter 1, ss 4 – 12:

<https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1>.

	Types of prohibited conduct		
	Direct discrimination	Indirect discrimination	Harassment
Explanation	<p>This is when you're treated differently or worse than someone else because of your protected characteristic.⁸</p> <p>You must show that the person or organisation wouldn't behave in the same way to someone of a different characteristic.</p>	<p>This is when a person or organisation applies a practice or rule which is discriminatory to your protected characteristic.⁹</p>	<p>This is when a person or organisation behaves towards you in a way that:</p> <ul style="list-style-type: none"> • violates your dignity • intimidates, degrades and humiliates you • creates a hostile or offensive environment because of your protected characteristic
Example	<p>You are stopped and searched because of your race but someone else of a different race is not stopped and searched.</p>	<p>A service provider prohibits people wearing certain religious dress to enter their shop without justification.</p>	<p>A shop employee says racially offensive words to you making you feel scared and humiliated in front of everyone</p>

⁸ Equality Act 2010, Chapter 2, s 13:

<https://www.legislation.gov.uk/ukpga/2010/15/section/13>.

⁹ Equality Act 2010, Chapter 2, s 19:

<https://www.legislation.gov.uk/ukpga/2010/15/section/19>.



3. The prohibited conduct happened during the **provision of services**¹⁰
 - Those providing a paid or unpaid service to the public or part of the public ('service providers') mustn't discriminate against you
 - When providing you a service, they mustn't discriminate against you by:
 - How the service is given to you;
 - No longer providing the service to you; or
 - Subjecting you to any other disadvantage.
 - Services include the provision of goods and facilities.¹¹ Supermarkets and shops are included in this.
 -
4. The claim meets the **appropriate time limit** – generally **6 months**,¹² but see further information on page 12-13 of this guide.

Making a complaint

What outcome do you want?¹³

Think about what outcome you want to get by making a claim of discrimination. This will help you work out what type of complaint you want to make.

A '**remedy**' is what the person/organisation you are complaining against does as a response. For example, an apology, financial compensation, review their policies or improve staff education...etc.

When you've decided what outcome you want, you should **explore informal methods of resolving your issue before bringing a court claim**. Bringing a court claim can be time-consuming, emotionally draining and expensive.

10 Equality Act 2010, Chapter 3, s 29: <https://www.legislation.gov.uk/ukpga/2010/15/section/29>.

11 Equality Act 2010, Chapter 3, s 31(2): <https://www.legislation.gov.uk/ukpga/2010/15/section/31>.

12 Equality Act 2010, Part 9, s 118: <https://www.legislation.gov.uk/ukpga/2010/15/section/118>.

13 <https://www.citizensadvice.org.uk/consumer/discrimination-in-the-provision-of-goods-and-services/discrimination-in-the-provision-of-goods-and-services1/taking-action-about-discrimination-in-goods-and-services/taking-action-about-discrimination-in-the-provision-of-goods-and-services/>



Methods of complaining

There are different ways you can complain if you have experienced discrimination during stop and search or when using a service.

You can use the below steps in order or as separate ways of complaining.

Your options are:

- Complain directly to the responsible person/organisation
- Complain to an ombudsman (see below)
- Use Alternative Dispute Resolution (ADR) (see below)
- Go to court

Complain directly to the shop/supermarket

The first step is to complain to the person or shop/supermarket that you believe has discriminated against you. The shop/supermarket may have a complaints process or a customer service helpline. Try searching their website to find this.

You may also be able to send a complaint through Resolver ([click here](#)). This is a free resource that helps customers exercise their rights as consumers.

If they don't have a complaints process or they're not on Resolver, you could send a formal complaint in writing to an email address or to the person or company's main address.

In your letter, it is **important** to explain:

- what happened to you
- why it was unacceptable
- what you expect them to do to remedy the situation

If you don't get a response after two months, you could complain to an ombudsman.

The Equality Advisory and Support Service has template letters for different types of discrimination complaints. It's available under the "Resources"

section of their website ([click here](#)). You can also see our template letter at the end of this guide at page 18.

Ombudsman

An 'ombudsman' is an independent person that investigates complaints about companies and organisations, usually for a specific industry or sector. Their services are free, and they can order companies to provide consumers with remedies. For example, an apology, a financial award, and/or recommendations for the company to prevent the issue happening again.

Not every industry service provider has an ombudsman, but you can search for those that do on the Citizens Advice's website ([click here](#)) or/and on the Ombudsman Association's website ([click here](#)).

There are specialist ombudsmen for some retail industries, but there is no general retail or consumer services ombudsman. For example, there is an ombudsman for furniture and home improvement ([click here](#)), for the car industry ([click here](#)) and for opticians ([click here](#)).

How to pursue alternative dispute resolution (ADR)

If the informal steps set out above aren't available to you, ADR may be another option for resolving the issue without going to court.

Common forms of ADR include:

- **Mediation** is where an independent third party helps you and the service provider come to an acceptable solution; and
- **Arbitration** is where an independent third party looks at the facts and takes a decision that's often binding on either you or the service provider, or both you and the provider. 'Binding' means you have to follow it.

Using ADR can give you more control over the process than you'd have in court and is generally less formal. You can also keep your dispute confidential in most circumstances.



However, ADR can be **costly and time-consuming** when a third party privately helps you come to a solution. It's likely that you will have to pay for the third party and split the cost with the organisation/service provider you are complaining against.

The RetailADR Scheme can deal with customer service disputes between you and a service provider. The scheme is free to consumers and can be used without the need for any independent advice or third-party representation ([click here](#)). Some sectors, such as vehicle sales and servicing, are not covered by RetailADR's service.

Going to court

How to draft a letter before action

Court rules (known as the "Civil Procedure Rules") require that, before you can take a claim to court, you **must** write a "letter before action" to the organisation or person that you believe has discriminated against you. This is a letter telling them that you're **giving them a final chance to resolve the issue with you or you will take them to court**. The aim is to encourage settlement of a dispute without going to court.

In the letter, you should explain:

- What happened to you
- Why you believe this was unlawful discrimination
- What you expect the responsible person/organisation to do (eg. pay you compensation, issue a formal apology, or take disciplinary action against staff members)
- That you may decide to bring legal proceedings against them if they don't agree to what you've asked

Make sure you include a postal or email address where you can be contacted for them to be able to respond.

Remember, if the person or organisation does **agree** to do what you have asked, **you won't be able to take them to court**. A judge would treat the dispute as already resolved and dismiss your claim.



There are lots of “before action” template letters available online that you can use as a guide. You can also use the template letter provided at the end of this guide – if you add the relevant information from the list above (see page 18).

How to bring a court claim

Warning: Bringing a court claim is time-consuming (claims can take years to resolve), emotionally draining, and can be very expensive. **If you lose your case, you might be ordered to pay the legal fees of the person or company you are suing** – which could be extremely costly. Going to court may still be the right option for you but think carefully about the risks involved.

A discrimination claim is a “civil” matter. This means you need to make your discrimination claim in your local County Court. Find your local County Court on the online Court and Tribunal Finder ([click here](#)).

There are **strict time limits** for going to court. The court can allow a claim outside the time limits, but only in rare circumstances. See the section on time limits below.

Steps:

1. Check if you can still bring a claim (time limits)
2. Download and fill in the claim form ('Form N1')
3. Add more details/information on a separate document ('Particulars of Claim') if needed
4. Ask for the remedies you want in the Particulars of Claim
5. Submit the claim form and Particulars of Claim to the court and pay the court fee
6. Send a copy of the documents to the defendant
7. Wait for the defendant to admit to discrimination or submit their defence



Claim form

Court proceedings are started by you submitting a claim form. The claim form (Form N1) is available: [click here](#). There is a small amount of space in the claim form to explain your reasons for bringing the claim.

If you want to add more information, you can attach a separate document to the form (which is called the "Particulars of Claim"). You can then give full details of what happened to you, why you believe it was unlawful discrimination, and what remedy you are seeking from the court.

Asking for remedies

Most commonly, people ask the court to order the person/organisation that discriminated against them to pay compensation. This is a payment you receive from the person/organisation because of what you have suffered.

You can also request other orders from the court, such as an order for the responsible person/organisation to do something (called a "mandatory injunction") or not do something (called a "prohibitive injunction"). For example, stop banning certain religious dress. You can more explanations on this if you [click here](#).

It's important to **specify all the remedies you would like in your Particulars of Claim** – if you later win your claim, the court will not grant you anything you have not asked for in your claim.

Court fees

Normally you will **pay a fee to the court** when you submit your form. The amount depends on how much compensation you are claiming.

You may be able to apply for reduced fees if you have a low income, are on benefits, or have few savings – more information on this is available ([click here](#)).



Next steps

Once you submit the claim form to the court, you **must** also send a copy to the person/organisation against whom you're making the claim (who is known as the "defendant" in court proceedings).

The defendant will

- admit to the discrimination (in which case you can ask the court to order the remedies you have asked for) or
- will submit their defence to the court (they must send you a copy too).
If the defendant wants to defend the claim, a judge will then decide your case.

Time limits

If you decide to go to court, you **must** submit your discrimination claim **within 6 months less one day** of when the discrimination took place.

Bring your claim within the time limit or the court **will probably not hear your claim**.

If the time limit has passed, the court **may** hear your claim if you can provide a strong reason for why you didn't bring your claim before the deadline and the court believes it would be unfair ('unjust') to not let the claim continue.

The type of discrimination you experienced will affect when the time period for your claim starts:

- If it was a one-off event (e.g. you were stopped and searched once in a particular shop), the clock starts running from the day of this event.
- If the discrimination takes place over a period of time (e.g. you are harassed by security guards every time you do your weekly shopping in the same supermarket), the clock starts running from the day of the last incident.

Legal Aid

Legal aid is available for discrimination cases, but you will need to show that you meet the financial criteria.



You can check whether you are eligible for legal aid on the government's Gov.uk website ([click here](#)).

Generally, you may qualify for legal aid if your disposable income is less than £733. The disposable income is the income you have left after taking out taxes. However, it is best to use the government checker as the calculations can be complicated.

If you think you can get legal aid, speak to a legal aid solicitor. The solicitor can look at your circumstances to confirm whether you're entitled to legal aid and, if you are, can help you to apply to the Legal Aid Agency for funding.

You can find solicitors who do legal aid work on the Law Society website ([click here](#)).

The Equality Advisory Support Service helpline can also help you find out if you are eligible for legal aid. It is available Monday to Friday (9am to 7pm) and Saturday (10am to 2pm) on 0808 800 0082.

Part 3: Further support and resources

Discrimination complaint checklist

If you're thinking about bringing a discrimination complaint, think through the following checklist:

Step No.	Task	Done?
1	Check if you can make a discrimination claim under the Equality Act 2010: <ul style="list-style-type: none"> You have a protected characteristic (eg. age, race, gender...) You suffered from direct or indirect discrimination or harassment (see page 7) This happened when you used or accessed a service 	
2	Check if you can still make the complaint within the time limit - 6 months if the event/incident happened in a shop or supermarket.	
3	Decide on what you want the responsible person/organisation to do in response to your complaint (eg. make an apology, provide financial compensation...). This is called the 'remedy'.	
4	Check if the responsible person/organisation has a complaints process on their website or look for their contact details.	
5	Write a letter to the responsible person/organisation that includes: what happened, how it's discrimination under the Equality Act, what remedy you want. If you don't get a response, consider steps 6, 7, 8	
6	Search if there is an ombudsman that can handle your issue on the Ombudsman Association website and make a complaint through the Ombudsman's website. See page 9.	
7	Check if you'd like to use and can afford Alternative Dispute Resolution. Check if the free RetailADR Scheme can help you with your dispute. See page 10.	
8	Check if you'd like to and can afford to bring a court claim. Check if you still have time to bring the claim (6 months – see step 2). Follow steps 9, 10, 11, 12.	
9	Write a 'letter before action' to the responsible person/organisation telling them that you'll take them to court unless they resolve the issue. You should explain in the letter:	

	what happened, why it's discrimination, what remedy you want. Wait for a reply.	
10	Download and fill in the claim form ('Form N1'). Add more details/information on a separate document ('Particulars of Claim') if needed. Ask for the remedy you want on the Particulars of Claim form.	
11	Find your local County Court, submit the claim form, the Particulars of Claim to the court and pay the court fee. Send a copy of all the documents to the responsible person/organisation ('the defendant').	
12	Wait for the defendant to admit to discrimination or submit their defence.	

Legal clinics and services

Equality Advisory Support Service

The Equality Advisory Support Service has helpful online resources and runs a discrimination helpline. They cannot give legal advice on your specific claim, but they can guide you through the process of seeking a resolution or bringing a claim to court:

<http://www.equalityadvisoryservice.com/app/answers/list>

- Telephone: 0808 800 0082 / Textphone: 0808 800 0084
- Monday to Friday, 9am to 7pm, Saturday, 10am to 2pm

Citizens Advice

The Citizens Advice website has helpful advice on all aspects of discrimination, including step by step guidance on bringing a discrimination claim:

<https://www.citizensadvice.org.uk/law-and courts/discrimination/>

You can also call their helpline to speak to an advisor:

- Adviceline (England): 0800 144 8848
- Monday to Friday, 9am to 5pm (note, waiting times can be long, especially at the beginning and end of the day)

Advicenow

Advicenow offers clear and comprehensive legal guides on a range of topics, including the process of bringing a civil court claim:

<https://www.advicenow.org.uk/guides/going-civil-court>.

Support Through Court

If you are going through court proceedings without a lawyer to support you, Support Through Court offers resources and a helpline to help you navigate the legal system: <https://www.supportthroughcourt.org/>

- 03000 810 006
- Monday-Friday, 9:30am-4:30pm

Toynbee Hall's Free Legal Advice Centre (FLAC)

If you need free one-off legal advice, you can fill in this form:

<https://www.toynbeehall.org.uk/free-advice/legal-advice/#online-flac-ia-form>

or you can email FLAC here: flac@toynbeehall.org.uk

Please know that we do not offer representation or do case work. We provide advice on housing, employment, immigration, consumer, civil matters and more.

If you want to find other free legal clinics or you need representation, please look at LawWorks here: <https://www.lawworks.org.uk/legal-advice-individuals>

Full links and further information

Being stopped and searched by police

- Information by Gov.UK: <https://www.gov.uk/police-powers-to-stop-and-search-your-rights>
- Information by the charity Release: <https://www.release.org.uk/law/stop-and-search>
- Information by Met Police: <https://www.met.police.uk/advice/advice-and-information/st-s/stop-and-search/stop-and-search-process/>
- See our blog post: **INSERT LINK HERE**
- Y-Stop app: <https://y-stop.org/>
- Guide by Y-Stop on how to handle a stop and search: <https://y-stop.org/sites/default/files/resources/Search%20Card.pdf>



Discrimination in shops/supermarkets

- Citizens' Advice on taking action:
<https://www.citizensadvice.org.uk/consumer/discrimination-in-the-provision-of-goods-and-services/discrimination-in-the-provision-of-goods-and-services1/taking-action-about-discrimination-in-goods-and-services/taking-action-about-discrimination-in-the-provision-of-goods-and-services/>

Complaining directly to shop/supermarket

- Link to Resolver website: <https://www.resolver.co.uk/>
- Find template letters by Equality Advisory and Support Service:
<http://www.equalityadvisoryservice.com/app/answers/list>

Ombudsman

- Find ombudsmen on the Citizen's Advice website:
<https://www.citizensadvice.org.uk/consumer/get-more-help/how-to-use-an-ombudsman-in-england/>
- Find ombudsmen on the Ombudsman Association website:
<https://www.ombudsmanassociation.org/find-an-ombudsman.php>

Specialist ombudsmen for:

- Furniture and home improvement: <https://www.fhio.org/>
- Car industry: <https://www.ombudsmanassociation.org/association-members-by-country.php?area=1>
- Opticians: <https://www.opticalcomplaints.co.uk/>

Complaining about police conduct

- See our blog post on complaining about a stop and search: **INSERT LINK**
- Detailed guide done by Stop Watch: <https://www.stop-watch.org/uploads/documents/complaintsguide.pdf>
- Report to the Y-Stop app: <https://y-stop.org/>
- True Vision website on hate crime: https://www.report-it.org.uk/your_police_force

Alternative Dispute Resolution

RetailADR Scheme: <https://www.retailadr.org.uk/about-retailadr/complaints-we-can-deal-with/>



Bringing a court claim

- Court and Tribunal Finder:
<https://courtribunalfinder.service.gov.uk/search/>
- Claim form (Form N1):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/688390/n1-eng.pdf/
- Full list of orders you can ask from Court from Action4Justice:
https://action4justice.org/q_and_a/remedy-i-seek/
- Help with court fees: <https://www.gov.uk/get-help-with-court-fees>
- Check your eligibility for legal aid: <https://www.gov.uk/check-legal-aid>
- Find a solicitor who does legal aid work on the Law Society website:
<https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/help-with-paying-legal-costs>