

Gender Identity and Gender Reassignment Policy

Survey of People in Custody

This survey is part of the review of our Gender Identity and Gender Reassignment Policy. This is the policy that the Scottish Prison Service uses to manage and support transgender people in custody. This policy means that the Scottish Prison Service manages transgender people using a person-centred, individual, rights based approach. In order to better understand the impact that this policy has on people in custody, we want to hear as many different people's thoughts and opinions on the way that we manage transgender people in custody.

- The survey should take no longer than 20 minutes to complete.
- Please ask a staff member if you feel as though you would like assistance to fill out the survey.

There are some terms in this survey that you may not have heard before. For the purposes of this survey, we use the following terms;

- *Gender*; a person's expression of their male or female identity, based on social behaviours and characteristics.
- *Transgender person*; A person who is living in a gender that is different to the gender they were assigned at birth.
- *Transgender man*; A person who is living as a man, but was born a female.
- *Transgender women*; A person who is living as a women, but was born male.
- *Non-binary person*; A person who identifies as neither a man or a woman

If you are unsure about how to answer some of the questions, please let a staff member know, and they can provide assistance to help you fill out the survey.

Thank you for taking the time to be part of this policy review. Listening to your experiences and opinions is the best way for us to understand the impact of any of our policies.

Question 1

Our current policy means that a transgender person in custody can be accommodated in an establishment that matches their gender identity. So long as there is no risk to their safety or the safety of other people in custody, this means that a transgender woman can be accommodated in a women's prison, and a transgender man can be accommodated in a men's prison.

Do you agree that, after appropriately assessing risk, a transgender person should be allowed to live in a prison that matches their gender identity? *(tick one option)*

- Yes, transgender people should be allowed to live in a prison that matches their gender identity.
- No, transgender people should not be allowed to live in a prison that matches their gender identity.
- There should be a specific unit/hall/wing for transgender people to live in.
- Other (please [provide details below])
- Don't know.

What are the most important things the SPS should think about when answering this question? (optional)

Question 2

Non-binary people do not identify as either male or female.

When the SPS are accommodating non-binary people, after appropriately assessing risk, how should they make that decision? (*tick one option*)

- An establishment that matches their birth gender (the gender they were born as).
- They should ask the non-binary person where they would prefer to be housed.
- They should have a dedicated/exclusive space for non-binary people.
- Don't know

What are the most important things the SPS should think about when answering this question? (optional)

Question 4

From the list below, in the first column, ***tick all the things that you think*** the SPS should consider before placing a transgender person in custody.

In the second column, tick up to 3 stars next to the things that you think are the most important things for the SPS to consider. ***Please only tick a maximum of 3 stars that represent the things you consider to be the most important.***

	Important for the SPS to consider	Most Important thing to consider
The safety of the transgender person.	<input type="checkbox"/>	★
The safety of other people in custody.	<input type="checkbox"/>	★
How long the person has been living in their chosen gender.	<input type="checkbox"/>	★
Whether the person transitioned before or after they were living in custody.	<input type="checkbox"/>	★
The type of offence the transgender person committed.	<input type="checkbox"/>	★
The transgender person's behaviour whilst in custody.	<input type="checkbox"/>	★
The transgender person's opinion about their own accommodation.	<input type="checkbox"/>	★
The opinion of the people that will be living alongside the transgender person.	<input type="checkbox"/>	★

Question 5

John is a transgender man, who has been living as a man for 20 years. He is sentenced to custody and after a risk assessment, is placed into a male establishment to live alongside other men in custody.

Do you think John should be placed in the same hall as other men in custody?

- Yes
- No
- Don't know

John is worried about his safety in the hall he is living in. A couple of men in John's establishment have made comments about the fact he is a transgender man, and they are not comfortable with John living alongside them. John feels like he should be moved for his own safety.

Do you think John should be moved for his own safety?

- Yes
- No
- Don't know

Do you have any comments about the above scenario? (optional)

Question 6

Alice is a transgender woman. She began transitioning during her sentence—she is now identifying as a woman, and wearing make up and clothes to look more feminine —and has been living as a woman for about a year. She is currently living in a men’s establishment.

Do you think that Alice should continue to be accommodated in a men’s establishment now she has transitioned?

- Yes
- No
- Don’t know

Alice tells staff that she does not want to move to a female establishment. She feels like she would not fit in with the other women in custody, and doesn’t want to leave behind the support that she has found amongst the other people in custody she is living alongside.

Do you think Alice should have a choice about the type of establishment she is living in?

- Yes
- No
- Don’t know

Do you have any comments about the above scenario? (optional)

Question 7

Dawn was sentenced to custody with a life sentence. She is a transgender women who was originally placed in a male hall within her establishment. Dawn inquires about moving to a female hall within her establishment. Some of the women in that hall are anxious about Dawn's transfer. Given Dawn's long sentence and transgender status, these women believe that she represents a risk to their safety.

Do you think that Dawn should be moved if the women in the hall she is to be moved too are worried about her moving?

- Yes
- No
- Don't know

Dawn was sentenced for a violent crime. Some women in her establishment believe that this should be a factor in preventing her from living alongside them in their hall.

Should a transgender person's crime and history impact decision made about where they can be accommodated?

- Yes
- No
- Don't know

Do you have any comments about the above scenario? (optional)

Question 8

David is a transgender man in custody living in a women's hall. He is told that the prison service is going to create a specific unit for transgender men and women to live in. David is happy with this decision. He feels as though this would give him the opportunity to prepare for a possible future move to the male estate.

Do you think there should be a specific unit where transgender people in custody are accommodated?

- Yes
- No
- Don't know

Ian is transgender man in custody living in a men's hall. He is told about the specific unit for transgender people, and he is not happy about the of moving. He feels that he would be moved away from people that he has lived with for a long time, and doesn't like the idea of having a unit where only "people like him" are allowed to live.

Do you think that Ian should be made to move to the new transgender specific unit?

- Yes
- No
- Don't know

Do you have any comments about the above scenario? (optional)

Question 9

What age are you?

- | | | |
|--------------------------------|--------------------------------|---|
| <input type="checkbox"/> 18-24 | <input type="checkbox"/> 36-40 | <input type="checkbox"/> 61 and over |
| <input type="checkbox"/> 25-30 | <input type="checkbox"/> 41-50 | <input type="checkbox"/> Rather not say |
| <input type="checkbox"/> 31-35 | <input type="checkbox"/> 51-60 | |

Question 10

What is your gender?

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> Male | <input type="checkbox"/> Rather not say |
| <input type="checkbox"/> Female | <input type="checkbox"/> Other (please specify): _____ |
| <input type="checkbox"/> Non-binary | |

Question 11

Have you ever lived alongside a transgender person in custody?

- Yes
- No
- Rather not say
- Don't know

Question 12

Before coming into custody, was anyone in your life transgender? (family, friends, colleagues, etc.)?

- Yes
- No
- Rather not say
- Don't know

Question 13 (optional)

If you would like to be potentially contacted for a potential follow up to this survey, please provide your name and establishment below. (This is completely voluntary, and you do not need to give your name if you do not want to).

Name: _____

Establishment: _____

Thank you for completing this survey. If you have any questions or any other comments about this topic, please use the space below to provide any comments, and one of the policy review team will try to respond to you query.