



HEADQUARTERS
One Lochside
1 Lochside Avenue
Edinburgh
EH12 9DJ

Stuart Campbell
Our Ref: HQ22290
By email: request-941611-55c6aa88@whatdotheyknow.com

16 February 2023

Dear Mr Campbell,

Thank you for your request dated 25 January 2023 under the Freedom of Information (Scotland) Act 2002 (FOISA).

For reference, you requested.

RFI 1: *How many current prisoners in prisons under SPS control are recorded as going through, or having gone through, the process of male-to-female gender transition?*

RFI 2: *Do prisoners undergoing such transition receive any form of preferential treatment. In particular, are they assigned single cells? If this is determined on a case-by-case basis, what are the current figures?*

RFI 3: *How many such prisoners are currently held in (a) the male estate, (b) the female estate?*

We have now completed our search for the information you requested.

RFI 1 Response: Under section 25(1) of FOISA, we are not required to provide information in response to a request if it is already reasonably accessible to you. As part of its commitment to public transparency, SPS publishes quarterly information on Scotland's prisons, which includes a quarterly snapshot of transgender people in our care (as at the last day in each reporting quarter). The last report was published in November 2022 for Q2 of the 2022/23 reporting year and can be found here: [Public Information Page \(PIP\) Quarter 2 2022-20238786_3886.pdf](#).

RFI 2 Response: In relation to the treatment of transgender people in our care, we would draw your attention to the 2014 Gender Identity and Gender Reassignment Policy, available at: [Gender Identity and Gender Reassignment Policy \(sps.gov.uk\)](https://www.sps.gov.uk/gender-identity-and-gender-reassignment-policy). SPS is currently reviewing this policy and expects to publish a new policy in the coming months. SPS takes the position that individuals should be permitted to present and express themselves in the gender with which they identify. An individual's status as a transgender person does not automatically mean that they are at risk of harm, or that others that live and work alongside them are at risk of harm. However, respecting an individual's gender identity and expression does not mean that SPS is compelled to place them in a particular location.

Under the 2014 policy, location and accommodation decisions relating to transgender individuals are made as a result of a multi-disciplinary assessment of both risk and need at a

Case Conference. The Case Conference should examine all the circumstances of the case, including, the outcomes of any psychological risk assessment (if appropriate), the person in custody’s viewpoint and wishes and the expert opinion of any NHS Gender Identity Clinic medical specialist treating the person in custody.

The case conference process itself is built on the fundamentals of both defensible and evidence-based decision-making. Such decisions seek to protect both the wellbeing and rights of the individual as well as the safety of others around them, including staff, to achieve an outcome that balances risks and promotes the safety of all. The placement of transgender individuals is continuously monitored, and any issues or concerns will be discussed at the case conference. These case conferences are conducted in addition to the standard assessments of risk and need SPS conduct for all individuals in custody.

We can confirm that all transgender people in our care are currently located in single cells.

RFI 3 Response: As RFI 1 states, this information is easily accessible to you via the quarterly snapshot, available on our website and can accessed via link provided. However, to be of assistance I have included a copy of this below. given are correct as of November 2022, as explained in RFI 1 these figures are fluid and subject to change.

	Male Estate	Female Estate
Trans Male	1	3
Trans Female	6	5
Totals	7	8

This concludes our response to your request.

If you are unhappy with this response to your request, you may ask us to conduct an internal review, by writing to The Chief Executive, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. Your request should explain why you wish a review to be conducted and should be made within forty working days of receipt of this letter, and we will reply within twenty working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Ross Currie
Office of the Chief Executive