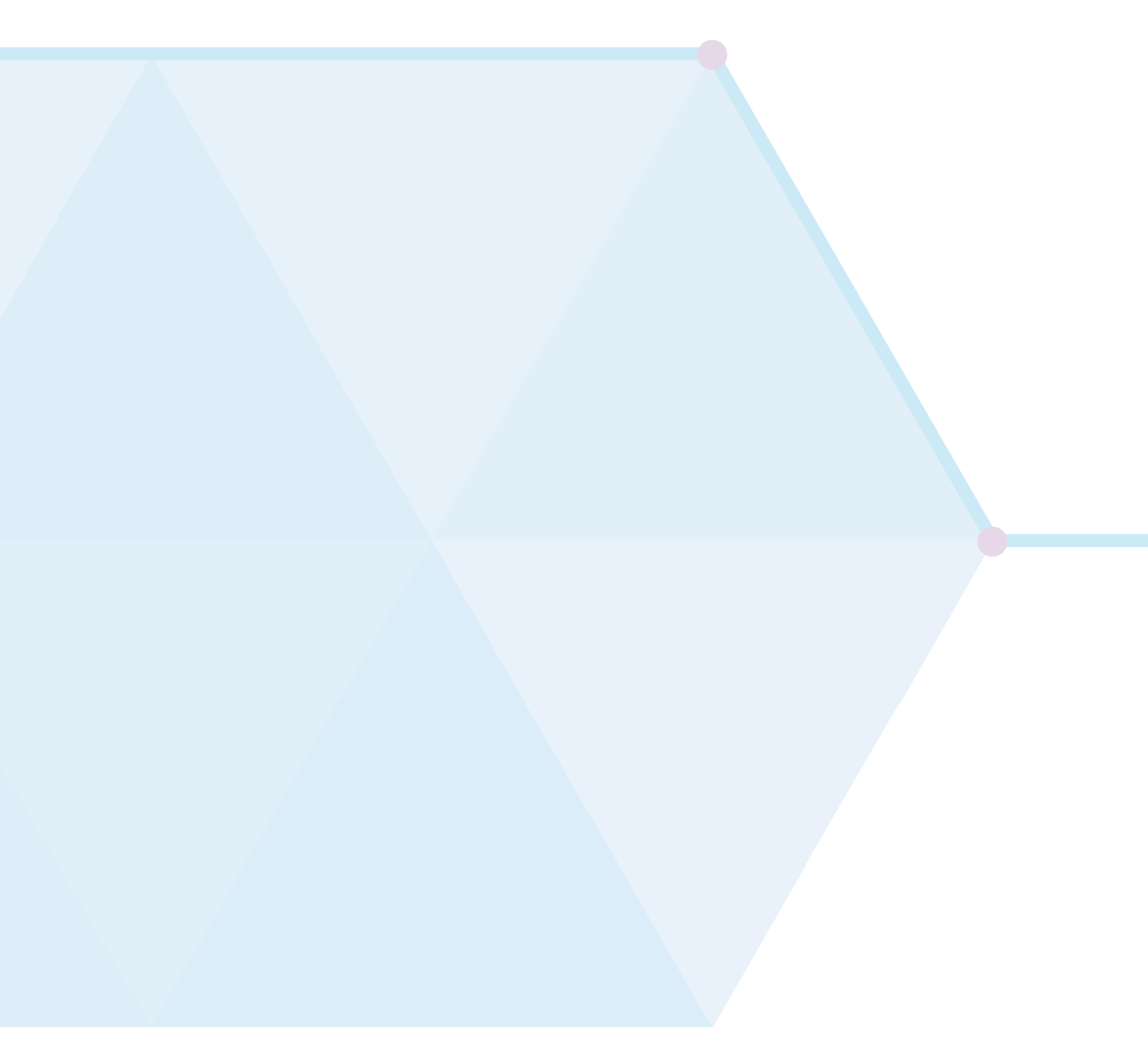
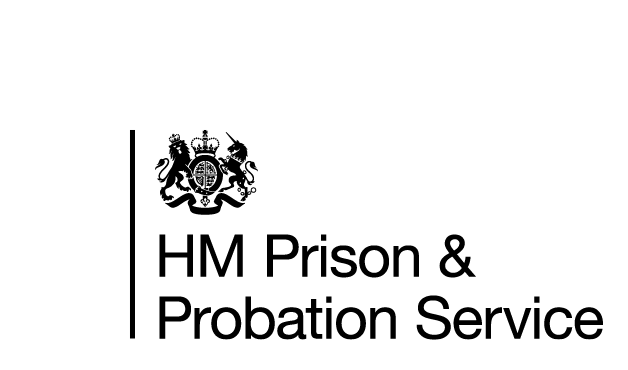
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| HMPPS Transgender Team  Operational Services Group  Central Operational Services Directorate  Version 2.0  February 2023 |



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| **Date** | **Version** |
| Jan 2020 | 1.0 |
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Acronyms used in this Operational Guidance

ACCT – Assessment, Care in Custody and Teamwork

AP – Approved Premise

DEM – Divisional Equality Manager

CCB – Complex Case Board

CRC – Community Rehabilitation Company

GIC – Gender Identity Clinic

GRA – Gender Recognition Act 2004

GRC – Gender Recognition Certificate

HMPPS – Her Majesty’s Prison and Probation Service

LCB – Local Case Board

LSS – Local Security Strategy

MAPPA – Multi-Agency Public Protection Arrangements

NPS – National Probation Service

OM – Offender Manager/Probation Officer

OMiC – Offender Management in Custody

OS – Offender Supervisor

PECS – Prison Escort and Custody Services

PER – Prison Escort Record

PGD – Prison Group Director

PSR – Pre-Sentence Report

RMP – Risk Management Plan

RoTL – Released on Temporary Licence

SPOC – Single Point of Contact

SPO – Senior Probation Officer

SSO – Suspended Sentence Order

1. **In****troduction**

‘Transgender’ is an umbrella term used to describe all those whose gender identity is different than their sex assigned at birth. Transgender people are individuals who live all or part of the time in a gender identity different to the sex assigned at birth. A person’s gender identity is self-defining and does not always involve a medical process.

This guidance is intended for use by all staff operating for or on behalf of His Majesty’s Prison and Probation Service (HMPPS). It should be read in conjunction with [The Care and Management of Individuals who are Transgender Policy Framework.](https://www.gov.uk/government/publications/the-care-and-management-of-individuals-who-are-transgender)

In 2016, the Ministry of Justice carried out a Review of the care and management of individuals who are transgender and benefited from independent oversight provided by Dr Jay Stewart from Gendered Intelligence and Peter Dawson from the Prison Reform Trust.

Official statistics on transgender individuals will be incorporated in the HMPPS Offender Annual Equalities Report.

The Policy Framework maintains our commitment to ensuring that all individuals who are transgender are treated fairly, lawfully and decently, with their rights and safety properly respected, whilst also ensuring the safety of all other individuals in our care. The framework sets out that people will be cared for and managed in the gender with which they identify and that all transgender individuals, irrespective of whether they are located in the estate which matches the gender with which they identify, must be allowed to express the gender with which they identify. This, however, does not oblige HMPPS to allocate accordingly.

The reissued framework (February 2023) adds the presumption that transgender women (including those with GRCs) with birth genitalia and/or any sexual or violent offence conviction or current charge should not be held in the general women’s estate, with exemptions recommended by a Complex Case Board (CCB) being referred to the HMPPS Director General Operations for consideration and the Secretary of State for Justice for a final decision. **An agreed exemption must be in place before any allocation to the general women’s estate can occur.**

All other individuals who are transgender (who do not meet the above criteria) must be initially allocated to part of the estate which matches their legally recognised gender.Decisions to locate individuals who are transgender in prisons that do not match their legal gender can be made only on the recommendation of a Complex Case Board. This board will take into account risk factors to the individual and risk to others.

As stated in the policy, the proper assessment of risk is paramount in the management of all individuals subject to custodial and community sentences. The management of individuals who are transgender, particularly in custodial settings, must seek to protect both the welfare and rights of the individual and the welfare and rights of others in custody around them. This guidance is intended to ensure risk to the individual and those around them are considered at all times.

**2. Definitions**

A glossary of terms is at [Annex H](#annexH)

**3. Review**

This guidance will be reviewed and updated periodically to ensure it remains current and useful. If you have any suggestions for improvement or feedback please contact the HMPPS Transgender Team at: [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk)

**4. Scope and whole system approach**

HMPPS will work as one agency to ensure the care and management of transgender service users is consistent and in line with policy. The agency will work as a whole and share information where relevant. It is the responsibility of each department/area to ensure that they complete all tasks, share information where appropriate and engage relevant stakeholders.

By incorporating a ‘whole system’ approach, the new framework addresses the care and management of individuals who are transgender across HMPPS. It makes provision for those during pre-sentence contact (where a pre-sentence report is requested and a custodial sentence is being considered), on remand, in custody/approved premises and those supervised in the community on post-release licence and community orders (including recall and re-release). This approach adopts a co-ordinated and informed approach which requires different providers of services to communicate and reach earlier, safer and informed decisions collaboratively.

**Principles**

**Personal responsibility**

HMPPS are committed to equality for all and work in line with the Equality Act 2010 (for further information see [Annex E](#annexE)) which states it is unlawful to discriminate on the grounds of any protected characteristic including gender reassignment and sex. Each HMPPS employee has a responsibility to ensure they follow the Policy Framework and adhere to our legal obligations.

It is incumbent on all members of staff to take responsibility for their learning and understanding of issues and awareness of gender identities and the experience of transgender individuals. To enable this, an eLearning module is available on MyLearning titled ‘The Care and Management of Individuals who are Transgender’.

**Flexible approach**

This principle states that individuals are cared for and managed in the gender with which they identify rather than solely based on their legally recognised gender. Whilst we continue to fully acknowledge that a gender recognition certificate (GRC) remains the process by which a person gains legal recognition of their ‘new’ gender identity, many transgender individuals do not apply, or feel that they are not able to apply, for a GRC and therefore a more flexible approach is needed to care for and manage transgender individuals safely, particularly within binary (male/female) services such as prisons and approved premises (APs).

The Policy Framework continues to fully recognise a GRC whilst providing a more flexible approach which acknowledges the ‘lived experiences’ of transgender individuals whilst also allowing HMPPS to more effectively manage risks both to and from transgender people in custodial and approved premises (AP) settings.

**Risk and risk assessment**

A proper assessment of risk is paramount in the management of all individuals subject to custodial and community sentences. The management of individuals who are transgender, particularly in custodial and AP settings, must seek to protect both the welfare and rights of the individual, and the welfare and rights of others in custody/AP around them. These two risks must be considered fully and balanced against each other.

Decisions must be informed by all available evidence and intelligence in order to achieve an outcome that balances risks and promotes the safety of all individuals as outlined in the Policy Framework.

**Communication, Recording and Monitoring**

All case records are subject to the General Data Protection Regulation, Data Protection Act 2018 (DPA), and the Freedom of Information Act 2000 (FOIA)and must therefore be processed in such a way to facilitate access in an accurate and timely manner, where appropriate. A consistent approach to the management of individual records will enhance legal compliance and business effectiveness.

Equality information should be gathered at the earliest opportunity and disclosure and consent for it to be shared should be encouraged, especially where an individual’s vulnerability may be heightened.

Furthermore, all staff have a responsibility to ensure that information is communicated and shared with all relevant parts of the organisation and appropriate stakeholders in line with legislation, Data Protection legislation and the Gender Recognition Act 2004.

[See PSI 03/2018 Data Protection Act 2018 and General Data Protection Regulations](http://www.justice.gov.uk/downloads/offenders/psipso/psi-2018/psi-03-2016-dpa-foi-eir.pdf) for further information.

**Core Operational Guidance**

**(For ALL Staff)**

**Local Case Boards**

One of the core components of the Policy Framework that cuts right across the whole of the service is the Local Case Board process.

All individuals in our care who disclose their transgender status must have an initial Local Case Board which aims to address 2 things:

1. **Care** – To ensure that each individual is encouraged and enabled to express their gender identity and to agree the support required for day to day practical arrangements such as searching and clothing etc. It is an opportunity for transgender individuals to inform the prison about their gender identity and to identify their care and support needs.
2. **Management** – To consider all risks, both those that others may pose to the individual and risks the individual may pose to others. If necessary, plans should be put in place to manage any identified risks and to escalate if necessary via a Complex Case Board.

**Types of Local Case Board**

Local Case Boards

For all Local Case Boards regarding prison location the board must be chaired by an operational prison manager (Band 8 or higher) deemed competent by the Governor, or their equivalent in a privately managed prison deemed competent by the Director. For all Local Case Boards regarding AP location the board must be chaired by an NPS Band 6 or higher, deemed competent by the relevant NPS Director.

**Pre-Sentence boards** -are to be heldwhere there is the likelihood of a custodial sentence being imposed.

**Initial boards** - Individuals on arrival at a prison/AP or the first time an individual discloses their gender identity or transgender status. Initial Local Case Boards must be held within 14 days as per the policy. Note this is WITHIN 14 days and good practice would be to convene the board as soon as you are able to.

**Pre-Release/Contingency boards** - are for those due to be released or in the community subject to statutory licence conditions or a Suspended Sentence Order (SSO) where a custodial element or recall could be activated.

**Review boards** - To be held at predetermined points. It is recognised that all individuals progress at different stages with different needs and risk. It is good practice for this to be discussed at each board and to set a review date. In addition to this, a review must take place if there is a significant change in circumstances or risk. For example, if an individual gains a GRC or if there is an escalation in self-harm. They should also be held where it proposed to change someone’s location within the prison, or to facilitate a transfer to another establishment. Review boards assess decisions previously made and any changes to the individual’s status.

All Local and Complex Case Boards require the completion of the disclosure form ([Annex C4](#annexC4)). This completed form must be shared with the transgender individual at least four days prior to the board as per the policy. This allows the individual an opportunity to have sight of all the information that will be shared with the board, allowing them to make an informed contribution to the meeting. It is important that no other information is shared or discussed at the board. If information comes to light following the completion of the disclosure form that warrants urgent discussion, consider adjourning the board. If this is not appropriate then explain to the individual the reasons why and document this in the minutes of the board.

**Considerations and Decisions of Local Case Boards**

Local Case Boards do not have the authority to agree a transfer to a part of the opposite gender estate. Only a centrally managed Complex Case Board can authorise this, with the appropriate exemptions in place where applicable. The board is to take into account all known information in order to make clear and defensible decisions in relation to care and management. When a board does not have full information to make a clear decision, actions are to be identified at the board meeting that will enable the securing of any additional information that may be available, and a further date for another board agreed which allows a reasonable period in which to obtain the information whilst allowing appropriate decisions to be made at the earliest opportunity.

Discussions at the case board are to include consideration of any offence related risks, risks to the safety of the individual and risks to other residents and to staff that may be posed by the individual. (A full list of potential considerations are stated in the Policy Framework at paragraph 4.27). Decisions should not be delayed unduly and ‘decisions in principle’ may be made subject to further information or assessments being completed.

Individuals who have a fluid gender identity, are non-binary, identify as a cross dresser and/or as intersex are allocated to the respective establishments that matches their legal gender. They are to be supported and enabled to express their gender identity through this process via a Local Case Board to address their needs and wellbeing, such as searching, showering arrangements, laundry etc.

**Complex Case Boards** (CCB)

CCB’s are centrally managed boards where management decisions are required to be made on behalf of the entire prison or AP estate. For the prison estate they are chaired by a Prison Group Director. For the AP estate they are chaired by the Community Interventions Deputy Director or equivalent. As per the policy, the criteria for individuals that must be referred to a transgender CCB are:

* + - Where allocation to the general women's estate is sought for a transgender woman with any sexual or violent offence conviction or current charge (see Annex D) or birth genitalia. When, by exception, a CCB recommends this allocation, a referral will be made to the HMPPS Director General and Secretary of State for Justice
    - Where prison/AP allocation is sought and is supported by the local case board which does not match the individual’s legal gender.
    - Where a transgender prisoner may present a risk to others and/or to themselves which requires special management.
    - Where a transgender individual is at risk from other people in custody.
    - Where a transgender individual with a GRC presents risks which are deemed to be unmanageable within the estate/AP of their legal gender and may need to be held in separate accommodation or in the estate of the opposite gender in accordance with Prison Rule 12.
    - Where a person gains legal recognition of their gender during a custodial term or whilst on licence residing at an AP.
  + Where transgender young people transitioning from youth custody to the adult prison estate
  + When any other identified risk requires special management, including where emerging risks (at any point during remand, sentence or residence) prompts a referral or when decisions are needed on behalf of the wider prison/AP estate.

In addition, notification must be sent to the Central Operational Framework Team ([HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk)) where:

* an individual with a GRC enters custody
* an individual has requested allocation to a part of the estate which does not match their legal gender, but this **is not** supported by the local case board;
* a transgender individual is under the age of 21 years and is held in the adult estate;
* where an individual states they have a GRC but legal gender has not been confirmed via sight of this or a birth certificate, or via confirmation from the GRP; or
* where a transgender individual is placed in a Care and Separation Unit/segregation

Referrals made by the chair of a Local Case Board will be considered by the Transgender team and will proceed to a centrally managed CCB or referred back to the prison for a local review. See [Annex C6](#annexC6) for the referral form for the transgender CCB.

**McKenzie Friend**

McKenzie friend is a person who attends the hearing to advise and support, but does not actively ‘represent’ the individual by addressing the board.  The McKenzie friend may be a member of the public, another prisoner or a solicitor acting in a personal capacity as a friend, (i.e. without claiming legal aid).   When a request has been made, the Chair of the board will consider the request and record their consideration and reasons for either refusing or allowing ‘representation’.

Please see table below for further details of specific Local Case Boards.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Types of Boards** | **Pre-Sentence** | **Initial (Prison)** | **Initial (Approved Premise)** | **Contingency/Pre Release** | **Review** |
| Core Requirement | No (although every effort should be made where custody is likely) | Yes (within 14 days) | Yes (within 14 Days) | Yes | No |
| Convened by | Band 8 Operational Prison Manager | Band 8 Operational Prison Manager | Band 6 NPS Area Manager | Band 8 Operational Prison Manager | Band 8 Operational Prison Manager OR Band 6 NPS Area Manager |
| Chaired by | Band 8 Operational Prison Manager | Band 8 Operational Prison Manager | Band 6 NPS Area Manager | Band 8 Operational Prison Manager | Band 8 Operational Prison Manager OR Band 6 NPS Area Manager |
| Minimum Actions  Including Criteria? | To be convened wherever possible during preparation of PSR where a custodial sentence is likely.  Court staff to inform Court manager or Divisional SPOC. Equality Information Form (EIF) to be completed.  SPOC to contact relevant prison group  Complete disclosure template and share with the individual 4 days prior to the board.  SPOC record minutes of case board. Is a referral for a Complex Case Board required? | Must be convened within 14 days of arrival into custody (remand or sentence) or following first disclosure of their transgender status/gender identity  Complete disclosure template and share with the individual 4 days prior to the board.  SPOC record minutes of case board  Voluntary agreement and Care and Management Plan to be completed.  Is a referral for a Complex Case Board required? | Must be convened within 14 days of arrival or following first disclosure of their transgender status/gender identity  Complete disclosure template and share with the individual 4 days prior to the board.  AP to record minutes of case board  Voluntary agreement and Care and Management Plan to be completed. Is a referral for a Complex Case Board required? | Should the individual find themselves in custody via recall/breach, a clear plan for location, care and management needs to be agreed.  Complete disclosure template and share with the individual 4 days prior to the board.  If referring to an AP, Probation to convene further board to consider referral and whether an AP CCB is required.  Prison to record minutes of case board.  Inform Public Protection and Casework Section Ensure not to duplicate any Multi-Agency Public Protection Arrangements (MAPPA) | SPOC record minutes of case board.  Complete disclosure template and share with the individual 4 days prior to the board.  Review the voluntary agreement and Care and Management Plan.  Record any new information  Is a referral for a Complex Case Board required? |
| Further information | See Policy Framework and operational guidance. | See Policy Framework and operational guidance. | See Policy Framework and operational guidance. | See Policy Framework and operational guidance. | See Policy Framework and operational guidance. |
| Attendee’s (non- exhaustive, **mandatory attendees in bold**) | ***Chair***  Divisional SPOC  ***Safer Custody manager***  Psychologist  Prison Healthcare/GP  ***PSR Author***  Offender Manager (OM)  Gender Identity Clinic (GIC)  PECS Duty Manager (where relevant)  Equality Lead/Manager  Individual (partial attendance) | ***Chair***  Establishment SPOC  ***Safer Custody manager***  ***Offender supervisor/wing officer (or OMiC Equiv)***  ***Offender Manager (or OMiC Equiv)***  Prison healthcare/GP  Psychologist  Equality Manager/Lead  Gender Identity Clinic  Individual (partial attendance) | ***Chair***  NPS SPOC  ***AP Manager***  ***Offender Manager***  **AP key worker**  GIC  Divisional Equality Manager (DEM)  Individual (partial attendance)  Community healthcare | ***Chair***  ***Offender supervisor/wing officer (or OMiC Equiv)***  Transgender SPOC  ***Safer Custody manager***  Psychologist  ***Offender Manager(or OMiC Equiv)***  Individual (partial attendance)  GIC, Healthcare/GP  Equality lead/manager | Same considerations as the initial Local Case Board. |
| Annex Required | [C1-Checklist for convening a Local Case Board](#annexC1)  [C2-Checklist for managers chairing a Local Case Board](#annexC2)  [C4-Disclosure Form](#annexC4)  [C5-Recording template for Local Case Boards](#annexC5)  [C7-Care and Management Plan template](#annexC7) | [C1-Checklist for convening a Local Case Board](#annexC1)  [C2-Checklist for managers chairing a Local Case Board](#annexC2)  [C4-Disclosure Form](#annexC4)  [C5-Recording template for Local Case Boards](#annexC5)  [C7-Care and Management Plan template](#annexC7) | [C1-Checklist for convening a Local Case Board](#annexC1)  [C2-Checklist for managers chairing a Local Case Board](#annexC2)  [C4-Disclosure Form](#annexC4)  [C5-Recording template for Local Case Boards](#annexC5)  [C7-Care and Management Plan template](#annexC7) | [C4-Disclosure Form](#annexC4)  [C5-Recording template for Local Case Boards](#annexC5)  [C7-Care and Management Plan template](#annexC7) | [C4-Disclosure Form](#annexC4)  [C5-Recording template for Local Case Boards](#annexC5)  [C7-Care and Management Plan template](#annexC7) |

**Risk Assessment and Risk Management   
As stated in the Policy Framework: (4.26-27)**

A proper assessment of risk is paramount for the management of all individuals subject to custodial and community sentences. The management of individuals who are transgender, particularly in custodial and AP settings, must seek to protect both the welfare and rights of the individual, and the welfare and rights of others in custody around them. These two considerations must be considered fully and balanced against each other.

**Potential risks to the individual from others, or personal vulnerabilities of the individual, related to: (\*indicates critical factors)**

* \*Mental health and personality disorder;
* \*History of self-harm;
* \*Anatomy, including risk of sexual or violent assault
* \*Testimony from the individual about a sense of vulnerability, e.g. in a male environment, in a particular prison, or from a particular prisoner/resident or group of other prisoners/residents;
* \*Risk of suicide;
* \*Medication including the absence of medication and the impact of known side effects;
* \*History of being attacked, bullied or victimised;
* \*Intelligence including evidence of coercion, manipulation, or threats towards the individual;
* Family circumstances/relationships;
* Age;
* Physical health; or
* Learning disabilities or difficulties.

**Potential risks presented by the individual to others in custody and an AP related to: (\*indicates critical factors)**

* \*Offending history, including index offence, past convictions and intelligence of potential criminal activity- e.g. credible accusations;
* \*Anatomy, including considerations of physical strength and genitalia;
* \* Sexual behaviours and relationships within custodial/residential settings;
* \*Use of medication relating to gender reassignment; and use of medication generally;
* \*Past behaviour in custody, the community, in the care of the police, or in the care of prisoner escort services;
* \*Intelligence reports;
* \*Evidence of threats towards others;
* \*Mental health and personality disorder;
* Learning disabilities or difficulties; or
* Substance misuse.

**Views/characteristics of the individual**: **(\*indicates critical factors)**

* \*Birth, legal and presented gender;
* \*Strength of confirmation of presented gender, including medical treatments and full evidence of gender identity (such birth certificate, or a GRC); or
* \*View on establishment allocation, prison management and lifestyle.

It is important to emphasise that being transgender in itself does not mean a person presents a risk. The list above is not an exhaustive list to consider but it is important to ensure that discussions are respectful and defensible at all times.

This is particularly important when discussing anatomy. The transgender community regularly experience questions and discussions about their genitalia which can be highly inappropriate and disrespectful. In order to create safe spaces and enable and encourage individuals to express the gender they identify with, we need to make sure that all discussions are defensibly related to care and risk management, and that they are handled sensitively.

When assessing medication as a possible risk relating to an individual’s transition, there can be side effects which impact on a person’s behaviour, including increased aggression or becoming irritable. These are only examples and further advice and information should be sought from healthcare if the individual gives consent to healthcare sharing medical information with prison staff. To ensure that entering custody does not impact on an individual’s continuity of care, this needs to be addressed with a GP at the earliest opportunity.

The view of the individual about their preferred location should always be taken into account. However, this view must be put into the context of any risks that may be posed to the individual by others (including the risk that they could be threatened or manipulated into giving that view) and the risk that could be posed by the individual to others, whether in the men’s or the women’s estate.

Individuals in our care present a variety of risks and needs, with no two alike, so each case should be assessed on a case by case basis.

**Disclosure**

**Gaining informed consent to disclose previous gender identity**

Disclosing a person’s previous gender identity should always be done sensitively and appropriately. Staff need to be aware that it can be against the law in some cases and can be harmful to the individual. For example, if another resident were to learn of someone’s transgender status and hold transphobic views, this could put the individual at risk.

For individuals in possession of a GRC, their acquired gender becomes, for all purposes, their legal gender. Systems must be in place to maintain records for existing and new cases which are compliant with the Gender Recognition Act 2004. The records must not identify a different gender where consent has not been given and none of the exemptions apply.

Information about the gender identity history of an individual with a GRC must be treated with care, as is the case for other sensitive information held about offenders. However, staff should also remain aware that any disclosure that is not necessary for offender management purposes and where no other exemption applies, is a criminal offence.

All staff must comply with their statutory obligations under the Gender Recognition Act 2004 and its accompanying secondary legislation. This includes any member of staff who acquires the information whilst acting in the course of their employment. The legislation does permit disclosure in certain circumstances, including the prevention of crime and where it is necessary for offender management purposes . (See [Annex E](#annexE) for Further Relevant Legislation).

There are clear restrictions when sharing information about a previous gender identity with partnership agencies. All information sharing must be compliant with the GRA 2004, the GDPR and the DPA 2018.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **When you can legally disclose an individual’s previous gender** | | | | |
| Does the individual have a GRC  (Gender Recognition Certificate)? | | | | |
| Yes – Covered by the GRA 2004 | | Yes – Covered by the GRA 2004 | No | No |
| Written consent is withheld | | Written consent is given | Written consent is withheld | Written consent is given |
| Do any of the exemptions apply from s.22 of the GRA 2004 | |
| No | Yes | Yes - you can share previous gender identity if appropriate to do so. Record and retain written consent. | Yes - you can share previous gender identity if appropriate to do so in accordance with data protection legislation. Record any decision made to disclose previous gender | Yes - you can share previous gender if appropriate to do so in accordance with data protection legislation. Record and retain written consent. |
| No - you cannot share or disclose previous gender and it would be against the law to do so. | Yes - Record the exemption and any other information regarding the disclosure |

HMPPS and all agencies operating on behalf of HMPPS are to demonstrate that reference to medical information relating to transgender individuals is treated as ‘medical in confidence’ and the individual’s consent must be provided to request/share the medical information. Data relating to physical or mental health conditions is sensitive personal data and must be processed in accordance with the provisions of the Data Protection Act 2018.

**Recording**

**Determine and record the legally recognised gender**

Arrangements must be in place to determine the legally recognised gender of all individuals at the first point of contact. This will inform assessments and decisions where binary (male/female) services for individuals are required. Where legal gender is determined, the legal gender must be recorded on all case administration system where ‘sex’ (male or female) is required.

Where legal gender cannot be determined, staff must record a transgender individual’s sex recorded at birth on all administration systems where ‘sex’ is required. However, efforts to establish legal status should continue. Staff can ask to see a GRC but should first request sight of a birth certificate as confirmation of legal gender where the person was born in the UK. Someone born abroad who has a UK-issued GRC may not have been able to obtain a new birth certificate in their acquired gender. A GRC is an acceptable form of proof of legal gender, if produced voluntarily. If an individual cannot produce a birth certificate or a GRC, they may give permission for staff to check directly with the Gender Recognition Panel to confirm that a GRC has been issued.

Arrangements are to be in place to provide individuals with an opportunity to declare the gender with which they identify, which may be different to the sex assigned at birth. Self-disclosed gender identity is also to be recorded (in addition to the legally recognised gender where this is different) and the Policy Framework applied as set out below.

**Recording location on P-NOMIS.**

For all individuals in our care, information collated should be recorded on P-NOMIS. See the Prisons staff operational guidance for further specific guidance.

**Recording location on nDelius**

For all cases in the community, information collated from the management of transgender individuals should be recorded on nDelius. See the Offender Manager (OM) and AP staff operational guidance for further specific guidance. More information on legal requirements can be found at [Annex B](#annexB).

**HMPPS Transgender Team**

The HMPPS Transgender team are the lead team for the implementation of The Care and Management of Individuals who are Transgender Policy Framework. Please contact them at [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk) for advice on the implementation of the operational Instructions. Referrals to the Complex Case Board will also be considered, in the first instance, by the Transgender Team.

**HMPPS Transgender Advisory Board**

The HMPPS Transgender Advisory Board meets quarterly and seeks to ensure consistent implementation and quality assurance of the Policy Framework, to ensure that the Agency adopts a strategic approach to the care and management of individuals who are transgender, in accordance with HMPPS’ values, and reports to the relevant Minister on an annual basis. The HMPPS Transgender Advisory Board may be contacted via the HMPPS Transgender Team at [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk)

Guidance for Prisoner Escort Custody Service

(PECS)

Check list

* Complete the Person Escort Referral (PER) Form
* Ask the individual what pronouns they prefer and use them (he, she, they etc)
* Ask for their name and use the name they provide
* Complete the relevant voluntary agreement ([Annex D](#annexD1))
* For the purposes of recording, use legally recognised gender (see recording [Annex B](#annexB))
* Explain the process that once in prison a Local Case Board will be convened within 14 days of arrival to address any needs and support they may require.
* Inform the individual of the location decision
* Encourage the individual to let reception know about any immediate needs or concerns (i.e. medication, mental or physical health)
* Actively monitor the wellbeing of the individual and inform prison staff of all concerns

Any transgender woman with a current or previous conviction for a sexual or violent offence or current charge and/or who has birth genitalia must generally be held in a prison which matches their sex registered at birth (for those without GRCs), or in separate accommodation in the women’s estate (for those with GRCs). However, this is the subject to a full CCB risk assessment to consider the circumstances of each individual. Transgender women with GRCs who meet this criteria should be allocated to E Wing at HMP Downview, but only following consultation with the Women’s Directorate.

For all other transgender individuals, allocation must be in accordance with their legally recognised gender, even where this is contrary to the view expressed by the individual. However, the prison regional office must check to ascertain if either a local or Complex Case Board has taken place and, where a Complex Case Board has made an alternative decision, the individual should be allocated in line with this

All individuals must be permitted to express the gender with which they identify regardless of prison location.

Be aware that some individuals who are transgender may not have the confidence or have had the opportunity to appear in court in the gender with which they identify; care should be taken not to make assumptions on appearance alone.

**Voluntary Agreements (PECS)**

Wherever possible, and where the individual agrees, a Voluntary Agreement should be completed with the transgender individual whilst in court custody to promote privacy, dignity, well-being, and arrangements for personal care. A template is provided at [Annex D3](#annexD3).

**Searching**

A physical search or examination **must not** be conducted for the purpose of determining gender and/or surgery status.

Searching of transgender individuals must comply with the operational instruction and guidance contained in Framework Annex A of the [Searching](https://www.gov.uk/government/publications/searching-policy-framework) Framework. A Voluntary Agreement may assist with seeking the individual’s agreement of searching arrangements but must not contravene the searching framework listed above.

**Scenario specific guidance:**

**Transgender individuals remanded into custody OR where a pre-sentence board has NOT taken place**

Individuals who are transgender who are remanded into custody or who have been sentenced without a pre-sentence Local Case Board may be the most vulnerable within a highly vulnerable group. If a local board has not been convened it is unlikely that the necessary care and management arrangements have been made or that a Complex Case Board has been held to make a decision about prison location.   
In these circumstances, transgender women should be allocated in line with their birth gender (for those without GRCs) or to separate accommodation in the women’s estate via consultation with the Women’s Directorate. Temporary accommodation in the men’s estate may need to be utilised for transgender women with GRCs who meet this criteria in order to arrange a safe transfer in to the separate unit in the women’s estate. This should be for the shortest time possible, with the individual held separately from other prisoners.  
All other transgender individuals should be allocated in line with their legal gender (that which is recorded on their birth certificate or GRC).

**Where legal gender is confirmed**

This will form the basis of the initial prison location except in the case of transgender women who have a conviction or current charge for a sexual or violent offence, or who retain birth genitalia. In most cases this decision will align to the view of the individual about where they should be located, but in some it won’t. In these cases, it is particularly important to explain the process and that there will be a local board convened within 14 days of their arrival where they will have the opportunity to share their view and ask any questions.

Ensure you share all relevant information with the receiving prison.

There may be occasions or exceptional circumstances where the individual is known to the service and decisions may have previously been made via a Complex Case Board. If you believe this is the case contact [HMPPSTransgender@justice.gov.uk](mailto:HMPPSTransgender@justice.gov.uk) for further information. In the absence of any further information follow the information above.

**Where legal gender is not confirmed**

Where legal gender is not confirmed, allocation must be in line with birth gender. The receiving prison is to be informed that the legal gender has not been confirmed and the prison must then continue efforts to establish this following allocation. Legal gender can only be confirmed via sight of a birth certificate or GRC, or via confirmation from the Gender Recognition Panel (with the individual’s consent).

**Where a Local Case Board has been held pre-sentence**

The Chair of the Board should inform the PECS contractor of any decisions made at a local level. In special circumstances it may have been necessary to have convened a Complex Case Board at the pre-sentence stage. The Chair of the board will inform the PECS contractor where the relevant Prison Group Director has approved a particular prison location and that the appropriate exemption is in place for any cases that require one.

**Completing the Person Escort Record (PER) form**

Where an individual declares that they are transgender this is to be recorded on the PER form. Where an individual has gained legal recognition of their gender identity, records must reflect their legal gender. All staff should be aware that it may be an offence under the Gender Recognition Act 2004 to reveal the birth assigned gender of an individual who has gained legal recognition of the gender they identify with, without their permission and where none of the exemptions in the GRA 2004 apply.

See [Annex B](#annexB) of this guidance relating to recording.

**Individuals who are Intersex and/or identify as non-binary, gender-fluid and/or cross dresser**

Individuals who identify in this way or outside of the binary will be located based on their legally recognised gender. The Care and Management of Individuals who are Transgender Policy Framework states that all individuals are to be allowed and enabled to express their gender identity. The Voluntary Agreement in [Annex D3](#annexD3) (of this guidance) may assist with their care and management.

**Guidance for HMPPS PECS Regional Managers**

Establish contact with prison regional office/s to enable effective communication, especially for transgender cases to be remanded into custody or sentenced without a Local Case Board. Contact the HMPPS Transgender Team for further advice and support in relation to the Policy Framework (see [Annex G](#annexG) for contact details).

**Guidance for Prisons**

**Establishment Transgender Single Point of Contact (SPOC)**

Each establishment will appoint a SPOC (Band 6 or higher) for residents who are transgender. As a minimum the SPOC should have read and understood the Policy Framework, operational guidance and completed the related eLearning module.

Role of the SPOC:

* To communicate their role and bring the Policy Framework and guidance to the attention of all staff in their establishment. This will allow for consistency and organisational confidence in the implementation of the Policy.
* To arrange an early notification procedure at reception.
* To inform the prison regional office at the earliest opportunity of the need for a Local Case Board.
* To establish clear lines of communication with the regional probation transgender SPOC to ensure seamless service provision across prison and probation especially at pre-sentence and pre-release stage.
* To maintain accurate record keeping for all Local Case Boards relating to prisons. (in accordance with the GRA 2004 – see [Annex B](#annexB) and [Annex E](#annexE))
* To build a contact list of relevant stakeholders including the PECS regional managers, regional probation equality managers and transgender SPOCs, Prison regional offices, operational prison managers who will be chairing the boards, local gender identity clinic etc
* To support the chair of the Local Case Boards within prisons. They will act as the link between prison and probation where appropriate.
* To work with the Governor and Senior Management Team and equality leads to promote and develop trans inclusion and to proactively address discrimination, harassment, victimisation across the establishment.
* To continue to develop their knowledge of good practice, their understanding of transgender experiences and the complexities of the Policy Framework application.
* To ensure that all potential attendees are briefed about the arrangements and processes for Local Case Boards so that in the event of this responsibility being delegated the Case Board is carried out in a manner consistent with the framework.
* To develop contingency plans to cover those periods where the SPOC is not available.

**Reception**

Ensure that there are clear messages in the reception areas that promote trans inclusion and create safe spaces for individuals to disclose their transgender status or gender identity.

For many individuals in our care, prison reception is the first opportunity to disclose. Individuals who are transgender may be highly vulnerable and Assessment Care in Custody and Teamwork procedures may need to apply from the outset. For these reasons it is crucial that all staff working on reception fully understand the Policy Framework and complete the training available.

Local procedures need to be put in place for each establishment’s reception area to ensure the policy is being implemented correctly.

Reception Checklist

* Information needs to be given to the individual (remanded and sentenced) that a Local Case Board will be held to consider their care and management within fourteen days of reception into custody.
* Inform the individual that they will be encouraged and enabled to express their gender identity at all times but that there may be some aspects of gender expression that may be subject to risk, operational and security assessments. This will be discussed and explored with them at the Local Case Board.
* Before a board takes place, it is useful to agree to a Voluntary Agreement to support consideration of privacy, dignity, wellbeing and arrangements for personal care, including searching – see below and Annex D1.
* Does the individual require an initial location away from the main regime in a supportive environment?
* Provide a facilities list to ensure that transgender individuals have access that is consistent with their gender identity
* Have you alerted a senior manager/governor/transgender SPOC that a Local Case Board is required within fourteen days of arrival?
* For individuals who identify as gender fluid, cross dresser etc who wish to be called by a different first name when expressing a different gender identity, agreement should be sought via a voluntary compact subject to risk, security and operational assessments.
* Have you shared relevant information relating to care and support needs of the individual to colleagues and other departments within the prison (in accordance with the GRA 2004 and data protection legislation)?
* Have you shared relevant information relating to risk and management needs regarding the individual to colleagues and other departments within the prison (in accordance with the GRA 2004 and data protection legislation)?

**Assessment Care in Custody Team (ACCT)**

It is important to note that transgender cases are more likely to experience thoughts of suicide or self-harm. As per Assessment Care in Custody Team (ACCT) procedures, an ACCT should be utilised for any prisoners at risk of suicide or self-harm.

**Searching**

**A physical search or examination must not be conducted for the purpose of determining gender or gender surgery.**

Given that transgender individuals are more likely to experience searching as particularly sensitive, and invasive, extra care and sensitivity is needed when undertaking searches.

Searching of transgender individuals must comply with the operational instruction and guidance contained in Framework Annex A of the [Searching Policy Framework](https://www.gov.uk/government/publications/searching-policy-framework).

A Voluntary Agreement may assist with seeking the individual’s agreement of searching arrangements but must not contravene the framework listed above.

Where agreement is not achieved via a voluntary compact, contact a senior manager to discuss searching procedures. Any search must be conducted in line with Framework Annex A of the [Searching Policy Framework](https://www.gov.uk/government/publications/searching-policy-framework).

Staff are encouraged to create a Voluntary Agreement with transgender residents to consider privacy, dignity, wellbeing, personal care and searching terms (see [Annex D1](#annexD1)).

The compact must not record the Gender Recognition Certificate (GRC), or any anatomical or confidential medical information.

Searching arrangements and Voluntary Agreements must be reviewed if and when there is a change in circumstance or risk.

Where a Voluntary Agreement is not reached, a Local Case Board should be convened to address this and identify a Care and Management Plan.

**Local Case Boards**

All individuals who declare that they are transgender and have a permanent approach to living in the gender they identify with must receive a Local Case Board within 14 days of arrival in custody.

This applies to remanded and sentenced individuals.

The board must be chaired by an operational prison manager Band 8 or higher.

See Core Guidance section for more information

Annexes C contain further information and templates.

**Recording:**

[Annex C5](#annexC5) contains a recording template which may be adapted as necessary

See [Annex B](#annexB) for further information on recording

**Induction**

The induction process provides an opportunity to make transgender individuals aware that they may express the gender they identify with, promote the Voluntary Agreement and provide access to the relevant facilities list.

Induction staff should liaise with the establishment transgender SPOC to ensure that relevant information (subject to consent) is shared within the prison to promote health, well-being and safety of transgender individuals.

**Security considerations**

* Does your Local Security Strategy (LSS) have agreed generic procedures for the searching and management of individuals who are transgender in line with Framework Annex A of the [Searching Policy Framework](https://www.gov.uk/government/publications/searching-policy-framework)?
* Does the LSS have enough scope to allow items particular to transgender individuals into the prison? If not, this should be raised with the relevant Governor.
* Is there any documentation available such as a previous case conference board notes prior to the individual’s arrival? Do these have prior agreed arrangements? Is a searching agreement signed?
* Is there a prior disclosure form signed by the individual?
* Are current security and management arrangements appropriate for transgender individuals?
* For those who have a changing expression of gender identity (who may identify as gender fluid and/or cross dressers) are two sets of photographs necessary to reflect different expressions of gender?
* Using current security record or any intelligence reports, assess all known risk factors that may relate:
* to other residents
* from other residents
* to self
* to staff, visitors etc
* Are escorting arrangements suited to allow individuals who are transgender to present in their acquired gender identity?
* Are Mandatory Drug Testing arrangements alert to the needs of individuals who are transgender?
* Any other security considerations that should be communicated to the Local Case Board, offender manager, head of safer custody, equality lead, offender supervisor?
* Any transgender man in the men’s estate who is known to us should have a ‘do not scan’ notice put in the appropriate place on NOMIS. This will not necessarily ‘out’ the person as transgender, because there might be other reasons not to scan them (e.g. a disability, or having reached their safe scan limit).

**Gaining informed consent to disclose previous gender**

See Core Operational Guidance and [Annex B,](#annexB) [Annex E](#annexE) and [Annex F.](#annexF)

**Sharing information about a previous gender with partnership agencies**

There are clear restrictions when sharing information about a previous gender identity with partnership agencies. For those who have a GRC all information sharing must be compliant with the GRA 2004 (see [Annex E](#annexE)).

**Intersex or Individuals with sex variant characteristics**

Assumptions should not be made when an individual discloses that they are Intersex (see definitions in [Annex H](#annexH) and UK Intersex Association webpage for more information).

A Voluntary Agreement may assist in the care and management of Intersex individuals (see [Annex D1](#annexD1)). For example, searching arrangements may need to be agreed.

**Non-binary, gender fluid and cross-dressing individuals**

All those in our care are to be supported and enabled to express the gender they identify with. This may be subject to risk, operational and security assessments. A Voluntary Agreement may assist in reaching agreement with individuals in relation to their gender expression if this is deemed to represent a risk of harm (to themselves or others) or if operational or security concerns arise.

**Voluntary Agreements**

A Voluntary Agreement template for prisons is provided in [Annex D1.](#annexD1)

The purpose of the Agreement is to assist with promoting the well-being, care and management of the individual within the specific prison location.

**Expressing gender identity**

Transgender individuals must be allowed to wear clothing consistent with their identified gender. This may be subject to risk, operational and security assessments. Items to support gender identity should be obtained from an equivalent opposite-gender prison.

**Other items to enhance gender expression**

Transgender individual’s sometimes use special garments or prosthetics to help them present in a more feminine/masculine appearance. They can be crucial to their appearance and self-confidence in effectively living and being accepted in the gender they identify with. Establishments are encouraged to provide such items, but only after sufficient risk assessments have been made on the items and the Governor is satisfied that it does not compromise security or safety. This should also form part of the voluntary agreement. If necessary this can be discussed at a Local Case Board.

If there are any difficulties with an individual retaining special garments or prosthetic items in their possession, advice should be sought from a gender identity clinic or mental health team before any decision is made. All decisions are to be recorded.

Transgender individuals may be wearing prosthetics upon reception. Some of these may be apparent to touch during rub-down searching and will become apparent during full searching. When undertaking a full search, if the individual is required to remove prosthetics, ask them to remove the items themselves, search the items and return them, giving the individual privacy and facility to adjust and replace the removed items. If necessary, this can form part of the searching agreement. Such items can include: binders, prosthetic penis or breasts, padding and corsets.

**Psychology**

In attempting to manage the needs, care and safety of transgender residents in custody, there is a continuing requirement to consider the care and safety of all individuals serving custodial sentences. This section provides guidance as to ways in which HMPPS Psychology Service staff will contribute towards balancing the needs and safety of all individuals in custody, whilst seeking to provide advice to Senior Managers about the most appropriate care, management and location for transgender individuals within the prison system.

Local Case Boards – Psychology attendance

Forensic psychology representation should be provided to all Local Case Boards, where possible, held within prisons holding the transgender individuals within the prison system. The regional psychologist single point of contact (SPOC) for transgender individuals should usually be the attendee. For functional psychology teams with services and staff spread more widely across the country, this may not always be possible, and an appropriately skilled and knowledgeable psychologist, who is based closest to the prison where the board is being held should attend. Requests for psychological risk assessments would not ordinarily originate from these Local Case Boards.

There may be occasions where further information is required to supplement the documentation and assessments which already exist in order to make a fully informed decision as to the potential risks posed by the individual towards other residents should a transfer take place.

Instances where such additional information may be required might include: cases where the individual has either historical or current conviction(s) for one or more sexual offences against one or more vulnerable victims; or cases where there are one or more convictions for violence (threatened, or actual) towards one or more vulnerable victims, whether historically or currently. In cases where there is no evidence to indicate that the individual has ever been sexually and/ or violently harmful towards vulnerable victims, there is unlikely to be a reason for a psychological risk assessment to be specifically requested to assist with considerations about transfer.

By having psychology teams involved at the earliest opportunity via Local Case Boards, they will be able to advise on appropriate services available.

Delivering the Psychological Risk Assessment

In cases where a psychological risk assessment is requested by the Complex Case Board, and the psychologist at the Complex Case Board agrees that this would add value, HMPPS Psychology Service would normally commit to providing an assessment for the board within a three-month period (i.e. 12 weeks from the date of the Complex Case Board). There may be occasions when the assessment is required earlier than this, and this should be negotiated with the relevant regional lead psychologist, responsible for the completion of the assessment. In cases where the transgender individual is seeking to transfer into the women’s estate, the relevant regional lead psychologist is the Women’s Estate Lead Psychologist, irrespective of the current location of the transgender individual. The regional psychology team responsible for delivering the risk assessment in such cases will normally be the Women’s Estate Psychology Service (WEPS).

There may be occasions where a psychological risk assessment has recently been completed for the same individual by a member of the regional psychology team with responsibility for the psychology service in the prison within which the individual is currently located. Consideration should be given to whether the existing assessment would assist the PGD chairing the Complex Case Board in making an informed decision about whether the individual could be safely managed within the women’s estate. If so, there is no need for a fresh assessment.

If an assessment is required, it would ordinarily be completed by a suitably qualified and registered forensic psychologist, or, by a trainee forensic psychologist, under supervision. It is the responsibility of the psychologist undertaking the assessment (in conjunction with their supervisor, where relevant) to determine which structured professional tool(s) might be most appropriate with each case (e.g. HCR-20; RSVP).

The focus of the assessment should be on the level, nature and imminence of any risks of harm posed by the individual to other residents. The purpose of the assessment should be clearly stated within the assessment report.

As is standard practice, the draft assessment report should be disclosed to the individual, in order that any factual inaccuracies can be rectified by the author. Once the assessment report is finalised a copy should be given to the individual, and it should be emailed to the Complex Case Board functional mailbox [HMPPSTrangender@justice.gov.uk](mailto:HMPPSTrangender@justice.gov.uk).

Further Considerations

Ordinarily a separate risk assessment would be completed for any forthcoming parole hearing, by a member of the regional psychology team in the region containing the prison within which the individual is located. Such an assessment would have a different purpose to that provided to the Complex Case Board.

**Healthcare**

Continuation of medical treatment is to be considered with prison healthcare from the outset. If an individual requests medical treatment for gender incongruence, the relevant NHS commissioning authority is to be informed. Prison Rule 20(1) sets out the requirement for the Governor to work in partnership with the local healthcare providers to secure the provision to prisoners of access to the same quality and range of services as the general public receives on the NHS, including gender identity services.

There can be serious adverse health effects of denying people access to (or suddenly stopping) hormones and blockers. It is important that continuity of care be maintained. It is also important to recognise that many trans people self-medicate (i.e. use non-prescribed hormones) and any sudden stoppage of hormones (even if non-prescribed) can have serious adverse effects. Wherever possible, healthcare should attend the Local Case Boards to inform the proper care and management of the individual.

**Prison transfers**

The Policy Framework sets out that a Local Case Board must be convened within fourteen days of reception into custody. It is intended in the instruction that this applies to reception into any prison, including following transfer to a new prison (whether within the same or a different (i.e. male/female) part of the prison estate).

Should a transgender individual be transferred to another prison it is imperative that all risk, operational, and security assessments are shared with the receiving prison prior to transfer to ensure a smooth and safe transition and for the individual to be kept updated.

Consent to disclose the previous gender identity should be sought at the earliest opportunity and where necessary measures applied in accordance with the Gender Recognition Act 2004.

**Young Offenders**

The Policy Framework sets out that all transgender individuals under the age of 21 must automatically be referred to the Central Operational Frameworks Team who will consider whether a full Complex Case Board is required. Particular care should be taken to support younger offenders who are transgender, with ACCT procedures in place from the outset, and risks of vulnerability closely monitored.

**Guidance for Probation**

**Probation Service and Providers of Probation and Community Services**

**Regional transgender Single Point of Contact (SPOC)**

Each of the probation regions will appoint a SPOC (Probation Band 5 or higher) for individuals who are transgender. As a minimum the SPOC should have read and understood the Policy Framework, operational guidance and completed the related eLearning module.

Role of the SPOC:

* To communicate their role, bring the Policy Framework and guidance to the attention of all staff in their division. This will allow for consistency and organisational confidence in the implementation.
* To arrange an early notification procedure with all courts and offender managers.
* To inform the prison regional office at the earliest opportunity of the need for a pre-sentence Local Case Board.
* To establish clear lines of communication with each establishment Transgender SPOC to ensure seamless service provision across prison and probation especially at pre-sentence and pre-release stage.
* To maintain accurate record keeping for all Local Case Boards relating to AP’s (in accordance with the GRA 2004 – see [Annex E](#annexE)).
* To build a contact list of relevant stakeholders including the PECS regional managers, Court SPOs, providers of probation and community services, establishment equality leads and transgender SPOCs, prison regional offices, operational prison managers and AP area managers who can chair Local Case Boards, local gender identity clinic etc
* To support the chair of the Local Case Boards within APs. They will act as the link between prison and probation at the pre-release stage to ensure all necessary and practical arrangements are in place and appropriate information is shared, or delegate this to a Senior Probation Officer level or above.
* To work with their Regional Probation Director, Senior Management Team and equality leads to promote and develop trans inclusion and to proactively address discrimination, harassment, victimisation across the division.
* To continue to develop their knowledge of good practice, their understanding of transgender experiences and the complexities of the policy framework application.
* To ensure that the court and other relevant Senior Probation Officers are briefed about the arrangements and processes for Local Case Boards so that in the event of this responsibility being delegated the Case Board is carried out in a manner consistent with the Framework.
* To attend MAPPA meetings where appropriate.
* To develop contingency plans to cover those periods where the SPOC is not available.

**Facilitating early and anticipative decisions**

Wherever early notification is received that an individual has disclosed that they are transgender, probation court staff should seek to ascertain at the earliest opportunity whether or not a pre-sentence Local Case Board may be necessary to assess the care and management of an individual prior to sentence. This will require a full (minimum three week) court adjournment for a pre-sentence report.

If this is the case, regional probation SPOCs should immediately contact the prison regional office who will allocate an operational prison manager to chair the board. The SPOC should then ensure that the contact details of the local PECS duty manager, relevant prison Governor, establishment transgender SPOC and regional equality manager are available to assist with the timely arrangements of the board. This includes the availability of teleconference facilities.

Regional SPOCs should ensure that information is made available to the individual at the earliest opportunity.

**Guidance for pre-sentence report writers**

PSR writers must complete the Diversity Information Form (DIF). This provides an opportunity for individuals to disclose their legal gender and to disclose their transgender status and/or gender identity, if different to their legal gender. It is available via an Integrated Word Processor (IWP) document on nDelius within each case record.

Individuals who have applied for a GRC and those who have been granted a GRC have protections under the GRA 2004 (Sec 22). Consent will need to be gained in order to disclose their previous gender identity unless one of the other exemptions in section 22 applies. The DIF form provides a consent form for individuals users to provide written consent (see [PI 04/2016 Determining Pre-Sentence Reports](http://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-04-2016-determining-pre-sentence-reports.doc), Core Operational Guidance and Annex E for more information).

Ensure that the nDelius equality pane relating to transgender declaration is updated, including whether or not consent has been given.

Where consent to disclose the previous gender identity is not provided, a manager should be informed and advice sought from the HMPPS Transgender Team at [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk) without naming the specific individual. Otherwise, informing the team could be a breach of s.22 of the GRA 2004 if the name of the person is provided and an exemption does not apply.

**Consider the Adjournment period**

Initial prison location decisions will be made in accordance with the legal gender, except where a transgender woman has birth genitalia and/or has a sexual or violent conviction or current charge. In these cases, initial allocation for those without GRCs should usually be in line with birth gender. For those with GRCs, allocation will usually be to separate accommodation in the women’s estate via consultation with the Women’s Directorate. However, such allocations are subject to Complex Case Board review and risk assessment.

An adjournment is an opportunity to take account of the individual’s transgender status. An adjournment allows relevant professionals to assess all known risks and contribute to decisions which ensure the safety of the individual and others in the prison environment.

Where a custodial sentence is likely, PSR writers should liaise with their regional transgender SPOC at the earliest opportunity in order for a Local Case Board to be convened.

Should the nature and circumstances of the individual be such that a custodial sentence is highly unlikely, access to justice should not be delayed for a transgender individual. Where a ‘same day’ report is deemed appropriate, a caveat in the report may be added to propose that, should the court be considering a custodial sentence, a further adjournment is requested in order to convene a pre-sentence Local Case Board to consider necessary risk assessments and make arrangements if required.

**Assessing transgender individuals**

Completion of the DIF will contribute to the overall assessment and provides individuals who are transgender with an opportunity to declare other protected characteristics. Levels of mental health difficulties may be higher within this group.

Binary measures are used to calculate some actuarial risk assessments and the legal gender should continue to be used until further guidance is issued.

**Consider additional information for individuals who are transgender**

Some transgender individuals may not be confident in presenting in the gender with which they identify when attending court and may need additional advice about how they will be cared for and managed should a custodial sentence be imposed.

**Where custody is likely and a pre-sentence Local Case Board has NOT been convened**

Where an individual discloses that they are transgender (and they provide consent to disclose) probation staff should alert the court-based PECS contractor in order to maximise opportunities for early discussion with their relevant Duty Manager. They should contact the prison transgender SPOC and highlight any known safety concerns.

Initial prison location decisions will be made in accordance with the legal gender, , except where a transgender woman has birth genitalia and/or has a sexual or violent conviction or current charge. In these cases, initial allocation for those without GRCs should usually be in line with birth gender. For those with GRCs, allocation will usually be to separate accommodation in the women’s estate via consultation with the Women’s Directorate.

Early communication will enable the safest decisions and assist the receiving prison to convene a Local Case Board within fourteen days of arrival.

**Convening a Local Case Board**

**Pre-sentence**

Wherever possible, a pre-sentence multi-disciplinary Local Case Board should be convened prior to or during the adjournment for a pre-sentence report for individuals who are transgender and where custody may be a sentencing outcome. This must be chaired by an operational prison manager with the support of the regional transgender SPOC or a nominated representative at SPO level or above.

Telephone conference facilities will need to be available.

Convenors will need to consider how the view of the individual will be presented at the board – will this be in person for a section of the meeting, in writing or on the telephone?

The board must include:

* + a senior manager within the prison service;
  + a representative from the prison where the transgender individual is likely to be received;
  + the transgender individual (voluntarily either in person, by telephone or in writing);
  + the PSR writer and/or offender manager; and
  + Any other relevant stakeholders, for example healthcare specialist, regional psychologist, regional equality manager, PECS regional manager etc.

Further guidance for chairing Local Case Boards can be found in the Core Operational Guidance.

**Pre-sentence Local Case Board considerations and decisions**

The pre-sentence Local Case Board is required to:

* Understand the view of the individual in terms of their view of any risks or needs;
* Establish the legal gender of the individual (where evidence of legal gender is not provided, allocation decisions should consider a person’s birth gender to be their legal gender, with efforts to confirm legal status continuing following allocation);
* Take into account all known risk factors (self, staff and other residents see 4.27 Policy Framework and Operational Guidance);
* Decide what arrangements need to be put in place to address any risk issues and what needs to be put in place to enable the individual to express their gender identity; and
* If the case meets the criteria for a Complex Case Board and there is an urgency to convene one, the chair is to make a referral and contact HMPPSTransgender@justice.gov.uk

**Recording the Local Case Board: pre-sentence**

The Prison will be responsible for making a record of the board.

All records must be kept in accordance with the usual recording requirements for ‘official sensitive’ documents, scanned into the national administrative system (nDelius or confidential files).

The record must be made available to the offender manager (subject to the consent of the individual when the Gender Recognition Act 2004 applies), for internal audit purposes for any legal or formal investigations, such as when requested by the Prison and Probation Ombudsman.

**Offender Managers: managing transgender individuals subject to suspended sentence orders (SSO) or licences**

Checklist for Offender Managers:

* Check that all cases who identify as transgender who are subject to a SSO or who are on licence have had a contingency Local Case Board to establish necessary arrangements should the individual be recalled back to prison or the SSO be activated.
* If risk or circumstances have changed since the above decision was made, speak to your SPO regarding the possible need to pursue requesting a contingency case board.
* Has the individual given written consent to information being shared (via the DIF) and has this been recorded on nDelius?
* Where a transgender individual has protection under the Gender Recognition Act 2004 (see [Annex E](#annexE)) and has not provided consent, has this been discussed with your line manager (without naming the individual unless GRA exemption applies)?
* Do you have the minutes for any local or centrally managed Complex Case Boards (pre or post sentence)?
* Are there any recommendations being considered by the PSR Report writer or licence conditions being considered that are gender specific e.g. participation in a gender specific intervention? Subject to consent where applicable, do you need to liaise with programme facilitators to inform them that the individual presents as a particular gender for example?
* If the individual is managed at Levels 2 or 3, has a pre-release MAPPA meeting considered transgender equality?
* If an AP is being considered for release on temporary licence (ROTL) or at parole, you should inform the regional transgender SPOC and note this on the AP referral form (subject to GRA 2004 disclosure obligations if applicable). This is to be done at the earliest opportunity.
* Have you ensured that any Voluntary Agreement that is offered to the individual and drawn up within the AP does not contradict any licence conditions or other conditions imposed? (see [Annex D](#Annex_D)).
* Are there any other interventions (unpaid work, electronic monitoring) that require further liaison with colleagues?
* Are reporting arrangements made in a way that does not conflict with access to healthcare appointments?
* If healthcare and other appointments relating to gender incongruence conflict with risk management (exclusion zone/curfew) are alternatives being sought?

**Contingency plans should custody be invoked**

The contingency plan should be approved by the Senior Probation Officer (SPO or equivalent in the CRC). Once agreed by the Local Case Board, this should make up part of the AP and OM case files (e.g. decision letter to accompany recall paperwork Annex I).

**Risk assessments in custody**

When completing risk assessments for transgender individuals who are in custody, ensure that specific attention is made to risk to the individual whilst in custody and the risk the individual poses other residents. This is key information for the prison take into account when making decisions at Local Case Boards and key dates. Offender Managers must be invited to Local Case Boards.

Speak to the Offender Supervisor or establishment transgender SPOC on how risks can be managed and what support is available.

**Other considerations**

* Are there any local support groups for transgender individuals in the community?
* Are local support groups able to visit individuals?
* Consult the individual – they are the expert on their needs
* Treat all transgender individuals with dignity and respect and give them equal access to services.
* Consult the HMPPS Transgender Team if you require any further support or advice.
* See 4.27 of the Policy Framework and the Core Operational Guidance regarding risk
* Be informed by emerging qualitative and quantitative research and data in relation to individuals who are transgender
* Consult with specialist staff and equality leads as necessary

**Guidance on Multi Agency Public Protection Arrangements (MAPPA)**

MAPPA remains the primary process for decision making for MAPPA eligible cases who are transgender.

Where an individual is managed at MAPPA level 2 or 3, MAPPA must remain the primary multi-agency process for decision making.

The Care and Management of Individuals who are Transgender Policy Framework is intended to provide a complementary approach consistent with the statutory MAPPA Guidance. All cases must be managed in line with MAPPA guidance.

Any issues pertaining to risk must be shared via the MAPPA process and duplicate risk management processes should be avoided.

If a post-release MAPPA meeting is convened within fourteen days of arrival at an AP, the individual’s care and support needs can be addressed at that meeting. However, a Local Case Board is still required to ensure that day to day care and management is agreed and communicated, that the individual has the opportunity to give their view and they are supported and enabled to express their gender identity.

The MAPPA Q screening form will be used to determine whether management at MAPPA levels 2 or 3 is required, as it would be for all cases. There should be no assumption that all transgender cases will be managed at level 2 or 3.

Consideration should be given to inviting representatives of previous local or central Case Boards to MAPPA meetings, especially where these are held pre-release.

The minutes of all transgender boards should be marked as official sensitive and for Complex Case Boards, requests should be directed to the HMPPS Transgender Team.

**Pre-Release planning for MAPPA eligible transgender individuals managed at levels 2 or 3**

Pre-release MAPPA meetings for MAPPA eligible cases who are transgender will enable a holistic approach to risk management and sentence planning. This may be especially important for individuals who have transitioned to the gender they identify with during the custodial term.

Probation Directors, and Heads of LDU must ensure that MAPPA eligible transgender cases are referred to MAPPA in accordance with the MAPPA Guidance. A meeting should be convened at least 6 months prior to release to determine the MAPPA management level and to consider all known risk factors to enable the most appropriate and effective risk management plan to be developed by the Offender Manager.

It is not intended that an additional MAPPA meeting is convened that would not otherwise take place.

The process for setting the MAPPA level should not be different for cases who are transgender.

The framework seeks to stress the importance of ensuring that all available information feeds into the decision about setting MAPPA levels and to ensure that information is sought from all relevant parties.

**Disclosure**

Disclosure according to the Statutory MAPPA guidelines: ‘is the sharing of information about a MAPPA case with a third party (not involved in MAPPA) for the purpose of protecting the public. The third party could be a member of the public, such as a victim, an employer or a person forming a relationship with an individual, or a person acting in a professional capacity but not party to MAPPA.’

Probation must discuss at a MAPPA meeting any case where they consider there is a strong argument for disclosing such information, where the case is one which is managed under MAPPA. Discussions at MAPPA meetings are intended to refer to level 2 and 3 cases.

However, given the complexities of disclosure in transgender cases it would be good practice to discuss such a decision at a MAPPA meeting to support effective decision making where disclosure is being considered. Decision making regarding all disclosures should be recorded.

**Victim Liaison Scheme**

Any queries regarding the disclosure to victims of an individual’s gender identity should be sent to the HMPPS Victims’ Team via their functional mailbox: [vcspolicy@justice.gov.uk](mailto:vcspolicy@justice.gov.uk).

**MAPPA eligible residents in Approved Premises (AP) who are Transgender**

AP are required to convene a Local Case Board within fourteen days of arrival for all transgender cases, which will seek to ensure that all necessary care and support is made available with the AP environment.

The primary focus of this board will be to determine the care and management of the resident within the AP. This should be consistent with the individual’s Risk Management Plan (RMP).

The OM should attend the local transgender board and ensure any risk related information is fed into the RMP. The local transgender board must be consistent with all MAPPA management decisions and wider sentence management, including any voluntary agreement between the individual and the AP (see Annex D2).

For individuals managed at MAPPA levels 2 and 3, the offender manager should ensure that any information relating to transgender is considered by the pre-release MAPPA meeting.

**Managing transgender individuals subject to community sentences and licences**

**Assessments**

It is recognised that some assessment tools include binary measures which provide different outcomes for male or female individuals (for example Risk Matrix 2000/OSP-C ).

Further guidance will be provided for offender managers where such assessment tools are required. In the interim, further advice can be sought from the HMPPS Interventions team (contact details in [Annex G](#annexG)).

**Contingency Plans**

Where a transgender case is subject to an order or a licence where custody may be invoked (for example suspended sentence orders or post-release licence) the offender manager should produce a contingency plan. It should include the provision of continuous medication where possible.

Should there be any significant change in circumstances or risk, the contingency plan may need to be revisited.

**Interventions, including Unpaid Work**

Individuals who are transgender are to be supported and enabled to express their gender identity when attending interventions as part of their sentence, and in accordance with any health and safety, risk, and operational assessments.

Providers should liaise with the offender manager for advice in supporting cases who are transgender to complete their orders and licences successfully.

This may include advice on the location and type of work placements, individual or group work placements, and access to gendered spaces whilst on placement (e.g. toilets, changing areas).

**Electronic Monitoring Services**

Providers of Electronic Monitoring are to seek the view of all individuals who are transgender regarding the gender of staff where applicable. Individuals who have obtained legal recognition of the gender with which they identify should be managed in accordance with their legal gender (Annex B & E).

**Rehabilitation activities including accredited programmes**

Transgender individuals who are required to complete a Rehabilitation Activity Requirement and/or attend accredited or non-accredited interventions are to be supported and enabled to express the gender with which they identify.

**Other Providers of Probation & Community Services**

Other providers of probation and community services should demonstrate full compliance with the Policy Framework.

Effective and clear communication arrangements should be in place with probation and prisons, particularly in relation to Local Case Boards and contingency plans should breach proceedings be initiated, or if custody is invoked.

**Guidance for Approved Premises**

All individuals who are transgender must be managed in accordance with the HMPPS AP Manual as with any other resident ([PI 32/2014 Approved Premises](http://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-32-2014-approved-premises.doc)).

**Referrals to Approved Premises**

Information relating to transgender status should be included in the referral where this is relevant, and in accordance with the Gender Recognition Act 2004 (see [Annex B](#annexB), [Annex E](#annexE) and [Core Operational Guidance](#CoreGuidanceAllStaff)). Referrals should be made at the earliest opportunity and a representative from the AP (Band 6 Area Manager) should be invited to the Local Case Boards held in the prison, especially at pre-release stage.

Referrals to part of the AP estate (male/female) may typically reflect the part of the prison estate (male/female) of the releasing prison. However, if Probation decide to locate the case to part of the estate of the opposite gender, or if the case meets any of the following criteria, an AP Complex Case Board would need to be held in order to make a decision regarding location and risk management. The decision to refer to an AP Complex Case Board can be made at any time by the AP Band 6 Area Manager. (see [Core Operational Guidance](#CoreGuidanceAllStaff))

Complex Case Board criteria:

* Where prison/AP allocation is sought which does not match the individual’s legal gender.
* Where a transgender individual may present a risk to others and/or to themselves which requires special management.
* Where a transgender individual is at risk from others in custody.
* Where a transgender individual with a GRC presents risks which are deemed to be unmanageable within the estate/AP of their legal gender and may need to be held in separate accommodation or in the estate of the opposite gender.
* Where a person gains legal recognition of their gender identity during a custodial term or whilst on licence residing at an AP.
* For transgender individuals held in the adult estate under the age of 21 years.
* For transgender young people transitioning from youth custody to the adult prison estate
* When any other identified risk requires special management, including where emerging risks (at any point during remand, sentence or residence) prompts a referral or when decisions are needed on behalf of the wider prison/AP estate.

Any pre-release Case Board should not duplicate any MAPPA review.

**Pre-Arrival Arrangements**

Wherever possible, the Voluntary Agreement template (see [Annex D](#Annex_D)) should be sent to the individual prior to release.

**Case Board**

A Local Case Board must be convened within fourteen days of arrival at the AP and chaired by an NPS Area Manager (Band 6 or higher). Responsibility for convening the Case Board sits with the SPOC or with the AP manager to whom they have delegated responsibility. Contingency plans must be in place to cover periods when the SPOC is absent from work (planned or unplanned absence).

**Local Case Board attendees**

There is a minimum of 4 attendees at a Local Case Board (see table in Core Guidance including mandatory attendees). All stakeholders relevant to the individual’s care and management should be invited. Possible suggestions to consider include: NPS Transgender SPOC, Offender Manager, AP key worker, Gender Identity Clinic, Divisional Equality Manager (DEM), transgender resident (partial attendance), community healthcare.

For more information on Local Case Boards see Core Operational Guidance

**Voluntary Agreement for APs**

A Voluntary Agreement seeks to support consideration of privacy, dignity, well-being and arrangements for personal care whilst living in a communal environment. It also explores how any identified risks posed to the individual or from the individual will be managed.

The Voluntary Agreement should reflect this shared understanding (see [Annex D](#Annex_D)) It should also take account of and be consistent with national and local AP policies and rules and with the wider sentence management plan, licence conditions, or other orders of the Court.

**Care and management within the AP**

AP managers and OMs should ensure that appointments and purposeful activities do not prevent residents who are transgender attending medical appointments and/or appointments at a Gender Identity Clinic.

Staff should be vigilant and alert to any raised risk of self-harm or other vulnerabilities of transgender AP residents as well as any potential risk of harm towards other AP residents.

Any significant change in circumstances or risk should trigger a Local Case Board Review.

**Healthcare**

In accordance with the HMPPS AP Manual, all AP residents must have equal access to healthcare services as that which other members of the public have, and this entitlement also applies to individuals who are transgender and are seeking healthcare interventions.

Continuation of medical treatment should be considered at key points within the sentence, including following release from prison and arrival at the AP and should also form part of any contingency plans for emergency or standard recall. This should include any medication relating to gender incongruence, hormone treatment and also any medication which may relate to mental well-being.

**Contingency plans**

AP managers and Offender Managers should ensure that emergency recall arrangements include appropriate information to arresting police officers, including any decisions regarding whether to recall a case to a prison location which does not match their legal gender. Completion of Annex I to accompany recall paperwork.

AP managers should ensure that, wherever possible, medication relating to transgender status and/or mental health is provided to arresting police officers to ensure continuity.

**Voluntary and community support**

AP managers should ensure that links are made with any local community support groups for the transgender individual. Further support on this can be accessed via the HMPPS Staff Network PiPP (Pride in Prison and Probation) [PiPP\_HMPPS@justice.gov.uk](mailto:PiPP_HMPPS@justice.gov.uk)

Annex

|  |  |
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Background pattern

Description automatically generated**Annex A**

**Transgender Women: Initial Prison Allocation**

A screenshot of a computer

Description automatically generated with medium confidence

**ALL OTHER TRANSGEDER INDIVIDUALS MUST BE INITIALLY ALLOCATED TO A PRISON THAT MATCHES THEIR LEGAL GENDER, UNLESS A COMPLEX CASE BOARD HAS DECIDED OTHERWISE (AND ANY REQUIRED EXEMPTIONS ARE IN PLACE).**

*Where someone has a Gender Recognition Certificate (GRC), evidence must be seen before allocation via:  
- Sight of a birth certificate confirming the acquired gender*

*- Sight of the GRC directly, or*

*- Email confirmation from the Gender Recognition Panel (*[*GRPenquiries@hmcts.gsi.gov.uk*](mailto:GRPenquiries@hmcts.gsi.gov.uk)*)   
Where the GRC is not evidenced, initial allocation must be in line with birth gender until the GRC status is confirmed.*

**Annex B**

**Case Recording and Communications**

**Case Recording and Communications Compliant with the Gender Recognition Act 2004**

Recording Legal Gender

B1 The processing of all data is required to be compatible with the General Data Protection Regulation, Data Protection Act 2018, and any disclosure is compatible with the GRA 2004. (See Annex E Relevant Further Legislation).

B2 The legally recognised gender must be recorded, where a recording of gender is required, on all recording systems within HMPPS.

B3 When a prisoner acquires a new birth certificate via a GRC, the record must be updated with the new legally recognised gender and written informed consent to disclose the previous gender identity should be sought at the earliest opportunity. If this is gained, the previous existing record will remain intact with the updated change of gender and relevant pronouns used.

B4 If a transgender individual does not provide consent to disclose the previous gender identity and where exemptions in s22 of the GRA 2004 do not apply, in such cases the previous record may need to be redacted or restricted in order that the previous gender identity (including pronouns) is not disclosed without meeting exemption is s22 of the GRA 2004. Communications relating to the prisoner must not disclose the previous gender. (See Annex E). In these cases, please seek advice from the Transgender Team (HMPPStransgender@justice.gov.uk)

Recording of Names

B5 Individuals who are transgender may elect to change their legal name whether or not they are pursuing legal recognition of the gender they identify with. Records must be updated to reflect the legal name. If an individual has legal protection under the Gender Recognition Act 2004 and has provided written consent to disclose their previous gender, previous names will remain on the record.

Prison NOMIS

B6 The information entered onto Prison NOMIS for a transgender prisoner’s gender should match their legally recognised gender.

B7 For example transgender women in a female prison will have their legally recognised gender entered. This will mean that for transgender females who have strong evidence of living in the gender they identify with (but have not obtained legal recognition via a GRC), and following relevant assessment, are located in the women’s estate, their gender must be recorded as ‘male’.

nDelius (NPS)

B8 The nDelius case management system used in probation contains a field within the Equality Monitoring section to record if an individual has declared that they are transgender. A subsequent field will appear to confirm if the individual has given consent to disclose their previous gender. If they have not provided consent further advice must be sought from senior managers or from the HMPPS Transgender Team to decide if the case and other documents held need to be redacted or restricted.

Providers of Services on behalf of HMPPS

B9 All organisations providing services on behalf of HMPPS must ensure that their case recording systems are compliant with the Gender Recognition Act 2004.

Medical information

B10 Medical (including anatomical) information relating to medical interventions for transgender individuals must routinely be treated as ‘medical in confidence’. Medical records are confidential and can only be disclosed through consent or in accordance with the GDPR and DPA 2018. To be aware,the medical information may also contain information which is protected by the GRA 2004.

**Annex C1**

**When to Convene a Local Case Board**

Produce a Care and Management Plan

Initial Local Case Board

**Pre-sentence report stage if a custodial sentence is being   
considered**

**First point of transgender disclosure**

**Within 14 days of arrival either from court or another prison   
(remand or sentenced)**

**Within 14 days of arrival at an Approved Premises**

Local Case Board Review

**If further evidence is received**

**If circumstances have changed**

**Review as agreed as per the care and management plan**

**produced at the Initial Local Case Board**

**Before a transfer to another prison within the same estate**

Pre-release/Contingency Case Board

**Prior to the release from custody**

**In preparation for a parole hearing or ROTL arrangements**

**Whilst in the community on licence or Suspended Sentence Order**

Centrally Managed Complex Case Board

**Referral can be made at any point for complex cases which**

**Meet the criteria set out in 4.45 in the Policy Framework**

**All transgender prisoners under the age of 21 or who hold a   
GRC or who are placed in Care & Separation Units must be   
referred to the Central Frameworks Team who will consider   
if a full CCB is required**

**Annex C2**

**Checklist for Chairs of a Local Case Board**

**Attendance**

Has a multi-agency approach to the Board taken account of all key stakeholders relevant to the individual case (e.g. Head of Custody and/or, transgender SPOC, prison/community offender manager, Regional Lead Psychologist, gender identity specialist, GP, approved premises manager, equalities Manager/Rep)? (4.41 in the Policy Framework)

Has the individual been invited to contribute to the Board in person or via video link (for a designated part of the meeting) or made representation in writing?

**Written consent & Disclosure**

For transgender individuals who hold a GRC, has written informed consent to disclose the previous gender been sought, thereby allowing previous records to remain intact?

Has the disclosure from been completed with all the information that will be brought to the board and has it been shared with the individual at least 4 days prior**?**

**Assessments**

Assess all known risk factors: (4.27 in the Policy Framework)

What is the strength of confirmation of living in the gender the individual identifies with? (Full/strong/limited/counter)?

Use the correct template in the Annex to make a record of the board

Do you have all the documents you need to make informed decisions such as up to date OASys assessment, psychological reports, intelligence reports etc

**Sentence Management**

Has a care and management plan been developed which supports the aims of the sentence plan and is consistent with licence or other conditions?

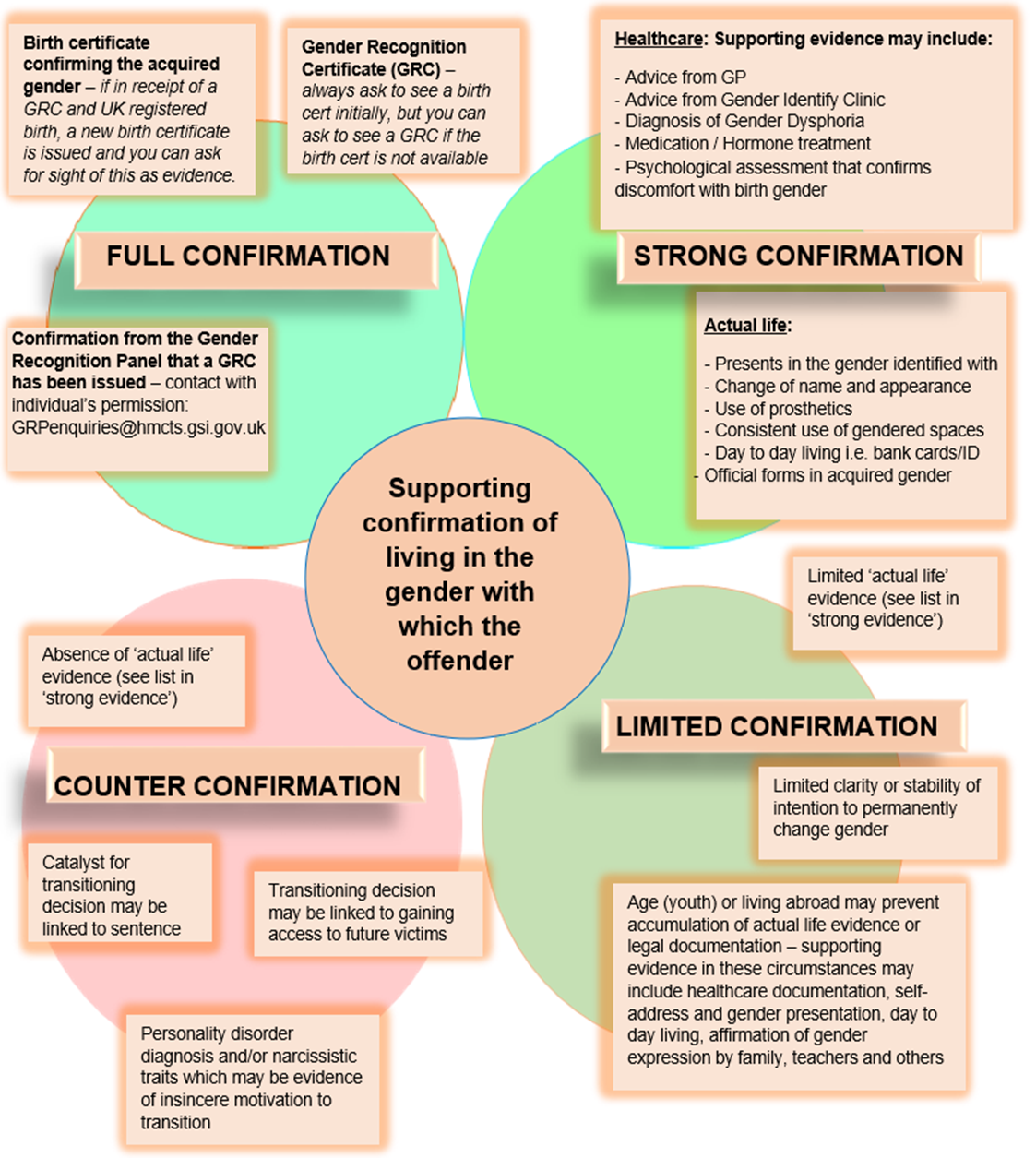
What awareness, knowledge and support do staff have for caring and managing the transgender individual?

Has the individual agreed to a transgender Voluntary Agreement and has this been completed?

Are there any unresolved matters that require further action or a Case Board Review?

**Annex C3**

**Supporting Confirmation of the Gender with which the Individual Identifies**

When an individual discloses that they are transgender, the following chart may assist in assessing the strength of evidence of living in the gender the individual identifies with, to help with location decisions and sentence plans.

**INDIVIDUALS MUST BE PERMITTED TO EXPRESS THEIR GENDER IDENTITY WHETHER OR NOT THEY HAVE ANY SUPPORTING EVIDENCE. LOCATION DECISIONS TO A PRISON OR AP WHICH DO NOT MATCH THE LEGAL GENDER CAN ONLY BE MADE FOLLOWING A TRANSGENDER CASE BOARD**

**Category 1: FULL SUPPORTING CONFIRMATION**

This is evidence which fully confirms the individual’s legal gender. The best form of confirmation is a birth certificate. Staff should ask an individual to produce a birth certificate which will confirm their sex at birth or, if they have received a GRC and were born in the UK, a new birth certificate will have been issued showing their acquired (‘new’) gender identity. Asking an individual what is recorded on their birth certificate and requesting sight of this should always be the first step in confirming legal gender.

However, staff can ask for sight of a GRC (or for sight of an application for a GRC) if a birth certificate is not available. Should an individual offer a GRC as evidence, or give permission for the Gender Recognition Panel to confirm that a GRC has been issued and confirmation is received, this must be accepted as full evidence of legal gender. If a person discloses that they have a GRC, or have applied for a GRC, the individual must be asked to provide written consent for their gender which was assigned at birth and/or detail of the application process, to be disclosed to/from relevant staff in or on behalf of HMPPS. However, if they do not provide this consent, this information can still be disclosed where necessary for offender management purposes or where any other exemption under s22 of the Gender Recognition Act 2004 applies (see 4.70-4.73). Information about the gender history of an individual with a GRC should be treated carefully, as with any other sensitive information. Disclosure of this information that is not necessary for offender management purposes may amount to a criminal offence.

Driving licences and passports do not confirm legal gender. Only a birth certificate, GRC or confirmation from the Gender Recognition Panel should be accepted.

**Category 2: STRONG SUPPORTING CONFIRMATION**

Strong supporting evidence may include the length of time the person has been living in the gender they identify with. Care must be taken here in relation to younger people who may not have had the opportunity to demonstrate this due to their age. Other supporting confirmation may be presented as follows:

Healthcare documents – this may include documents from the GP or from a Gender Identity Clinic.

Appearance and mannerisms – this may include clothes, hair style, use of prosthetics, or other items to express gender identity. Care must be taken here as the person may not be confident to appear in court or for a Pre-sentence report appointment in the gender they identify with, or may have been remanded into custody and then disclose during the course of their sentence. In these circumstances they may not have gained access to items to express their gender identity.

Evidence of day to day living – this may include bank or other cards, or a driving licence, showing a change of name and/or expression of gender identity.

**Category 3: LIMITED SUPPORTING CONFIRMATION**

This may include similar confirmation to STRONG confirmation but may reflect that a person is in an earlier stage of transitioning or that they have not reached a decision.

For individuals who identify as non-binary, gender fluid or cross dresser and those who are intersex and not intending to transition to a gender opposite to that assigned at birth, they will be located in the part of the prison or AP estate consistent with their legal gender.

Particular care should be given when considering confirmation from younger people and also from foreign national prisoners who may not have had the opportunity or recourse to supporting confirmation. It is also worth noting that prison may be the first time that people feel able to come out and so lack of prior evidence of gender expression may not be an indication that the desire to transition is not genuine, but rather than they are at an earlier stage in the process.

**Category 4: COUNTER EVIDENCE**

The wider Ministry of Justice review established that individuals who are transgender are overwhelmingly genuine about living in the gender with which they identity. It was, however, accepted that, as with other areas of prison life, some individual’s will always attempt to test, exploit or undermine the system. In cases where there is a concern around an individual’s sincerity, the confirmation that makes that person’s views credible will be examined (including counter-evidence) and application of the decision-making criteria would be able to identify those who may pose a risk to others.

Counter confirmation may include the lack of any supporting evidence of living in the gender with which the person identifies and may be linked to offending profile, sentencing outcomes and/or motivation to undermine the system. Where it is considered that an individual is insincere, this should be clearly recorded and subject to risk, operational and security assessments, and shared with the individual.

**Annex C4**

**Official sensitive when complete**

|  |  |
| --- | --- |
| **Case Board – Advance Disclosure** | |
| **Section 1: Case Board details** *(to be completed by the administrator)* | |
| **Date of meeting** |  |
| **Location** |  |
| **Dial in details** |  |
| **Chair** |  |
| **Invitees** |  |
| **Apologies** |  |
| **Type of Board** *[delete as necessary]* | **Local Board:**  Pre-sentence  Within 14 calendar days of:   * reception into custody (remanded or sentenced) * transfer to a new prison (remanded or sentenced) * arrival into Approved Premises   Review  Pre-release Board  Contingency Plan Board  **Complex Case Board (Prison/Approved Premise)** |
| **Date disclosure provided to the individual** (must be at least 4 days prior to the meeting) |  |

|  |  |
| --- | --- |
| **Section 2: Details of the Individual who is transgender** *(to be completed by the administrator subject to individual giving consent to disclosure)* | |
| *To be completed by the administrator and taken from relevant case administration systems (ASSET, PNOMIS, Ndelius)* | |
| **Name** (include former aliases) |  |
| **Current prison/AP location** (if applicable) |  |
| **Date of last review** (if applicable) |  |

|  |
| --- |
| **Section 3: Offending history***(to be completed by the administrator)* |
| 3.1 Index offence *(include sentencing details, description of offence, type of offence (e.g. sexual and/or violence), evidence of coercive control within a relationship, victim group)* |
|  |
| 3.2 Previous convictions *(include all previous convictions including any breaches or supervision failures)* |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Section 4: Assessment of static & dynamic risk** *(as assessed through the Offender Assessment System (OASys) where available). Chair of the board to allocate this section for completion.* | | | | |
| 4.1 Risk of serious harm summary | | | | |
| **Risk of Serious Harm** | **Risk in Community** | | | **Risk in Custody** |
| To Children |  | | |  |
| To Public |  | | |  |
| To Known Adult |  | | |  |
| To Staff |  | | |  |
| To other Prisoners |  | | |  |
| To Self [[1]](#footnote-1) |  | | |  |
| 4.3 Areas of risk relevant to the Case Board | | | | |
| **Identified areas of risk from OASys** | | | | |
|  | | | | |
| **Identified areas of risk from other sources which can be disclosed to the individual:**   * previous behaviours which have not resulted in convictions; * risks of sexual or violent assault to women prisoners where a person is seeking to be located in a women’s prison; * other identified risks to other prisoners and residents * risks from other prisoners (e.g. risk of sexual or violent assault) to the individual * threats from prisoner’s families, own family other members of the public * impact of any high profile media coverage | | | | |
|  | | | | |
| 4.4 Health care and medication information (to be completed only where relevant to individual case management) and where consent has been given for medical in confidence information to be shared) | | | | |
| Relevant healthcare information | | | | |
|  | | | | |
| Relevant healthcare information from HMPPS staff and prison-based NHS staff (where consent has been provided) including prison psychologists, mental health in reach team, prison GP and/or nursing staff | | | | |
|  | | | | |
| Relevant healthcare information from External healthcare staff (where consent has been provided) including GP, Gender Identity Clinic staff | | | | |
|  | | | | |
| Areas of risk relating to health relevant to care and management | | | | |
| Medical risks specific to location in a women’s estate (if applicable) | | |  | |
| Medical risks specific to location in a men’s prison (if applicable) | | |  | |
| Relevant substance misuse risks | | |  | |
| Mental health issues | | |  | |
| Personality Disorder diagnosis | | |  | |
| Learning difficulties or Autism Spectrum Disorders | | |  | |
| Any other relevant health considerations | | |  | |
| **4.5 Other Equalities considerations, including:** | | | | |
| **Age**  (*if under 21 years in the adult prison estate, a referral must be made to a Complex Case Board)* | | |  | |
| **Disability**  *(include mental and physical health)* | | |  | |
| **Religion or belief** | | |  | |
| **Race** | | |  | |
| **Sexual orientation** | | |  | |
| **Any other equalities considerations/ protected characteristics** | | |  | |
| **4.6 Voluntary Agreement** | | | | |
| Has a Voluntary Agreement been agreed | | | Yes / No | |
| If yes, what are the Searching and Mandatory Drug Testing arrangements agreed? | | |  | |
| **4.7 Sentence planning recommendations (where applicable)** | | | | |
|  | | | | |
| **4.8 Concerning behaviours** *(case administration records: interactions with staff, peers, visitors, attitude towards regime and activities)* | | | | |
|  | | | | |
| **4.9 Protective behaviours and factors** *(positive influences and lifestyle factors [such as contact with family or significant others, education, training, religion], interactions with staff, completion of interventions that improve and may decrease the likelihood of problematic behaviour or future offending)* | | | | |
|  | | | | |
| **Report author name/grade**[[2]](#footnote-2) | |  | | |
| **Report date** | |  | | |

|  |  |
| --- | --- |
| **Section 5: Voluntary Contribution by the transgender person (to be completed by you or by a member of staff on your behalf) or presented verbally at the meeting** | |
| This is your opportunity to express your views of your care and management | |
| What is your legally recognised gender? | Male/female |
| What is the gender you identify with? | Male/female or in another way |
| Are you seeking to transfer to a prison/AP which matches the gender you identify with? | Yes/No |
| What would you like the Case Board to consider in respect of your care and management? |  |
| If you have applied for legal recognition of your gender via a gender recognition certificate, do you give written express permission for your previous gender and details of the gender recognition certificate application process to be disclosed? In circumstances set out in s 22 of the Gender Recognition Act 2004, the information may be disclosed even if you do not consent. | Prefer not to say / Yes /No |
| Do you give permission for your medical in confidence information to be discussed at the case board which is relevant to care and management decisions which need to be considered?  This could be from your GP, Gender Identity Clinic, prison healthcare team, psychologist or psychiatrist. | Yes / No  Comments: |

|  |  |
| --- | --- |
| **Signature and date** | Date ………./………./………… |
| **Name and date of the member of staff if this has been completed on your behalf** | Date ………./……..../………… |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Section 6: Contributions by other invitees** *(information to be collated by the administrator)* | | | | |
| **Role** | Summary of information provided to the Board and disclosed to the individual | | | **Report Author**[[3]](#footnote-3) **and date** |
| Establishment Psychologist/ with Regional Psychologist Lead oversight | * ***What reports, risk assessments, information is going to be shared at the board?*** | | | **Report Author** |
| **Report date** |
| Safer Custody Manager |  | | | **Report Author** |
| **Report date** |
| Offender Manager or Pre-sentence report author |  | | | **Report Author** |
| **Report date** |
| Healthcare (prison healthcare, GP, Gender Identity Specialist) |  | | | **Report Author** |
| **Report date** |
| Offender Supervisor |  | | | **Report Author** |
| **Report date** |
| **7a Disclosable intelligence** | | | | |
| **Staff to note that any intelligence in this section WILL be provided to the offender. Non-disclosable intelligence should go in section 7b below.** | | | | |
| **Area of Intelligence** | | | **Overview of intelligence** | |
|  | | |  | |
|  | | |  | |
| Other invitee |  | | | **Report Author** |
| **Report date** |
| **Section 7b: Non-Disclosable information and intelligence – to be completed by custody Security departments, from Information Not to Be Disclosed to the Individual (INTBDTO) sections in OASys, other third party information** | | | | |
| **7b Non-disclosable intelligence** *(any information that cannot be included in 7a of this report. Information included in this section must be of a restricted or sensitive nature and as such would* ***not be disclosed*** *under the Data Protection Act 2018).* | | | | |
| **Area of intelligence** | | **Overview of intelligence** | | |
|  | |  | | |
|  | |  | | |
| **Gist of the intelligence above that must be disclosed to the individual:** | | | | |
| **Area of Intelligence** | | **Gist** | | |
|  | |  | | |

|  |  |
| --- | --- |
| **Report author name/grade** |  |
| **Report author signature** |  |
| **Report date** |  |

**Annex C5**

|  |  |  |
| --- | --- | --- |
| Official sensitive when complete  **Local Case Board Record** | | |
| Tick as appropriate  **Initial Local Case Board**   * During pre-sentence report preparation * Within fourteen days of reception into custody (remand or sentenced) * Within fourteen days of arrival into Approved Premises   **Local Transgender Case Review Board**  **Pre- release/Contingency Case Board** | | |
| 1 | Date of Board |  |
| 2 | Location of Board |  |
| 3 | Chair |  |
| 4 | Attendees (including emails) |  |
| 5 | Apologies |  |
| 6 | Name of Individual and preferred pronoun (he/she/they etc) |  |
| 7 | Prison number or case reference number |  |
| 8 | Has written consent to disclose previous gender been signed by the individual? When? |  |
| 9 | Date disclosure form was given to the individual (including accompanying documents) |  |
| 10 | What is the assessed confirmation of gender identity? (Annex C3 of Operational guidance: Full, Strong, limited, counter) and what evidence supports this? |  |
| 11 | Views/Representations of the individual (in person, in writing, via telephone etc.) | |
|  | |
| 12 | Location decision – Men’s or Womens estate? Is this consistent with the view of the individual and/or their legal gender? Record reasons for the location decision | |
|  | |
| 13 | Voluntary Agreement – has the individual participated in a voluntary agreement and if not what decisions are required? | |
|  | |
| 14 | If searching arrangements have not been agreed via the Voluntary Agreements, what decisions needs to be made and who do these need to be communicate to? | |
|  | |
| 15 | Healthcare and wellbeing considerations (including medication, continuity of healthcare, mental health, any Gender Identity Appointments) | |
|  | |
| 16 | How is the individual being supported and enabled to express the gender they identify with? What else needs to be explored or put in place? | |
|  | |
| 17 | Specific input from attendees that has not already been covered | |
|  | |
| 18 | What support via friends, family members or external organisations are in place. What else needs to be explored or considered? | |
|  | |
| 19 | Summary of all known risks relating to transgender status (4.27 of the Policy Framework include risks to the individual, to other individuals, to staff and including self-harm) | |
|  | |
| 20 | Location considerations within the main regime and access to purposeful activities and interventions | |
|  | |
| 21 | Does this case meet any criteria (4.45 of the Policy Framework) triggering the need for a referral to the centrally managed Transgender Complex Case Board? If yes, which criteria | |
|  | |
| 22 | Summary of actions from the Case Board (Who will do what and by when) | |
|  | |
| 23 | Any other considerations | |
|  | |
| 24 | Review date (where necessary) | |
|  | |

**Annex C6**

|  |  |  |
| --- | --- | --- |
| **Referral to HMPPS Complex Case Board** | | |
| Date of referral | |  |
| Name/Email/Direct dial of referring chair | |  |
| Name of prison or approved premise | |  |
| Name of Individual | |  |
| Prison/Case Reference No. | |  |
| Check all relevant criteria that apply | | |
|  | Where allocation to the general women's estate is sought for a transgender woman with any sexual or violent offence conviction or current charge (see Annex D) or birth genitalia. When, by exception, a CCB recommends this allocation, a referral will be made to the HMPPS Director General and Secretary of State for Justice. | |
|  | Where prison/AP allocation is sought **and is supported by the local case board** which does not match the individual’s legal gender | |
|  | Where a transgender prisoner may present a risk to others and/or to themselves which requires special management. | |
|  | Where a transgender individual is at risk from other people in custody. | |
|  | Where a transgender individual with a GRC presents risks which are deemed to be unmanageable within the estate/AP of their legal gender and may need to be held in separate accommodation or in the estate of the opposite gender in accordance with Prison Rule 12. | |
|  | Where a person gains legal recognition of their gender identity during a custodial term or whilst on licence residing at an AP | |
|  | For transgender young people transitioning from youth custody to the adult prison estate | |
|  | When any other identified risk requires special management, including where emerging risks (at any point during remand, sentence or residence) prompts a referral or when decisions are needed on behalf of the wider prison/AP estate. | |
| Summary (brief case history, what are the risks and to who, reason for referral, what would you like the CCB to consider as an outcome) | | |
|  | | |
| Provide the following documents: | | |
| * Record of the last Local Case Board * Most recent OASys Assessment * Completed Disclosure Form | | |

Submit to: HMPPSTransgender@justice.gov.uk

**Annex C7**

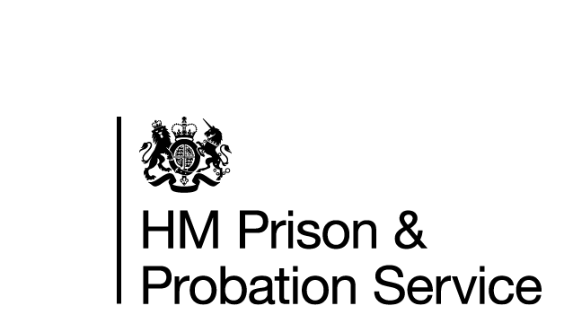
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**Care and Management Plan for Transgender Individuals (template to be adapted as necessary)**

**All care and management plans must be consistent with national and local prison or approved premise policies and rules and with the wider sentence management plan, licence conditions or other orders of the court (including those conditions relating to victims where applicable).**

|  |  |  |
| --- | --- | --- |
|  | **Care and Management Plan for Transgender Individuals** | |
| 1 | Individual’s name |  |
| 2 | Prison Number or  Case Reference Number |  |
| 3 | Date of plan |  |
| 4 | Review date of plan (where applicable) |  |
| 5 | Summary of care and management within the prison or approved premises location and main regime, including if a change of location is requested | |
|  | |
| 6 | Views of the individual (including location, care and management) | |
|  | |
| 7 | Actions needed to support gender expression | |
|  | |
| 8 | Healthcare and management | |
|  | |
| 9 | Management of risks (consider all known risks to the individual (including self-harm), by the individual to other individuals, staff and known victims) | |
|  | |
| 10 | Any other agreed care and management needs identified by staff, individual or others | |
|  | |
| 11 | Support from family or voluntary/external groups | |
|  | |
| 12 | Any other considerations, including media handling | |
|  | |

**Annex D1**



**Voluntary Agreement for Transgender Residents – prison only**

Note to staff: All care and management plans must be consistent with national and local prison or approved premises policies and rules and with the wider sentence management plan, licence conditions or other orders of the court (including those conditions relating to victims where applicable).

Voluntary Agreement between: HMP/YOI ……………………….……………………

and ……………................................................................................................

**1 The reason for this agreement**

The reason for this agreement is to keep a record of the things we agree will happen to enable you to live in and express the gender identity you feel is right for you. This agreement complies with Prison Service rules and will be updated if the rules change. Unless otherwise agreed, your daily plan will be the same as all other residents in this prison.

**2 Living space**

Whilst at HMP/YOI………..……………... space will be provided to give you the most privacy possible but still allowing you to take part in all the prison activities. This will take into account your cell sharing risk assessment and any needs or issues you may face.

**3 Showers/bathing**

If the prison is unable to provide a showering or bathing option in your cell, you will be given as much privacy as possible by:

* No other resident will be allowed to use the shower/bathing space when you are using it.
* You must make sure that the shower curtain/screen or bathroom door is closed.
* You must be fully dressed when walking to and from the shower area. This includes wearing proper footwear.
* You will be told the times you can use the shower/bathroom and you must not use or attempt to use the shower outside these times.
* If there are times when you need to use the shower/bathroom facilities outside of the proper times, such as prior to escort, you must speak to the Wing Supervising Officer or Custodial Manager.
* You must use the showers/bathroom as directed by the staff on duty.

**4 Laundry**

All your clothing will be washed in line with the wing/unit laundry rules. You may wash personal items such as underwear by hand in your room. If needed, a bowl will be provided for this purpose. If a sink is not available in your room, other plans will be made for you to wash personal items in private.

**5 Dress code**

You will be able to wear clothing that fits your gender identity as long as it fits with the prison rules. During work periods you will dress correctly for the work you do and in line with health and safety regulations.

If your gender identity changes (for example, if you cross-dress or change your dress between male and female), a security assessment will be completed and access to clothing and other items such as make-up or jewellery will be agreed with you. (delete this paragraph if not relevant to the prisoner)

**6 Employment**

Employment will be provided for you in line with the usual prison rules, but will take into account any issues you may have in relation to your gender identity.

**7 Offending behaviour**

You are expected to follow your sentence plan and to do any offending behaviour programmes which you need. You will be able to do your programmes in the gender you identify unless that means you are unable to follow the health and safety rules.

**8 Items you can have**

The list of items you can have will be the same as other prisoners, along with some items that help you express your gender identity. Certain items will be agreed locally.

You will be allowed to buy toiletries to help you express your gender identity as long as these meet with prison rules.

If your gender identity changes (for example, if you cross-dress or change your dress between male and female presentation), a security assessment may need to be completed and access to items will be agreed with you. Photographs may need to be taken of you in your male and your female roles. If you change your gender identity regularly, this should be shared with ……………………………………. (insert staff name) so that an agreement can be reached. (Delete this paragraph if not relevant to the prisoner)

**9 Support**

You have the support of (insert name of establishment transgender SPOC) but you can also speak to any member of staff about any concerns you may have.

**10 Named Offender Supervisor and Senior Officer**

Your Offender Supervisor is ………………………………………………….

Your Senior Officer is ……………………….…………………………

**11 Monthly review**

You will have a review every month with your Offender Supervisor, and every three months with your Senior Officer. This will give you the time to discuss any problems or ask for help.

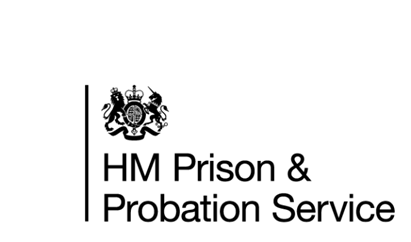
**12 Searching**

You and your cell will be searched in line with the Prison Service National Security Framework and HMP …………….……………..’s rules . This includes any personal items that you have.

The way in which you are searched, and the gender of the staff searching you, will be discussed with you to reach an agreement. If agreement cannot be reached, you will be searched in the way that this prison considers to be the best for security and for your welfare and privacy.

Searching agreement

|  |  |
| --- | --- |
| Your signature………………………… | Wing Manager’s signature…………………… |
| Your name…………………………….. | Wing Manager’s name……………………….. |
|  |  |
| Prison number………………………………. |  |
| Date ………… / ……..… / ……….. | Date ………… / ……..… / ……….. |
|  |  |

****

**Annex D2**

Official sensitive when complete

**Voluntary Agreement for Transgender residents – Approved Premises**

Note to staff: All Voluntary Agreements must be consistent with national and local prison or approved premises policies and rules and with the wider sentence management plan, licence conditions or other orders of the court (including those conditions relating to victims where applicable)

Voluntary Agreement between: ………………………… Approved Premises (AP)

and ……………………....................................................................................

**1 The reason for this agreement**

The reason for this agreement is to keep a record of the things we agree will happen to enable you to live in and express the gender identity you feel is right for you. This agreement complies with National Probation Service rules and will be updated if the rules change. Unless otherwise agreed, your daily plan will be the same as all others in this AP.

1. **Living space**

Whilst at………..……………… Approved Premise, space will be provided to give you the most privacy possible but still allowing you to take part in all activities. This will take into account any risk assessments and any problems you may hav

1. **3 Showers/bathing**

If the AP is unable to provide a showering or bathing option in your room, you will be given as much privacy as possible by:

* You must make sure that the shower curtain/screen or bathroom door is closed
* You must be fully dressed when walking to and from the shower area. This includes wearing proper footwear.

**4 Laundry**

All your clothing will be washed in line with AP laundry rules. You may wash personal items such as underwear by hand in your room. If needed, a bowl will be provided for this purpose.

**5 Dress code**

You will be able to wear clothing that fits your gender identity, as long as these fit with the AP rules.

1. **Offending behaviour**

You are expected to follow your sentence plan and to do any offending behaviour programmes which you need. You will be able to do your programmes in the gender you identify with.

**7 Support**

You have the support of ……………………………………(insert staff name) but you can also speak to any member of staff about any concerns you may have.

If you need further support with your gender identity, you can contact the local equality lead/ Divisional Transgender SPOC or ask the AP manager for the contact details of local support groups

**8 Named AP key worker and AP manager**

Your AP Keyworker is ………………………………………………….

Your AP Manager is ……………………….…………………………

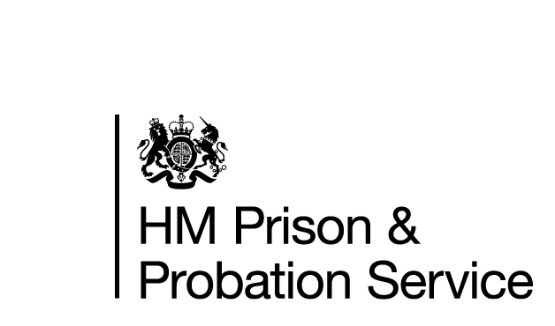
**9 Monthly review**

You will have a review every month with your key worker, and every three months with the AP manager. This will give you the time to discuss any problems or ask for help.

**10 Searching**

Your room will be searched in line with the AP procedures.

|  |  |
| --- | --- |
| Your signature………………………… | Keyworker’s signature…………………… |
| Your name…………………………….. | Keyworker’s name……………………….. |
|  |  |
|  |
| Date ………… / ……..… / ……….. | Date ………… / ……..… / ……….. |

**Annex D3**

Official sensitive when complete

**Voluntary Agreement for Transgender Prisoners in custody of PECS contractors only**

Note to staff: Voluntary agreements must be consistent with prison rules and with the wider sentence management plan, licence conditions or other orders of the court (including those conditions relating to victims where applicable).

Voluntary Agreement between:

Prisoner Escort Custodial Service at …………………….……………………….Court

and ………………………………....…………………….................... (name of prisoner)

**1 The reason for this agreement**

The reason for this agreement is to keep a record of the things we agree will happen to support you in the gender identity you feel is right for you whilst you are in the court cells.

If you are taken to prison we want you to tell us your view of going to either a men’s or women’s prison. We will need other information to make the final decision.

This agreement complies with prison rules and will be updated if the rules change. Unless otherwise agreed, your daily plan will be the same as all others held in the cells.

**2 Dress code**

You will be able to wear clothing that fits your gender identity, as long as this fits with the court and the prison service rules.

**3 Searching**

You will be searched in line with the prison rules. This includes any personal items that you have.

The way in which you are searched, and the gender of the staff searching you, will be discussed with you to reach an agreement. If agreement cannot be reached, you will be searched in the way that staff consider to be the best for security and for your welfare and privacy.

Searching agreement

**4 Prison Location**

It will help us to make a decision about which prison we should take you to if you can give us proof of your legal gender (e.g. birth certificate).

If you have not changed your gender legally, but you are living in the gender you identify with, it will help us to make a decision if you can give us proof of this. This could be a letter from your GP, Gender Identity Clinic, change of name (on your driving licence or other forms of identity).

If you cannot prove your legal gender, the prison service will make a decision based on your birth gender. Staff working in the court cells do not make this decision.

If you do not agree with the decision, a local Case Board will be held about you within fourteen working days of you going to prison. This will be sorted out by the prison. You will be able to make your views known to this Board.

If you cross-dress, are gender fluid or do not think of yourself as either male or female, you will be located to a prison which fits with your legal gender or, if this is not known, based on the best available evidence we have. You will be able to dress in the gender you identify with as long as this fits with prison rules.

**5 Support**

You can speak to any member of staff about any concerns you may have or asked to be put into contact with a local support group.

Your signature PECS escort contractor’s staff signature

……………………………………….. ……………………………………….

Your name PECS escort contractor’s staff name (print) (Print)

………………………………….…… ………………………………………..

|  |  |  |
| --- | --- | --- |
| Date …… / …… / …….. | Date …… / …… / …….. |  |

**Annex E**

**Further Relevant Legislation**

## Gender Recognition Act 2004

E1 The Gender Recognition Act 2004 provides a mechanism to allow individual’s to apply to the Gender Recognition Panel (GRP) for legal recognition of the gender the person identifies with. Applicants who can satisfy the GRP that they fulfil the legal requirements for recognition in their acquired gender identity, will be granted a full gender recognition certificate (GRC). Section 9 of the GRA 2004 states:

Where a full gender recognition certificate is issued to a person, the person’s gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person’s sex becomes that of a man and, if it is the female gender, the person’s sex becomes that of a women).

E2 Neither surgery nor hormone therapy are prerequisites for receiving a full GRC. Further advice on applying for a GRC is available on the GRP website at [www.grp.gov.uk](http://www.grp.gov.uk). This includes guidance on a separate application process for those who have already obtained legal recognition in a foreign country.

E3 From the date of recognition the applicant is seen in law as being for all purposes of the person’s acquired gender identity. Establishments must treat holders of a full GRC in the same way as any other person of their acquired gender. This will have ramifications for areas such as searching and decisions relating to location in the prison estate or Approved Premises

E4 If a successful applicant’s birth was registered in the UK, the GRC will be presented to the appropriate Registrar General who will issue a new birth certificate in the person’s acquired gender.

E5 If an individual’s birth was registered outside of the United Kingdom then the GRC will be valid and the person’s gender identity is recognised in UK law. In such a situation individuals will have to provide a GRC if they wish to prove legal recognition of their gender.

E6 If an individual presents other evidence that they have obtained legal recognition in another country, this will not automatically mean that their acquired gender is recognised under UK law. Further advice can be obtained from the HMPPS Transgender Team HMPPStransgender@justice.gov.uk

Interim GRCs

E7 An interim GRC is evidence that the person has met all the criteria for a full certificate. An interim certificate is granted to successful applicants who are married if the spouse does not consent to the marriage continuing after the issue of a full GRC. An interim certificate is granted to those in civil partnerships if the other party is not also applying for a GRC and the couple do not convert their civil partnership to a marriage.

Disclosure of Protected Information (section 22 Gender Recognition Act 2004)

E8 Section 22 of the GRA 2004 states that:

(1) It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person.

(2) Protected information means information which relates to a person who has made an application under section 1(1) and which –

1. Concerns that application or any application by the person under section 5(2) or 6(1) or
2. If the application under section 1(1) is granted, otherwise concerns the person’s gender before it becomes the acquired gender.
3. A person acquires protected information in an official capacity if the person acquires it –
4. In connection with the person’s functions as a member of the civil service (which includes prison and probation staff), a constable or the holder of any public office or in connection with the functions of a local of public authority or of a voluntary organisation.
5. As an employer, or prospective employer, of the person to whom the information relates or as a person employed by such an employer or prospective employer
6. In the course of, or otherwise in connection with, the conduct of business or the supply of professional services. .

Exemptions to Disclosure within the Gender Recognition Act 2004

E9 It is not an offence under section 22 (4) of the GRA 2004 to disclose protected information relating to a person if –

1. the information does not enable the person to be identified;
2. that person has agreed to the disclosure of the information;
3. the information is protected information by virtue of subsection (2)(b) and the person by whom the disclosure is made does not know or believe that a full gender recognition certificate has been issued
4. the disclosure is in accordance with an order of a court or tribunal;
5. the disclosure is for the purpose of instituting, or otherwise for the purposes of, proceedings before a court or tribunal;
6. the disclosure is for the purpose of preventing or investigating crime;
7. the disclosure is made to the Registrar General for England and Wales, the Registrar General for Scotland or the Registrar General for Northern Ireland;
8. the disclosure is made for the purposes of the social security system or a pension scheme;
9. the disclosure is in accordance with an order made by the Secretary of State; or
10. the disclosure is in accordance with any provision of, or made by virtue of, an enactment other than this section (e.g. any other law)

**s.22(5) was added in October 2021 which allows disclosure where it is necessary for offender management purposes. Disclosure made using this exemption should be recorded, including the reason that the disclosure was necessary**

E10 The Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005 (No. 916) provides that it is not an offence to disclose protected information:

* for the purpose of obtaining legal advice;
* for certain religious purposes
* for medical purposes to a health professional where the person making the disclosure reasonably believes that the subject has given consent to the disclosure or cannot give such consent; or
* for certain reasons related to insolvency.

E11 There may be a situation in which protected information about an individual with a GRC is recorded or shared to prevent and detect crime and to fulfil prison and probation public protection responsibilities under MAPPA. Specific arrangements have been made to ensure that information recorded on ViSOR (see Glossary) is exempt for the purposes of preventing a crime. **However, general records are not exempt.**

E12 Information about individuals who do not have a GRC and are not applying for one is not protected information. However, staff should still be sensitive to the needs of individuals when recording information about their gender and should note the requirements of the General Data Protection Regulation and Data Protection Act 2018 as described below.

## General Data Protection Regulation and Data Protection Act 2018

E13 The General Data Protection Regulation and Data Protection Act 2018 sets out the circumstances in which sensitive personal data can be processed. The definition of sensitive personal data would include information about an individual’s gender history or gender reassignment. As such, explicit consent from the individual would be required for that data to be shared without restriction unless the processing is for one of the specified purposes in the GDPR and DPA 2018.

E14 Explicit consent may be obtained via the Equality Information Form at the first point of contact during the preparation of a pre-sentence report or at any stage following reception into custody. The Equality Information Form can be found in Annex B of PI 04/2016 Determining PSRs [https://intranet.hmpps.gsi.gov.uk/policies-and-subjects/probation/probation-instructions/pi-2016-04](https://intranet.noms.gsi.gov.uk/policies-and-subjects/probation/probation-instructions/pi-2016-04)

## Human Rights Act 1998

E15 In the case of *Goodwin v The United Kingdom* and *I v The United Kingdom* (2002) 35 EHRR 18 the European Court of Human Rights ruled that the refusal legally to recognise a person’s acquired gender constituted a violation of Articles 8 and 12 of the European Convention on Human Rights. Article 8 states that everyone has the right to respect for his private life and Article 12 states that men and women of marriageable ages have the right to marry and to found a family.

E16 Generally HMPPS must not seek to interfere with a person’s personal autonomy, preventing that person from living fully in the gender with which they identify, even if they not seeking a GRC, or it may be liable under the Human Rights Act 1998 for violation of Article 8 of the European Convention on Human Rights. However an interference may be lawful provided it is in pursuit of a legitimate aim, in accordance with the law, necessary and proportionate.

European Convention of Human Rights: Article 8

E17 Article 8 includes the right to respect for private life. The private life limb has been very expansively interpreted in case law by the ECtHR. An illustrative example of this was the case of *Pretty v UK* (2002), in which the ECtHR found that private life encompasses physical and psychological integrity, physical, personal and social identity, gender identification, name, sexual life and sexual orientation, personal autonomy and lifestyle. Case law indicates that the right to self-determination includes the right to shape and define your identity through personal choices. One core aspect of self-determination is the protection of sexual identity, which is treated as a core aspect of the right to private life. This means that Article 8 includes the right to be yourself and live as yourself, and it may, in particular circumstances, protect an individual’s right to choose matters like their mode of appearance and dress, clothing, haircut etc.

E18 Article 8 comprises of both negative and positive obligations. The negative obligation is an obligation to refrain from taking steps that would violate article 8 e.g. to refrain from taking steps that would have an adverse impact on an individual’s mental health/integrity in order to preserve their mental stability. Examples of positive obligations would include facilitating gender expression and choices as outlined in paragraph E17 above.

E19 ECtHR case law on the issue of gender identity has evolved, and in the case of *Goodwin v UK* (2003), the ECtHR found that failure to provide for transsexual individuals to have full legal recognition of their new identity when they underwent gender reassignment violated article 8. This resulted in the UK legislating in response via the Gender Recognition Act 2004 to create the system of GRCs.

Equality Act 2010

E22 Section 149 of the Equality Act 2010 (EA 2010) created a Public Sector Equality Duty (PSED) which states that a public authority must ‘in the exercise of its functions have due regard to the need to:

* + Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited under the EA.
  + Advance equality of opportunity between persons who share a protected characteristic and those who do not share it.
  + Foster good relations between persons who share a relevant protected characteristic and persons who do not share it’.

The EA sch.3 part 7 contains exceptions to the above prohibitions to allow for the provision of services which are single-sex or separated by sex. Paragraph 28 states that a person does not contravene the duty for service-providers not to discriminate against people in relation to gender reassignment where providing a service which is single-sex or separated by sex is a proportionate means of achieving a legitimate aim.

E23 The Public Sector Equality Duty (PSED) also legislates that public bodies must consider the needs of all individuals in shaping policy, in delivering services and in relation to their own employees.

E24 The PSED also applies to HMPPS contracted providers in the execution of their public duties.

E25 There are nine characteristics protected under the Equality Act 2010. They are (in alphabetical order) age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, and sexual orientation.[[4]](#footnote-4) Each of us have protected characteristics and the PSED serves to protect the interests of all recipients of the services that we provide as an organisation.

# Gender Reassignment

E26 Section 7 of the Equality Act 2010 states that:

‘(1)A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment— (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person; (b) a reference to persons who share a protected characteristic is a reference to transsexual persons’.

**Annex F**

**Informed Written Consent to Disclose a Previous Gender**

|  |  |
| --- | --- |
| **Gender Reassignment**  There are special rules about how we treat information relating to gender reassignment if you have or are applying for a gender recognition certificate (GRC) under the Gender Recognition Act 2004.  It may be an offence for us to tell anyone about your previous gender, unless you consent to us doing so or unless another exemption in section 22 of the Gender Recognition Act 2004 applies. .  Giving your consent by signing in the box below will allow us to record and share this information with partnership agencies, when necessary, to support the management of your case.  We will usually tell you beforehand, except in some circumstances where there is a risk of serious harm to yourself or another person.  You may withdraw your consent at any time. | |
| Signed | Date |
| Print Name | |
| Staff name | Date |

**Annex G**

**Further Advice and Support**

1 HMPPS Transgender Team can be contacted with general queries at [HMPPStransgender@justice.gov.uk](mailto:HMPPStransgender@justice.gov.uk)

2 Referrals to the centrally managed Complex Case Board

[HMPPSTransgender@justice.gov.uk](mailto:HMPPSTransgender@justice.gov.uk)

3 The HMPPS Women’s Directorate can be contacted at

[WomensDirectorate@justice.gov.uk](mailto:WomensDirectorate@justice.gov.uk)

4 HMPPS Staff Network covering sexual and gender identities

Pride in Prisons and Probation, [PiPP\_HMPPS@justice.gov.uk](mailto:PiPP_HMPPS@justice.gov.uk)

5 Regional Psychologist Lead Transgender Single Point of Contact (SPOC)

Contact via prison regional offices

6 Regional Probation/Prison Transgender Specific Point of Contact (SPOC). Contact the Transgender Team if you are unsure who these are for your area or prison

7 Prison Equality leads, contact via each establishment

8 HMPPS Interventions team

[Interventions\_businessenquiries@justice.gov.uk](mailto:Interventions_businessenquiries@justice.gov.uk)

9 Government Equalities Office.

Department for Education, Enquiries: 0370 000 2288

10 Gender Recognition Panel, PO Box 9300, Leicester, LE1 8DJ or via Gov.Uk

11 Gender Identity Clinics

Contact via prison health care teams or community GPs

12 Local organisations: Prisons, probation regions and other providers of probation and community services may wish to make contact with local organisations who provide support to transgender individuals.

13 The following documents are available on the Department of Health website:

* [Transgender experiences: information and support](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_097169)
* [Trans: a practical guide for the NHS](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089941)
* [Guidance for GPs, other clinicians and health professionals on the care of gender variant people](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_084919)
* [NHS funding processes and waiting times for adult service-users: Trans wellbeing and healthcare](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_082956)
* [A guide to hormone therapy for trans people](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_081580)
* [A guide for young trans people in the UK](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_074258)

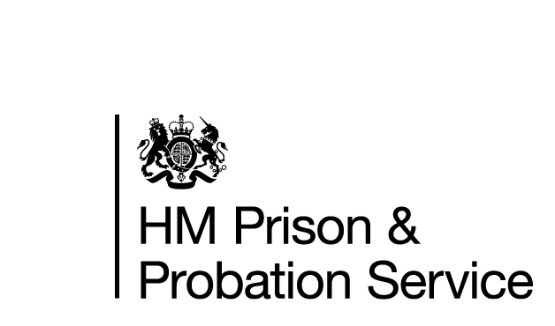
14 UK Intersex Association <http://www.ukia.co.uk/about.html>

**ANNEX H**

**Glossary of Terms**

Terms and language regarding transgender individual’s and transgender issues are evolving rapidly and many terms may mean different things to different people. The definitions given here are common, but not universal, understandings of these terms[[5]](#footnote-5).

|  |  |
| --- | --- |
| Acquired gender | The law uses the phrase ‘acquired gender’ to refer to the gender in which a transgender person lives and presents to the world. This is not the gender that they were assigned at birth, but it is the gender in which they should be treated. The ‘acquired’ gender is a legal term which describes a person’s gender following reassignment but is unpopular with transgender campaigners. This is because it implies that the ‘true’ gender has been acquired following reassignment rather than being ‘true’ before the person had the confidence or resources to transition. A term that has been used within the policy is ‘the gender the person identifies with’ |
| Affirmed Gender | Term used to describe the gender after a person has transitioned (generally preferred to the term ‘acquired gender’). |
| Cross Dresser | Someone who wears the clothes usually expected to be worn by someone of the opposite gender, typically of a part time activity. They may dress to express the more masculine or feminine side of themselves, for their own sense of comfort. It may have an erotic component for some people |
| Due Regard | Having **due regard** meansconsciously thinking about the three limbs of the Public Sector Equality Duty (as contained in the Equality Act 2010) in how HMPPS designs, delivers and evaluates its services, and in how HMPPS commissions, procures and manages contracts in respect of the protected characteristic of ‘gender reassignment.’ The PSED also applies to contracted providers in the execution of their public duties. |
| Gender binary | A binary system allows only two things or states – for example, on/off. In terms of gender, it refers to the either/or categories of male/female that do not allow for, or recognise, other experiences of gender. |
| Gender dysphoria | Where a person experiencing discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. |
| Gender-fluid | This refers to a gender identity which varies over time (see also ‘gender variance’). |
| Gender identity | A person’s sense of self as a man, woman, non-binary person or other sense of gender. A person’s gender identity typically follows the sex they were assigned at birth (based on physical attributes), but this is not always the case. |
| Gender reassignment | One of the protected characteristics listed in the Equality Act 2010. A person is undergoing gender reassignment if they are “proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”. This does not require any medical assessment or treatment |
| Gender Recognition Certificate (GRC) | A certificate issued under the Gender Recognition Act which enables someone to be legally recognised in their acquired gender. |
| Intersex[[6]](#footnote-6) (or variant sex characteristics) | Is someone who may have hormonal or chromosomal conditions which are not typically male or female. This may also, but not necessarily include physical characteristics that differ from the typical male or female. In the UK, Intersex babies have to be registered as either male or female. Not all intersex conditions are apparent at birth and may appear later, for example during puberty. |
| LGBT+ | Lesbian, Gay, Bi-sexual, Transgender and other identities |
| MAPPA | Multi Agency Public Protection Arrangements |
| Mis-gendering | You ‘mis-gender’ someone when you refer to them using a word, especially a pronoun or a form of address, that does not correctly reflect the gender with which they identify |
| Non-binary person | Someone who does not subscribe to the customary binary approach to gender, and who may regard themselves as neither male nor female, or both male and female, or take another approach to gender entirely. |
| Cisgender | Someone whose gender identity matches the gender they were assigned at birth |
| Pronouns | For example ‘she’, ‘he’, they. . |
| Sex | Is assigned at birth as male/female based on the appearance of a baby’s genitalia at birth. |
| Sexual orientation | This includes lesbian, gay man/woman, bisexual person and heterosexual person. |
| Transgender (or trans) person | A broad, inclusive term referring to anyone whose personal experience of gender extends beyond the typical experiences of those of their registered sex at birth. Sometimes also referred to as gender diverse |
| Transgender man | A transgender man is a person who was assigned female at birth but has a male gender identity. |
| Transgender woman | A transgender woman is a person who was assigned male at birth but has a female gender identity. |
| Transition | The journey a transgender person takes from their assigned gender to the one they know themselves to be. This may refer to social transition (changing name, clothes etc), medical transition (hormones and/or surgery) or both. |
| ViSOR | ViSOR is a police managed recording system for violent and sexual offenders (see Statutory MAPPA Guidance). |

**Annex I**

|  |  |
| --- | --- |
| **PPUD: Personal details update form for transgender offenders** | |
| **Form to be completed for all parole eligible offenders and recalled prisoners** | |
| **Parole eligible individual** | **Send completed form to Form to the relevant Parole Eligible Casework (PEC) functional mailbox (FMB – please see attached) using the following subject email title format 'Name of offender- Prison number- Personal detail change'** |
| **Recalled Prisoner** | **Send completed from to emailed to recall1@justice.gov.uk- using the following subject email title format 'Name of offender- Prison number- Personal detail change- FAO Review Team Band 7'** |
| **Name** |  |
| **Preferred name (if different)** |  |
| **Prison/NOMs number** |  |
| **DOB** |  |
| **Gender** |  |
| **Legal gender (if different)** |  |
| **Preferred pronouns** |  |
| **Has the prisoner been informed that you are notifying the Public Protection Casework Section for the purpose of ensuring their personal details are effectively updated on PPUD (if no, please ensure the offender is notified before submitting this form):** |  |
| **Form completed by** |  |
| **Position** |  |
| **Date** |  |

|  |  |  |
| --- | --- | --- |
| **Local Delivery Unit** | **NPS Region** | **Functional Mailbox** |
| Barking, Dagenham & Havering, Barnet & Enfield | London | PEC.London@justice.gov.uk |
| Barnsley | North East | PEC.Northeast@justice.gov.uk |
| Bath, Somerset, Bournemouth , Bristol | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Bedfordshire | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Bexley/ Bromley | London | PEC.London@justice.gov.uk |
| Birmingham | Midlands | PEC.Midlands@justice.gov.uk |
| Blackburn Darwen & Ribble Valley/ Bolton | North West | PEC.Northwest@justice.gov.uk |
| Bradford | North East | PEC.Northeast@justice.gov.uk |
| Brent | London | PEC.London@justice.gov.uk |
| Bromley | London | PEC.London@justice.gov.uk |
| Bury | North West | PEC.Northwest@justice.gov.uk |
| Calderdale | North East | PEC.Northeast@justice.gov.uk |
| Cambridgeshire | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Camden & Islington | London | PEC.London@justice.gov.uk |
| Coventry | Midlands | PEC.Midlands@justice.gov.uk |
| Croydon | London | PEC.London@justice.gov.uk |
| Derby/ Derbyshire | Midlands | PEC.Midlands@justice.gov.uk |
| Devon and Torbay | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Doncaster | North East | PEC.Northeast@justice.gov.uk |
| Dorset | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Dudley | Midlands | PEC.Midlands@justice.gov.uk |
| Ealing | London | PEC.London@justice.gov.uk |
| Cheshire/ Lancashire | North West | PEC.Northwest@justice.gov.uk |
| East Yorkshire | North East | PEC.Northeast@justice.gov.uk |
| Enfield | London | PEC.London@justice.gov.uk |
| Essex | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Gateshead | North East | PEC.Northeast@justice.gov.uk |
| Gloucestershire | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Greenwich | London | PEC.London@justice.gov.uk |
| Gwent | Wales | PEC.Wales@justice.gov.uk |
| Hackney | London | PEC.London@justice.gov.uk |
| Halton | North West | PEC.Northwest@justice.gov.uk |
| Hammersmith & Fulham | London | PEC.London@justice.gov.uk |
| Hampshire | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Haringey/ Harrow | London | PEC.London@justice.gov.uk |
| Hartlepool | North East | PEC.Northeast@justice.gov.uk |
| Herefordshire | Midlands | PEC.Midlands@justice.gov.uk |
| Hertfordshire | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Hillingdon/ Hounslow | London | PEC.London@justice.gov.uk |
| Hull | North East | PEC.Northeast@justice.gov.uk |
| Kensington, Chelsea & Westminster | London | PEC.London@justice.gov.uk |
| Kent | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Kingston & Richmond | London | PEC.London@justice.gov.uk |
| Kirklees | North East | PEC.Northeast@justice.gov.uk |
| Knowsley | North West | PEC.Northwest@justice.gov.uk |
| Lambeth | London | PEC.London@justice.gov.uk |
| Leeds | North East | PEC.Northeast@justice.gov.uk |
| Leicester/ Leicestershire | Midlands | PEC.Midlands@justice.gov.uk |
| Lewisham | London | PEC.London@justice.gov.uk |
| Manchester | North West | PEC.Northwest@justice.gov.uk |
| Merton & Sutton | London | PEC.London@justice.gov.uk |
| Middlesbrough/ Newcastle | North East | PEC.Northeast@justice.gov.uk |
| Newham | London | PEC.London@justice.gov.uk |
| Norfolk and Suffolk | South East & East | PEC.Southeastandeast@justice.gov.uk |
| North & West Cumbria | North West | PEC.Northwest@justice.gov.uk |
| North Durham/ Lincolnshire | North East | PEC.Northeast@justice.gov.uk |
| North Liverpool | North West | PEC.Northwest@justice.gov.uk |
| North Tyneside | North East | PEC.Northeast@justice.gov.uk |
| North Wales | Wales | PEC.Wales@justice.gov.uk |
| North West Lancashire | North West | PEC.Northwest@justice.gov.uk |
| North Yorkshire | North East | PEC.Northeast@justice.gov.uk |
| Northamptonshire | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Northumberland | North East | PEC.Northeast@justice.gov.uk |
| Nottingham/ Nottinghamshire | Midlands | PEC.Midlands@justice.gov.uk |
| Nth Somerset | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Oldham | North West | PEC.Northwest@justice.gov.uk |
| Plymouth, Cornwall & IOS Ports, Soton & IOW | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Redbridge | London | PEC.London@justice.gov.uk |
| Redbridge & Waltham Forest | London | PEC.London@justice.gov.uk |
| Redcar Cleveland | North East | PEC.Northeast@justice.gov.uk |
| Rochdale | North West | PEC.Northwest@justice.gov.uk |
| Rotherham | North East | PEC.Northeast@justice.gov.uk |
| Salford | North West | PEC.Northwest@justice.gov.uk |
| Sandwell | Midlands | PEC.Midlands@justice.gov.uk |
| Sefton | North West | PEC.Northwest@justice.gov.uk |
| Sheffield | North East | PEC.Northeast@justice.gov.uk |
| Shropshire/ Solihull | Midlands | PEC.Midlands@justice.gov.uk |
| Somerset | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| South Cumbria | North West | PEC.Northwest@justice.gov.uk |
| South Durham | North East | PEC.Northeast@justice.gov.uk |
| South Liverpool | North West | PEC.Northwest@justice.gov.uk |
| South of Tyneside/Tyne Central | North East | PEC.Northeast@justice.gov.uk |
| South Wales 1 | Wales | PEC.Wales@justice.gov.uk |
| South Wales 2 | Wales | PEC.Wales@justice.gov.uk |
| Southwark | London | PEC.London@justice.gov.uk |
| St Helens | North West | PEC.Northwest@justice.gov.uk |
| Staffordshire | Midlands | PEC.Midlands@justice.gov.uk |
| Sth Glos | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Stockport | North West | PEC.Northwest@justice.gov.uk |
| Stockton | North East | PEC.Northeast@justice.gov.uk |
| Stoke | Midlands | PEC.Midlands@justice.gov.uk |
| Sunderland | North East | PEC.Northeast@justice.gov.uk |
| Surrey, Sussex | South East & East | PEC.Southeastandeast@justice.gov.uk |
| Swindon | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Tameside | North West | PEC.Northwest@justice.gov.uk |
| Telford | Midlands | PEC.Midlands@justice.gov.uk |
| Tower Hamlets | London | PEC.London@justice.gov.uk |
| Trafford | North West | PEC.Northwest@justice.gov.uk |
| TVP North | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| TVP South | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Wakefield | North East | PEC.Northeast@justice.gov.uk |
| Walsall | Midlands | PEC.Midlands@justice.gov.uk |
| Waltham Forest | London | PEC.London@justice.gov.uk |
| Wandsworth | London | PEC.London@justice.gov.uk |
| Warrington | North West | PEC.Northwest@justice.gov.uk |
| Warwickshire | Midlands | PEC.Midlands@justice.gov.uk |
| West Brent | London | PEC.London@justice.gov.uk |
| West Cheshire | North West | PEC.Northwest@justice.gov.uk |
| West Lincolnshire | North East | PEC.Northeast@justice.gov.uk |
| West Wales | Wales | PEC.Wales@justice.gov.uk |
| Weymouth | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Wigan | North West | PEC.Northwest@justice.gov.uk |
| Wiltshire | South West & South Central | [PEC.SouthwestandSouthCentral@justice.gov.uk](mailto:PEC.SouthwestandSouthCentral@justice.gov.uk) |
| Wirral | North West | PEC.Northwest@justice.gov.uk |
| Wolverhampton | Midlands | PEC.Midlands@justice.gov.uk |
| Worcestershire | Midlands | PEC.Midlands@justice.gov.uk |
| York | North East | PEC.Northeast@justice.gov.uk |

1. Use all known wider sources of information available [↑](#footnote-ref-1)
2. 7 **Report Author credentials – description of your qualifications, experiences, client groups you have worked with and where you worked with them, role and training completed. Knowledge of and contact with the prisoner** [↑](#footnote-ref-2)
3. Report Author credentials – description of your qualifications, experiences, client groups you have worked with and where you worked with them, role and training completed. Knowledge of and contact with the prisoner [↑](#footnote-ref-3)
4. The list of “relevant protected characteristics” in section 149 of the Equality Act 2010 which are relevant to the PSED does not include marriage and civil partnership. [↑](#footnote-ref-4)
5. The definitions and terms presented in this glossary are taken from the Government Equalities Office ‘Providing services for transgender customers’, Gendered Intelligence ‘Trans Awareness’ and the Women and Equalities Select Committee Inquiry into Transgender Equality report. [↑](#footnote-ref-5)
6. See the UK Intersex Association for more information [↑](#footnote-ref-6)