



HEADQUARTERS
One Lochside
1 Lochside Avenue
Edinburgh
EH12 9DJ

Our Ref: HQ24073

12 July 2024

Dear

Thank you for your request dated 22 June 2024 under the Freedom of Information (Scotland) Act 2002 (FOISA).

For reference, you requested.

RFI 1: *“I am requesting your policy on admitting Transwomen to the new Angiolini units a) when they have had sex change surgery b) if they have not had surgery but are self-identified as a woman.”*

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

RFI 1 Response: We have assumed that the “Angiolini units” to which you refer are the Community Custody Units (CCUs), the Bella Centre and the Liliias Centre, in Dundee and Glasgow respectively.

In short, there is no specific policy which exclusively deals with the progression or transfer of transgender women to the Community Custody Units. The [Risk Management, Progression and Temporary Release Guidance 2018](#), which is available on the SPS website, outlines the procedures SPS puts in place to prepare all individuals in our care for release, and progression to a part of the prison estate which have less secure conditions (for example, the CCUs), is part of that preparation.

It is the aim of the SPS to prepare people in custody for their eventual release and return to communities as contributing citizens by the time of their critical dates. It does so, by assessing risks and needs, and providing individuals with a range of opportunities to exercise personal responsibility and prepare for release [SPS Risk Management, Progression and Temporary Release Guidance 2018, page 6].

Progression to less secure conditions (including the CCU) is part of this process, but it is not an automatic entitlement. The Progression Pathway defines the criteria and minimum period of sentence that each offender type is expected to serve in a secure establishment before being eligible for consideration by the RMT for progression to less secure conditions and unescorted community access.

There are three key areas that are relevant when considering progression and suitability for unescorted community access: time served, risk and behaviour in prison. There is a public expectation that an offender will spend a period of time in a closed prison before accessing the opportunities afforded in less secure conditions. Only following these defined timeframes, will someone be eligible to progress. In terms of risk of re-offending an offender must demonstrate

that they have taken steps to reduce their risk, and there must be sufficient evidence that the risk presented can be managed in the community. Less secure conditions provide the opportunity within which appropriate ‘testing’ of this can be undertaken. In addition, decisions regarding progression and unescorted community access also consider the extent to which the offender has positively engaged with the prison regime. This includes but is not limited to supervision level; conduct including intelligence; engagement with case management and motivation to change through addressing identified concerns (e.g. Substance use, mental health, etc.); completion of identified offending behaviour programmes; engagement with employability and education [Risk Management, Progression and Temporary Release Guidance 2018, page 51].

The Progression Pathway differs for all sentence lengths and is detailed in the Risk Management, Progression and Temporary Release Guidance 2018, pages 55 and 56. However, a number of factors such as: the extent to which the prisoner has positively engaged with the prison regime; their conduct in custody; their supervision level; substance use and steps taken by the prisoner to address their offending behaviour and reduce their risk to the public may affect the timing of consideration for progression to less secure conditions and preparation for release.

As per the Policy for the Management of Transgender People published in December 2023, a transgender person’s medical transition is one factor in making decisions about that person’s placement and management within the prison estate. A transgender individual having or not having gender reassignment surgery does not exclude them from being placed in the most appropriate prison estate as a matter of course (as per the scope of the policy, pg. 1), but it is considered as one factor in the decision-making process for assessing appropriateness of that placement. A transgender woman would only be placed in a CCU where eligible and the assessment was satisfied that they were an appropriate candidate for progression or transfer as per the considerations above, which apply to all people living in custody.

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

Director of Policy
Scottish Prison Service