



LESSONS LEARNED REVIEW OF TRANSGENDER INDIVIDUAL

As outlined in the Cabinet Secretary for Justice and Veteran's Statement on Sunday 29 January 2023, the Scottish Prison Service (SPS) has undertaken an urgent lessons learned review in relation to the management of a transgender individual currently in the care of the SPS in the male prison estate.

The purpose of the review was to provide the Chief Executive of SPS with a report into the management and decision-making rationale underpinning the management of the individual from when they were first remanded into SPS custody from court on 24 January 2023 to their most recent Case Conference review on 31 January 2023.

The key recommendations concluded from the case review are:

- **INFORMATION SHARING PRE-CUSTODY AND POST-ADMISSION:** There was limited information, beyond the nature of the immediate convictions, available regarding details of the individual's current and previous offending or their life pre-custody within the community from external partners to inform the initial assessment on admission to SPS custody. Since the individual's admission into SPS custody, there has continued to be conflicting and limited information obtained in relation to the individual and their life previously in the community. Therefore, it is recommended that a shared justice process is explored for the admission of transgender people to Scottish prisons, setting out relevant roles and responsibilities, including communications and information sharing processes (including a shared Memorandum of Understanding) to support decision making at admission and subsequent case conferences.
- **COMMUNICATION:** Quicker advanced alert and communication is required from justice partners to SPS regarding transgender prisoners. Discussions have been initiated with SCTS, Police, COPFS and ourselves, to ensure there is a clearer approach to the transfer of transgender individuals from court to SPS custody. There will also be discussions with GEOAmey, the escorting contractor, to ensure communication is improved between SPS and GEOAmey in these circumstances. It is further recommended that agreed communications are reviewed on a regular basis.
- **INDIVIDUALISED APPROACH TO RISK ASSESSMENT:** The review has concluded that SPS policy was followed during each decision making process and risk assessment. It is evident that the focus throughout each stage was utilising an individualised approach for the risk assessment and management of the individual. It is recommended that this person centred, individualised approach, which seeks to balance the rights of the individual with the risks they pose to themselves and to others continues and is encouraged.

It is clear from the review that SPS staff carefully considered how to balance the rights of the individual with the risk they posed to themselves and to others during every decision making process and risk assessment process completed. However, due to the particular circumstances and heightened risks concerning this case, it is recommended that the wider SPS Gender Identity and Gender Reassignment (GIGR) policy review considers improvements to 'admission' as well as 'placement and

'management' and sets out how the SPS should consider the weight of an individual's previous offending history as part of the case conference process.

- **ADMISSION PROCESS** - SPS would propose an urgent exploration of the process of immediate admission into a prison, where an individual may be removed from association under Rule 95 conditions, for the sole purpose of risk assessment, as a distinct and separate position from that of general admission, and located in the men's estate, or the women's estate. This would offer the opportunity to strengthen the balance between assessment of risk and harm to others, and the individual's needs, welfare, and equality.

SCOTTISH PRISON SERVICE