



# Managing Gender Diverse People in custody

## Operational Guidance

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**Unlocking Potential - Transforming Lives.**

Contents

1.0 INTRODUCTION .....3

2.0 USING THIS GUIDANCE .....3

3.0 Managing Gender Diverse People in Custody.....4

    3.1 Admission to custody ..... 4

    3.2 Longer term management arrangements ..... 11

    3.3 Accommodation of gender diverse people in custody ..... 16

    3.4 Searching and sampling arrangements ..... 16

    3.5 Property ..... 16

    3.6 Use of names and pronouns in official paperwork ..... 16

    3.7 Participation of gender diverse people in their management ..... 17

    3.8 The health and wellbeing of people living in Scotland’s prisons ..... 17

4.0 Terminology .....17

5.0 Monitoring and Evaluation .....18

## 1.0 INTRODUCTION

The Scottish Prison Service (SPS) Gender Identity and Gender Reassignment Policy was introduced in 2014. The 2014 policy has recently been subject to detailed review during which it became apparent that both staff and people in custody wanted clarity around the management arrangements for gender diverse people in custody as well as transgender people in custody.

The [SPS Policy for the Management of Transgender People in Custody \(2023\)](#) sets out the admission placement and management arrangements for transgender people in custody. **The policy makes it clear that for the purposes of admission, placement and searching and sampling, gender diverse people will be managed in accordance with their birth sex.**

This operational guidance document sets out the standard operating procedures for managing gender diverse people in SPS custody. The Gender Diverse Case Conference process (detailed below) should allow staff and gender diverse individuals the opportunity to discuss aspects of their management and access to relevant support while in SPS custody. The Gender Diverse Case Conference will not consider placement arrangements as these are based on birth sex.

Gender diverse refers to an individual that does not follow the gender norms commonly associated with the sex they were assigned at birth. This may also be referred to as “gender non-conforming” and operates as an umbrella term for gender identities and gender expressions that differ from dominant social expectations. Gender diverse in this guidance is used to refer to various gender identities and includes those who do not identify with a gender, have an inconsistent gender identity, identify as more than one gender, or are non-binary. Where staff are unsure about the content of this guidance they should discuss with their line manager and/or the Equality and Diversity Manager for their establishment.

## 2.0 USING THIS GUIDANCE

This document should also be used in conjunction with already existing standards and procedures. This does not replace Standard Operating Procedures (SOPs) in place in establishments but contains additional guidance and considerations for looking after someone who is gender diverse.

This guidance is set out to protect the rights and welfare of gender diverse people living in Scotland’s prisons. SPS seeks to promote the safety of all people in custody, through evidence-based decision-making processes which acknowledge the needs of all people in custody.

This guidance:

- Promotes respect for gender diverse individuals’ gender identity;
- Promotes a multi-disciplinary approach to ensure the health, safety and wellbeing of gender diverse people in custody;
- Sets out processes for staff to follow when managing gender diverse people in custody;

- Promotes positive relationships between the SPS and other service providers within the criminal justice system to ensure gender diverse people are always treated fairly and with dignity during their sentence.

## 3.0 MANAGING GENDER DIVERSE PEOPLE IN CUSTODY

### 3.1 Admission to custody

Entering a custodial environment can be a stressful time and can bring on feelings of anxiety and apprehension. For gender diverse individuals, being admitted into custody can bring additional anxieties that we should take cognisance of, for example, fears of discrimination, the ability to access medication and healthcare to aid gender identity, and the ability to live and express one's gender identity. This should be taken into account during the admission process and as part of the 'Talk to Me' assessment conducted by reception staff and the health care team. The Duty Manager should also take this into account when determining initial cell allocation.

Gender diverse people may identify in different ways or prefer different terms. Asking a gender diverse individual how they identify and what pronouns they use is the best way to ensure decent and respectful communication.

Gender diverse people should be admitted to the estate which aligns with their birth sex. They should be searched by officers who are the same birth sex as them.

#### 3.1.1 Entering name on PR2

The name on the warrant should be entered into PR2.

Once an individual's preferred name and pronouns have been established staff should accurately record this information on the Prisoner Records System (PR2) In order to ensure the individual's preferred name and pronouns are respected during their time in custody.

#### **Prisoners who have used official processes to change their names**

When a prisoner has officially changed their name and evidence has been provided confirming it has been done, which may include a Statutory Declaration, Birth Certificate, Deed Poll document if registered in England, or a Marriage/Civil Partnership Certificate, SPS must give effect to the change of name by addressing the prisoner by their new name and ensuring all records, including PR2 but with the exception of documents issued by the Courts e.g. warrants, are in their new name. It is acceptable however that their PR2 profile are annotated with their previous name within the 'alias' domain on PR2.

#### **Prisoners who wish to be known as a new name but have not used an official process to do so**

SPS will consider requests by a prisoner to be known by a new name where that name has not been officially changed. This requires to be discussed at a Gender

Diverse Case Conference (GDCC) and approved by the Governor in Charge or Deputy Governor, who may order that the new name is not to be recognised if it would be necessary for maintaining good order or discipline in the prison or if the purpose of the name change is considered vexatious.

Where name change is approved by the Governor in Charge or Deputy SPS will from that date address them verbally by their new name; and

- Their records, both paper and electronic, will continue to be held in their legal name but annotated with the new name (the alias domain on PR2 should again be used).
- In terms of SPS paperwork, it is possible to annotate 'the prisoner legally known as X, who has requested to be known as Y'.

If a prisoner subsequently officially changes their name and evidence has been provided confirming this has been done, their records should be amended accordingly.

When a name is changed in PR2 a box appears asking if the change is a 'Correction' or an 'Alias'. If 'Correction' is chosen it will overwrite the current name held, if 'Alias' is chosen it will put the current name into the Alias table and retain the newly entered name on the front screen of PR2.

See GMA 052A-15 for further information: [T-Notices - 052A-15.pdf - All Documents \(mcas.ms\)](#)

### 3.1.2 Recording Gender Identity on PR2

It is important that information about everyone in custody is recorded accurately and consistently. Information relating to a person's gender identity should be collected, stored, and shared in a responsible way to ensure that appropriate decisions can be made to support individuals and assist in the security of the prison population.

The Reception First Line Manager should sensitively ask the person in custody to clarify in private how they self-identify their gender.

If the individual discloses that they are gender diverse, that is they express their gender identity beyond the male/female binary, then a staff member should record this gender identity as well as their birth sex on PR2. Please seek guidance from Equality and Diversity Manager if uncertain.

### Gender Identity Marker

Enter Prisoner No. and click into **Prisoners Risk & Conditions** screen.

File Edit Prisoner Movements Activities Warrant/Sent Health Operations Sent Mgmt Financials Visits HDC ICM Mgmt Info System Admin Security Window Help

New Save Update Delete Clear Find Cancel Generic Search Dates Photo Report Export Print Exit

Prisoner

Prisoner Detail

Prisoner No. Surname \* Forename(s) \* Date Of Birth Sentence Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

High Inverness B 3-15

Status Indicators

☒ Suicide Prevention

☐ Sex Offender

☐ Court Disposals

☐ Risks & Conditions

☐ MAPPA

Overview Basic Details Characteristics Supplementary Next of Kin Alias Support Staff

Click

Custody

Custody Status Legal Status Untried

Prisoner Funds

PPC Wages Personal Officer

HDC Qualification Date Sentence Category Local Authority

Upcoming Appointments

Start Date	Start Time	End Date	End Time	Internal / External	Type	Status

Assigned Work Party

Activity Type	Activity	Start Date	End Date	Prisoner Activity Status	CUR

Next Booked Visit

Visit Date	Session	Start Time	End Time	No. To Attend	First Listed Visitor	Booked On	Booked By

Prisoner's Finance Prisoner Schedule Prisoner Centric View Prisoner's Visits and Bookings

The below screen will appear, click **New** on the menu ribbon to enter the Gender Identity marker:

File Edit Prisoner Movements Activities Warrant/Sent Health Operations Sent Mgmt Financials Visits HDC ICM Mgmt Info System Admin Security Window Help

New Click Delete Clear Find Cancel Generic Search Dates Photo Report Export Print Exit

Prisoner

Prisoner Detail

Prisoner No. Surname Forename(s) Date Of Birth Sentence Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

High Inverness B 3-15

Status Indicators

☒ Suicide Prevention

☐ Sex Offender

☐ Court Disposals

☐ Risks & Conditions

☐ MAPPA

Risks and Conditions Status

Category *	Risk/Condition *	Status *	Date	Time	By	Date	Time	App

Prisoner Information Reviewed Approve

History

Status	Date	Time	By	App

The screen will enter a new row within the data highlighted in yellow. Complete each section as below:

Choose **Gender Identity** within the Category section.

**Prisoner Risks and Conditions: OFFICIAL-SENSITIVE/PERSONAL**

Prisoner

Prisoner No. Surname Forename(s) Date Of Birth Sentence Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

Conditions Healthcare Markers Risks Disability Equality Gender Identity

Click

Condition *		Status *	Date	Time	By	Next Review		App
Date	Time	Date	Time	By	Date	Time	App	

Prisoner Information Reviewed Approve

History

Status	Date	Time	By	App

Choose the applicable Affirmed Gender from the criteria within the Risk/Condition section:

- Gender Diverse

**Prisoner Risks and Conditions - OFFICIAL-SENSITIVE PERSONAL**

---

**Prisoner**

Prisoner No. Surname Forename(s) Date Of Birth Sentence Yrs Mths Days  
 SURNAME

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD  
 High Inverness B 3-15

Status Indicators  
☒ Suicide Prevention  
☐ Sex Offender  
☐ Court Disposals  
☐ Risks & Conditions  
☐ MAPPA

---

**Risks and Conditions Status**

Category *	Risk/Condition *	Status *	Date	Time	By	Date	Time	App
Gender Identity								

**Find Risks and Conditions**

Find %

- Risks & Conditions Description
- Trans Woman
- Trans Man
- Gender Diverse

Click

Find OK Cancel

Click **Applied** within the Status field:

Prisoner Risks and Conditions: OFFICIAL-SENSITIVE:PERSONAL

Prisoner

Prisoner No. Surname Forename(s) Date Of Birth Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

Status Indicators

- ☒ Suicide Prevention
- ☐ Sex Offender
- ☐ Court Disposals
- ☐ Risks & Conditions
- ☐ MAPPA

Risks and Conditions Status

Category *	Risk/Condition *	Applied	Removed	Updated	Time	By	Date	Time	App
Gender Identity	Gender Diverse	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						
		<input type="checkbox"/>	<input type="checkbox"/>						

Prisoner Information Reviewed Approve

History

Status	Date	Time	By	App

Click **Save** on the top menu ribbon

File Edit Prisoner Movements Activities Warrant/Sent Health Operations Sent Mgmt Financials Visits HDC ICM Mgmt Info System Admin Security Window Help

New Save **Click** Find Cancel Generic Search Dates Photo Report Export Print Exit

Prisoner Risks and Conditions: OFFICIAL-SENSITIVE:PERSONAL

Prisoner

Prisoner No. Surname Forename(s) Date Of Birth Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

Status Indicators

- ☒ Suicide Prevention
- ☐ Sex Offender
- ☐ Court Disposals
- ☐ Risks & Conditions
- ☐ MAPPA

Risks and Conditions Status

Category *	Risk/Condition *	Status *	Date	Time	By	Date	Time	App
Gender Identity	Gender Diverse	Applied	23-02-2024	11:43	U115525			

Prisoner Information Reviewed Approve

History

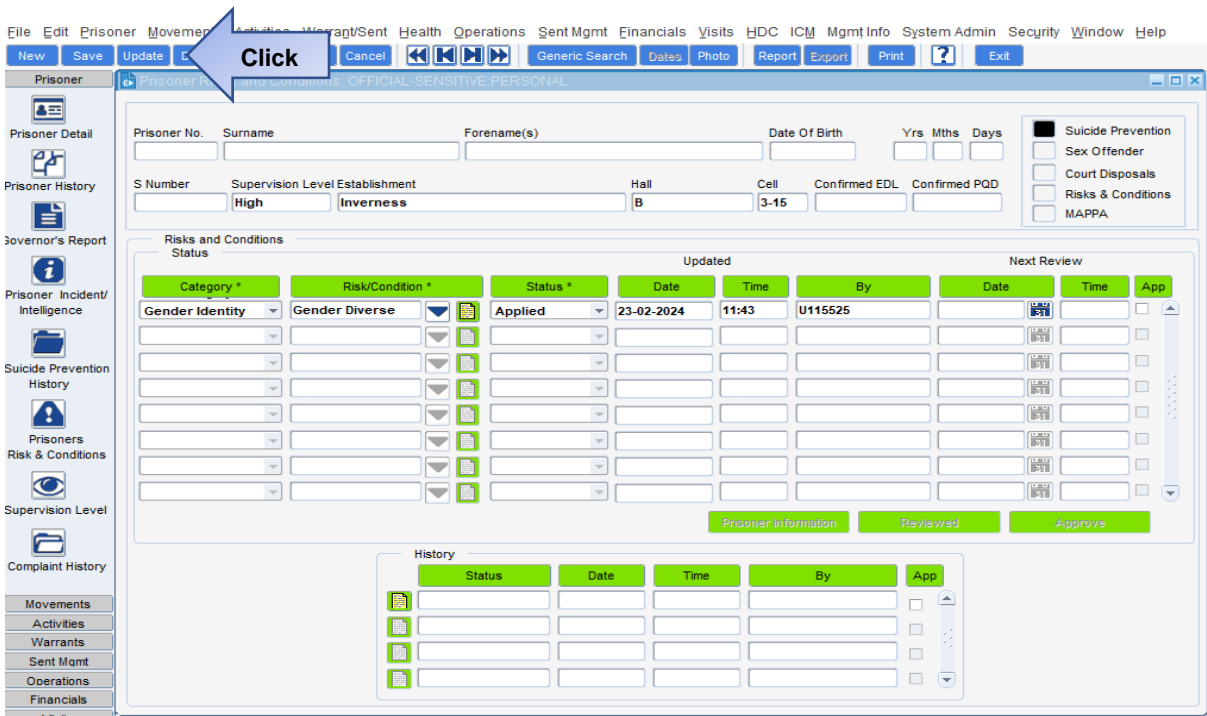
Status	Date	Time	By	App

The message below will show, confirming the marker has been applied:

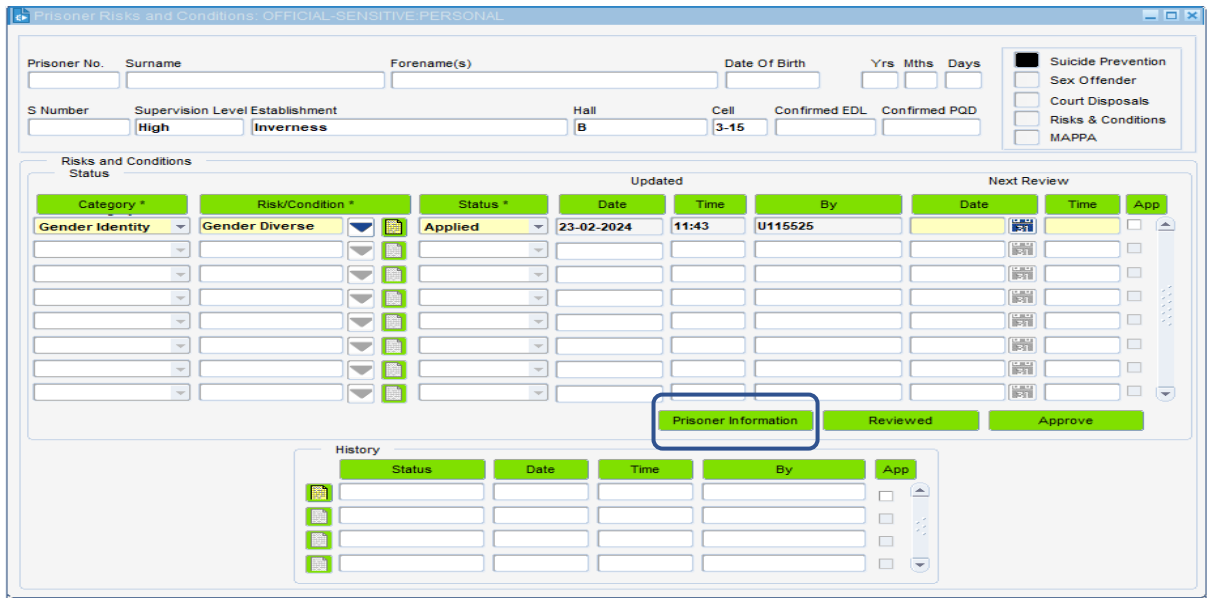




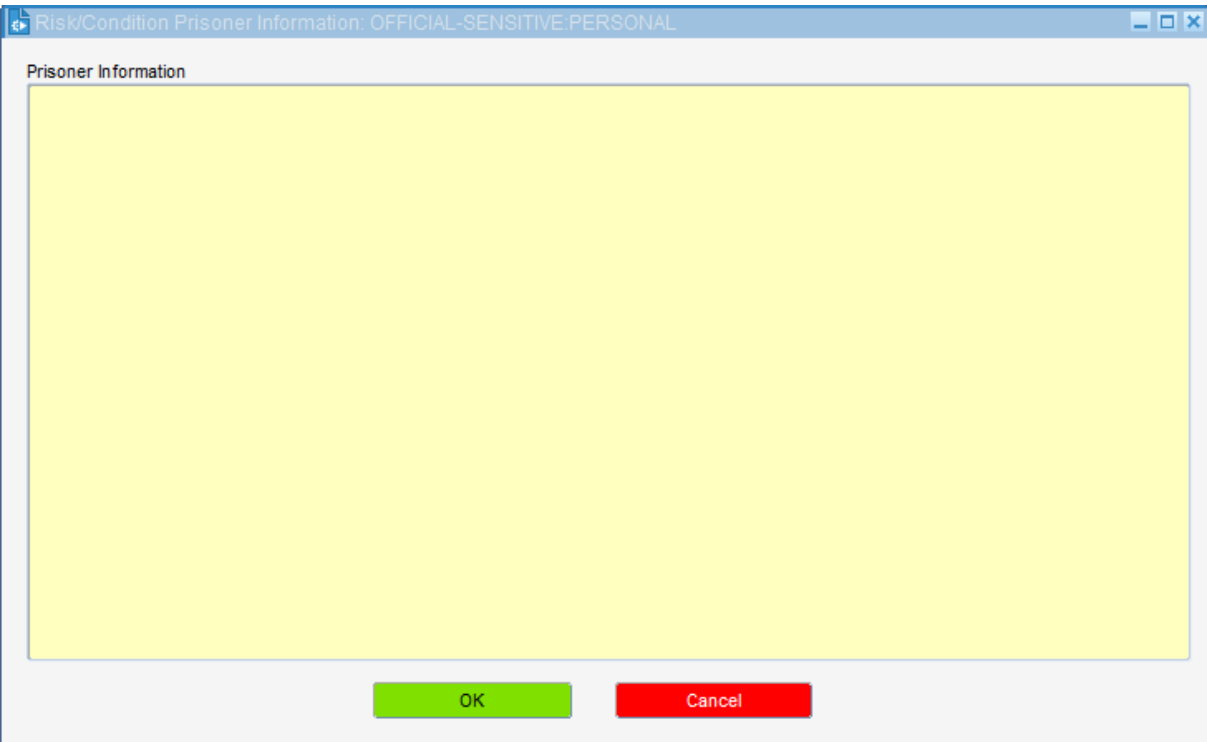
Once saved, click on the Gender Identity row, click **Update** on the top menu ribbon to add the mandatory prisoner information:



The Prisoner Information button will then become active, click **Prisoner Information**:



The below box will then appear on the screen:



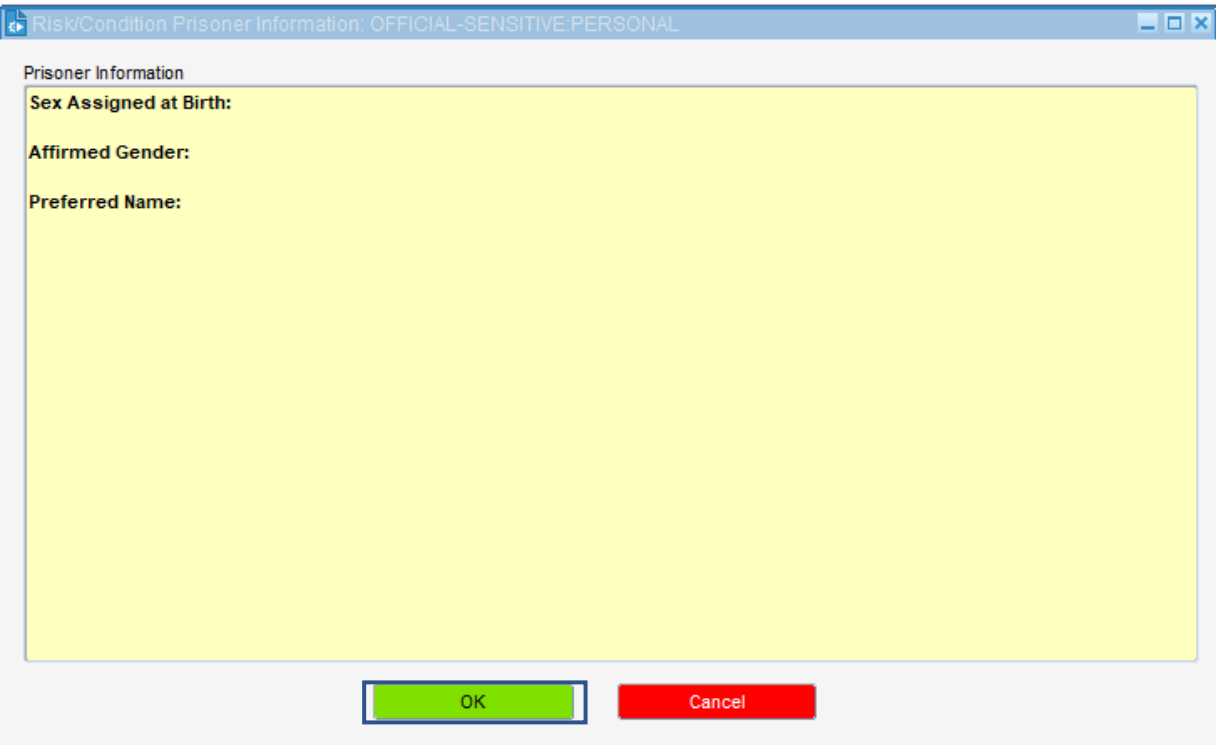
Risk/Condition Prisoner Information: OFFICIAL-SENSITIVE PERSONAL

Prisoner Information

OK Cancel

Please type in the mandatory criteria within the free text box:

- Sex Assigned at Birth
- Affirmed Gender
- Preferred Name



Risk/Condition Prisoner Information: OFFICIAL-SENSITIVE PERSONAL

Prisoner Information

**Sex Assigned at Birth:**

**Affirmed Gender:**

**Preferred Name:**

OK Cancel

Once complete, click **OK** to save the information. The Prisoner Information button will show in red once this has been saved.

A screenshot of a web application window titled "Prisoner Risks and Conditions: OFFICIAL-SENSITIVE PERSONAL". The form contains several input fields for prisoner details: Prisoner No., Surname, Forename(s), Date Of Birth, Yrs, Mths, Days, S Number, Supervision Level (set to "High"), Establishment (set to "Inverness"), Hall (set to "B"), Cell (set to "3-15"), Confirmed EDL, and Confirmed PQD. On the right, there are checkboxes for "Suicide Prevention", "Sex Offender", "Court Disposals", "Risks & Conditions", and "MAPPA". Below these is a table for "Risks and Conditions Status". The table has columns for Category, Risk/Condition, Status, Date, Time, By, and Next Review. The first row shows "Gender Identity" as the category, "Gender Diverse" as the risk/condition, "Applied" as the status, and "23-02-2024" as the date. The "By" column contains the user ID "U115525".

Please note any other supporting information can be entered within the Prisoner Information screen, this should be considered on a case-by-case basis.

Staff should not discuss any personal details of the gender diverse individual in front of other people in custody.

3.2 Longer term management arrangements

When managing a gender diverse person in custody there may be additional processes and considerations required to ensure that the individual receives the appropriate level of care and support and to ensure non-discrimination. These processes and considerations should be developed according to the specific needs of the individual.

Upon being made aware of a gender diverse person in custody, SPS staff should sensitively and discretely offer the individual the opportunity to access additional support via the Gender Diverse Case Conference GDCC. The GDCC for gender diverse individuals will not consider which estate they should be placed in as they will only be accommodated in the estate which aligns with their birth sex, nor will the GDCC consider the gender of officer who should search them as they will be searched in accordance with their birth sex.

3.2.1 Gender Diverse Case Conference (GDCC)

In order to ensure the needs and rights of gender diverse people are met and protected, gender diverse people can access support provisions provided through the GDCC. The GDCC allows the gender diverse person, staff, and other relevant stakeholders to contribute to the decisions made about the individual’s support and management arrangements while in custody, including healthcare, and any other factors which may be relevant to ensuring that they are managed securely and with respect and dignity.

The GDCC process should allow staff and gender diverse individuals the opportunity to discuss aspects of their management and access to relevant support while in SPS custody.

3.2.2 Organising and preparing for the GDCC

If the individual accepts the offer of a GDCC, the initial GDCC should, insofar as is reasonably practicable, take place within 72 hours of any person entering custody who

is gender diverse, or any person already in custody who has requested support for their gender diverse identity.

Conducting the initial GDCC within the 72-hour timeframe should be the priority and should not be dependent on obtaining the participation of optional attendees (see list below).

The Unit Manager chairing the initial GDCC should have a discussion with the individual a reasonable amount of time beforehand to ensure that they is sufficiently informed of the format of the GDCC and that they consent to take part.

The Unit Manager should also provide the individual with a written notice, in a format which is accessible, notifying when the GDCC will take place. The individual's personal officer in their residential area who will be attending the GDCC should engage with the individual to provide support, including in relation to inviting optional attendees (see list of participants below).

Mandatory participation:

- Relevant Unit Manager (Chair)
- The individual in custody
- The individual's personal officer
- Establishment's E&D Manager.

If for any reason any of the above are unable to attend, this should be clearly recorded in the minutes and time and date for a new GDCC should be arranged.

Optional participation:

- The individual's social worker, if they have one
- The individual should be offered the participation of a representative from a LGBTQ+ community organisation and if the individual consents they should be invited
- The individual may also wish to have a peer present, but their attendance is at the discretion of the Chair (any request and the decision should be recorded in the minutes)
- A representative of the local healthcare team. **In any cases where the individual is on Rule 41 or Talk to Me, a local healthcare professional must attend**
- A member of the establishment's psychology team if relevant to the individual's case.

Consistency in who attends GDCCs relating to an individual should be maintained as much as possible.

### 3.2.3 Conducting a GDCC

After the initial GDCC, further GDCCs should be held at least monthly for the first three months, then at least quarterly longer-term. Once all management issues relating to the person in custody's gender identity appear to have been successfully resolved, the GDCC frequency can switch to one review every six months, if agreed by members of the GDCC including the gender diverse individual. If the person in custody requires additional support at any time, then monthly or additional GDCCs should be resumed.

Detailed minutes should be recorded for all GDCCs. A Gender Diverse Case Conference minutes template can be found in Annex A.

Areas of discussion at a GDCC where the individual is gender diverse, may include:

- If there is any additional property to be accessed to help the individual live and present as gender diverse
- If additional support is needed by the individual, including mental health support and/or support from external organisations (e.g. LGBT organisations)
- If there is any requirement for access to NHS healthcare and support services
- Any other issues the Chair would like to raise.
- Any other issues the individual would like to raise.

The views of the individual should be heard and considered on each area of discussion and, where reasonable, practicable and operationally possible, should be accommodated.

It may not be necessary that each of these issues and topics be discussed at every GDCC, but the minutes should be completed in a comprehensive way so as to make note of any gaps and topics that were not discussed or were not applicable at the time.

### 3.2.4 Recording GDCC minutes on PR2

As noted above, detailed minutes should be recorded for all GDCCs, the Gender Diverse Case Conference minutes template can be found in annex A to this guidance. Upon completion the minutes should be stored on PR2 as follows:

Enter Prisoner No. and click **ICM** on the top menu ribbon, select **Community Integration Pla.**

SPSAPP - dc1-prs12c-train.spin.sps.gov.uk - PRSTRAIN U115525 HEADQUARTERS - DATA ACCESS: Global Data Access - Out of Custody

File Edit Prisoner Movements Activities Warrant/Sent Health Operations Sent Mgmt Financials Visits HDC ICM Mgmt Info System Admin Security Window Help

1

Prisoner Detail: OFFICIAL-SENSITIVE PERSONAL

Prisoner

Prisoner No. Surname \* Forename(s) \* Date of Birth

S Number Supervision Level Establishment Hall Cell

Overview Basic Details Characteristics Supplementary Next of Kin Alias Su

Custody

Custody Status Legal Status

Prisoner Funds

PPC Wages Personal Officer

HDC Qualification Date Sentence Category Local Authority

Upcoming Appointments

Start Date	Start Time	End Date	End Time	Internal / External	Type	Status

Assigned Work Party

Activity Type	Activity	Start Date	End Date	Prisoner Activity Status	CUR

Next Booked Visit

Visit Date	Session	Start Time	End Time	No. To Attend	First Listed Visitor	Booked On	Booked By

Prisoner's Finance Prisoner Schedule Prisoner Centric View Prisoner's Visits and Bookings

Community Integration Plan

- Prisoner Assessments
- Prisoner Referrals
- Service Provider Referrals
- Due Assessments
- Prisoner Due Assessments
- Assessment Definition
- Psychometric Assessment
- Early Release Request
- ICM Reports
- Establishment MAPPA Search
- Prisoner MAPPA Details
- Removal from Association Rule95
- Removal from Association Search

Status Indicators

- ☐ Suicide Prevention
- ☐ Sex Offender
- ☐ Court Disposals
- ☐ Risks & Conditions
- ☐ MAPPA

er Status Indicators

- ☐ Demand Sexual Offence
- ☐ Subject to VNS
- ☐ Escape/Abscond Risk
- ☐ Removed from Association

The following Community Integration Plan screen will appear:

Community Integration Plan: OFFICIAL-SENSITIVE PERSONAL

Prisoner

Prisoner No. Surname Forename(s) Date Of Birth Sentence Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

ICM Type Standard Domain

Notes Assessments Actions Activities

Notes \*

Date Entered Entered By \* Reason \*

Date Entered Entered By \* Reason \*

Date Entered Entered By \* Reason \*

Date Entered Entered By \* Reason \*

Case Conference 1 Assessment

Click **Case Conference**

The Case Conference screen will appear, click **New** to enter a new document:

The screenshot shows the 'Case Conference Details' window. A blue arrow labeled 'Click' points to the 'New' button in the top menu bar. The window contains fields for Prisoner details (Prisoner No., Surname, Forename(s), Date Of Birth, Sentence Yrs, Mths, Days), Supervision Level (High), Establishment (Inverness), Hall (B), Cell (3-15), and Status Indicators (Suicide Prevention, Sex Offender, Court Disposals, Risks & Conditions, MAPPA). Below these are 'Case Conference Details' including 'From Date', 'To Date \*' (23-02-2024), and 'Reason'. There are three rows for entering documents, each with 'Date Entered', 'Entered By', 'Reason \*', 'Note', 'Attach Document', and 'Sources Used' buttons. A 'Confirm Deletion' button is at the bottom right.

A new row will appear in yellow, to allow you to enter the reason for the document being uploaded, a note to describe the document and to attach the document.

This screenshot shows the same 'Case Conference Details' window, but with a new row highlighted in yellow. Three blue arrows with numbers point to the new row: arrow 1 points to the 'Reason \*' dropdown, arrow 2 points to the 'Note' text area, and arrow 3 points to the 'Attach Document' button. The 'To Date \*' is still 23-02-2024.

Once entered, click **Save** on the menu ribbon:

File Edit Prisoner Management Activities Warrant/Sent Health Operations Sent Mgmt Financials Visits HDC ICM Mgmt Info System Admin Security Window Help

New Save **Click** Find Cancel Generic Search Dates Photo Report Export Print Exit

Prisoner Management Details: OFFICIAL-SENSITIVE-PERSONAL (Active)

Prisoner

Prisoner No. Surname Forename(s) Date Of Birth Sentence Yrs Mths Days

S Number Supervision Level Establishment Hall Cell Confirmed EDL Confirmed PQD

High Inverness B 3-15

Status Indicators

☐ Suicide Prevention

☐ Sex Offender

☐ Court Disposals

☐ Risks & Conditions

☐ MAPPA

Case Conference Details

From Date To Date \* Reason

23-02-2024 23-02-2024

Initial Case Conference

Date Entered 23-02-2024

Entered By U115525

Note Gender Diverse Case Conference - 23.02.2024

Attach Document Sources Used

### 3.3 Accommodation of gender diverse people in custody

Individuals who are gender diverse in accordance with the definition set out in section 1 above, will be accommodated in accordance with their **birth sex**.

### 3.4 Searching and sampling arrangements

All searching and sampling arrangements for those who identify as gender diverse in accordance with the definition set out in section 1 above, will be carried out in accordance with their **birth sex**.

### 3.5 Property

In addition to local property entitlements, gender diverse individuals in custody may need access to additional property.

For further information please see GMA 017A/22 available at: [T-Notices - 017A-22.pdf - All Documents \(mcas.ms\)](#).

### 3.6 Use of names and pronouns in official paperwork

A gender diverse individual's preferred name and pronouns should be used in all verbal communication.

Generally, a gender diverse individual's legal name should be used in all official or legal paperwork (e.g. RMA documents, parole documents). If the gender diverse individual has legally changed their name, their new legal name should be used. If the individual has not legally changed their name, their previous name (their legal name) should be used.

It may be appropriate to include a person's preferred name and pronouns in some paperwork e.g.: "the prisoner legally known as X, who has requested to be known as Y and by the pronouns A and B."



### 3.7 Participation of gender diverse people in their management

SPS aims to ensure that people in custody know their rights and are empowered to challenge these when standards are not met. Gender diverse people should be given a copy of this guidance and should be informed of their rights and the support provision available to them.

The GDCC process allows for gender diverse individuals to make representations in decisions that affect their lives in prison. Gender diverse people can raise any issues at Gender Diverse Case Conference.

### 3.8 The health and wellbeing of people living in Scotland's prisons

People in custody have the right to access NHS medical assessment and treatment. NHS Scotland is responsible for the provision of primary and community healthcare for those in Scottish prisons. People in custody also have a right to adequate positive social contact to support mental health and wellbeing.

The risk of depression, anxiety, self-harm and suicide is higher among the gender diverse population than the general population; the GDCC must establish the level of risk and current needs for the individual person in custody and this should be reviewed and recorded at each GDCC. Where difficulties in accessing healthcare, or experiencing prejudice, are damaging the mental health of a gender diverse person in custody, these should be addressed as a priority.

Concerns about mental health and wellbeing should be addressed urgently by SPS. 'Talk to Me': The Prevention of Suicide in Prison Strategy must be utilised for any person at risk of suicide or self-harm (['Talk to me' Strategy \(sps.gov.uk\)](https://www.sps.gov.uk/talk-to-me)).

SPS is committed to supporting access to throughcare support for people leaving custody and will facilitate access to any gender diverse person in or leaving SPS custody by third sector throughcare support providers. This will be done in the same voluntary way as is in place for anyone else in or leaving SPS custody and considered during the GDCC process. This is in accordance with SPS obligations under relevant Community Justice and Human Rights legislation.

Ensuring that SPS works with healthcare and throughcare partners collaboratively is paramount to ensuring that a person's status as gender diverse does not represent a barrier to the provision of necessary healthcare and support.

## 4.0 TERMINOLOGY

The following terminology are used in this operational guidance document to ensure that staff are able to understand the position the guidance takes on aspects of managing gender diverse people in custody.

### Gender Diverse

An individual that does not follow the gender norms commonly associated with the sex they were assigned at birth. This is also referred to as "gender non-conforming" and operates as an umbrella term for gender identities and gender expressions that differ

from dominant social expectations. This term is used to categorise various gender identities (non-binary, gender fluid etc.). Gender diverse individuals may use he/him, she/her, they/them or other pronouns or a combination of these.

### Non-binary

Non-binary is a descriptor for people who have a gender identity that is not exclusively male or exclusively female. Other terms to describe non-binary genders are genderqueer, gender-fluid, or agender among many others. Non-binary people may express their gender in a variety of ways, including matching the sex assigned to them at birth, or completely different from it.

### Gender fluid

A person whose gender expression or gender identity changes over time. That change might be in gender expression, gender identity or both.

### Cross Dressing

Those who identify as cross dressers are not included under the provisions of this guidance, however an explanation of the term is included for users of the guidance for clarity and understanding in relation to gender diverse identities. Cross dressing is the act of an individual wearing items of clothing that are not typically associated with that individual's gender identity, often as a form of gender expression. The word is synonymous with "transvestite", though this term is not contemporary, and some find it to be derogatory. It should be noted that the term "cross dresser" is not the same as the term "drag queen" or "drag king" – with the former relating to a person gender expression, and the latter two related to entertainers who dress "as a different gender" for the purposes of entertaining audiences.

### Intersex

A person who is born with variations in sex characteristics (reproductive organs, etc.) that does not align with a typical male or female. This term describes a sex characteristic of an individual, and therefore is a category of "sex" and not "gender".

Please ask your Equality and Diversity Manager for further advice.

## 5.0 MONITORING AND EVALUATION

Monitoring and evaluation of this guidance is proportionate and consistent with wider organisational performance arrangements.

The guidance will require to keep pace with any legislative, regulatory, or wider evidence or learning that emerges.

FURTHER INFORMATION

The SPS recognises that from time-to-time employees may have questions or concerns relating to this guidance.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate line manager in the first instance.

Advice can also be provided by Equality and Diversity Managers or Headquarters.

SUSTAINABILITY

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government’s commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

POLICY AND GUIDANCE IN SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil Service  
Management Code



UK Legislation



ACAS



CIPD Best Practice

PROTECT PERSONAL DATA

Annex A – Gender Diverse Case Conference Template

GENDER DIVERSE CASE CONFERENCE TEMPLATE

Legal forename(s):		Legal surname:	
Pronouns used:		Establishment:	
Name known as (if different from above):		Sex assigned at birth:	
Prison number:		Date of birth:	
Gender Identity:			

Type of sentence (remand, short term, long term etc.)	
Length of sentence	
Index offence	
Previous offences (if known)	

Date of Case Conference:	
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ATTENDEE NAME	ATTENDEE ROLE

Minutes of Key Issues Discussed
How the individual would like their gender to be recorded on PR2
Additional property to be accessed

PROTECT – PERSONAL DATA

PROTECT PERSONAL DATA

Annex A – Gender Diverse Case Conference Template

Additional support including mental health support or support from external organisations
Access to NHS gender reassignment and support services
Purposeful activity provision
Other issues raised by the chairperson
Other issues raised by the individual named above

PROTECT PERSONAL DATA

Annex A – Gender Diverse Case Conference Template

GENDER DIVERSE CASE CONFERENCE

Case Conference Decisions and Actions

Considerations	Yes/No	Details	Effective from
Next Gender Diverse Case Conference scheduled	<input type="checkbox"/>	Click here to enter text.	Click to enter a date.
Additional property required	<input type="checkbox"/>	Click here to enter text.	Click to enter a date.
Cell placement. i.e. single cell, observation required	<input type="checkbox"/>	Click here to enter text.	Click to enter a date.
Changes to PR2 record, i.e. Alias	<input type="checkbox"/>	Click here to enter text.	Click to enter a date.
Any additional support requested and/or required for the individual, i.e. community groups, mental health support, medical support	<input checked="" type="checkbox"/>	Click here to enter text.	Click to enter a date.
Change in Purposeful Activity access	<input checked="" type="checkbox"/>	Click here to enter text.	Click to enter a date.
Any other changes required	<input checked="" type="checkbox"/>	Click here to enter text.	Click to enter a date.

Date of Next Case Conference	
Name and signature of chairperson	

Any supporting documents relevant to an individual’s prisoner management provided to the above-named individual ☐

PROTECT – PERSONAL DATA