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**TRANSGENDER PRISONERS OFTEN VULNERABLE AND NEED TO BE  
BETTER MANAGED BY PRISON SERVICE, SAYS OMBUDSMAN**

Prisons need to be more flexible and proactive in managing transgender prisoners, based on their individual needs and circumstances, so that they can live safely, said Prisons and Probation Ombudsman (PPO) Nigel Newcomen. Today he published a bulletin on lessons that can be learned from his investigations.

The bulletin draws on recommendations from investigations into deaths in custody, as well as complaint investigations. It identifies six lessons from past cases that aim to protect transgender prisoners better from bullying and harassment and to support transgender prisoners better to live in their gender identity while in prison. It is difficult to estimate precisely how many serving prisoners are transgender, but while the number is growing, it is still relatively small – approximately 80. Nearly all of the complaints received, and deaths investigated (five between 2008 and August 2016) were related to transgender female prisoners, nearly all of whom were housed in the male estate.

Prisons house male and female prisoners separately, and will usually distinguish gender based on that which is recognised by law. According to the Gender Recognition Act 2004, proof of gender is determined either by the person's birth certificate, or a gender recognition certificate (GRC). The process

for obtaining a GRC is complex. Because of the process and the cost involved, because of the symbolism, or because it can have implications for existing marriages, many transgender people choose not to obtain a certificate. Most transgender prisoners are, at least upon first arrival in prison, housed according to the gender they were assigned at birth.

The regulations that guide the care and management of transgender prisoners in England and Wales are found in a Prison Service Instruction (PSI), issued in November 2016. Many of the lessons outlined, and many of the recommendations previously made by the PPO, are reflected in the new PSI.

Previous research has shown there is a greater prevalence of mental health concerns and risk of suicide in the transgender population. When a person enters prison, they leave behind what support they had in the community. The prison environment can be particularly difficult for transgender prisoners, exacerbating existing vulnerabilities.

The bulletin highlights the need for:

- evaluating the location of a transgender prisoner based on an individual assessment of their needs and considering the possibility of them residing in the estate of their acquired gender;
- all relevant people involved in a transgender prisoner's care attending ACCT case reviews (for those deemed at risk of suicide or self-harm);
- meaningfully investigating all allegations of transphobic bullying and harassment and taking steps taken to challenge and prevent it;
- personal officers having regular, meaningful contact with transgender prisoners, staff being aware of their vulnerabilities and challenging inappropriate behaviour;
- local policies to be in line with national guidance and not imposing unfair additional restrictions; and
- reasonable adjustments being made for transgender prisoners to help them to live in their gender role.

Nigel Newcomen said:

“My office has historically received few complaints from prisoners identifying themselves as transgender, and, fortunately, has investigated relatively few deaths of transgender individuals in custody. However, more recently, these numbers have been climbing. Last year, in quick succession, two transgender women tragically took their own lives while in custody. A third transgender woman is thought to have taken her own life in November 2016, and a fourth in December 2016.

“Prisons are always difficult environments, never more so than in recent months, but they have a fundamental responsibility to keep prisoners safe and to protect and support those with particular vulnerabilities. Transgender prisoners are among the most vulnerable, with evident risks of suicide and self harm, as well as facing bullying and harassment.

“This bulletin also coincides with a long-awaited review of the Prison Service Instruction (PSI) that governs the care and management of transgender prisoners. This PSI reflects the appropriately heightened awareness of transgender issues in prison - and in society as a whole.”

- ENDS -

#### **NOTES TO EDITORS**

1. A copy of the report can be found on our website from 11 January 2017. Visit [www.ppo.gov.uk](http://www.ppo.gov.uk).
2. The PPO investigates all deaths in prison, to examine the circumstances surrounding the death and establish whether anything can be done to help prevent avoidable deaths in the future. The PPO investigates complaints made by prisoners to understand what happened and correct injustices when found.
3. Oral evidence given to the Women’s Equality Committee in the House of Commons, in October 2015 places the number of transgender prisoners at 80.
4. Please contact Jane Parsons, PPO Press Office, on 020 3681 2775 or 07880 787452 or Olly Barnes on 020 7633 4008 if you would like more information. Alternatively please send requests or feedback to Prisons and Probation Ombudsman, PO Box 70769, London, SE1P 4XY.