



Ministry
of Justice

Official Statistics

Prisoner Transgender Statistics, March/April 2016

England and Wales

09 November 2016

Introduction

This ad hoc release presents management information on the number of transgender prisoners who were in prison custody in England and Wales in March/April 2016. For the purposes of this report, transgender prisoners are defined as those individuals currently living in, or are presenting in, a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 07/2011 - Care and Management of Transsexual Prisoners), as known to individual prisons.

It excludes information on the number of prisoners who have already transitioned and have a full Gender Recognition Certificate. Statistics on the number of all applications to the Gender Recognition Panel are published in Tribunals and gender recognition statistics quarterly at www.gov.uk/government/statistics/tribunal-and-gender-recognition-statistics-quarterly-october-to-december-2015.

There will be some transgender prisoners who have not had a case conference and some who are not known to prison staff. Thus, the figures presented in this report give an indication of the number of transgender prisoners and there may be some undercounting.

Details of the number of transgender prisoners were provided by Equalities Representatives in public and private prisons in England and Wales, between 24 March and 22 April 2016. Further information on the data collection exercise is in the section on Data Sources and Quality.

Information on the number of transgender prisoners will be collected annually (at March) and published in the NOMS Annual Offender Equalities Report¹.

Background

There is a growing need for the Ministry of Justice and its Ministers to have a better understanding of the transgender population in prisons. The information presented in the report will assist with the Government's Review on the care and management of transgender prisoners, to meet obligations for transgender prisoners under the Equalities Act 2010, and to help prisons to manage any additional safeguards in their support of this vulnerable group of prisoners.

An ad hoc data collection exercise took place in March/April 2016, where Equalities Representatives in the 123 public and private prisons in England and Wales, were asked a number of questions regarding transgender prisoners.

¹ The report for 2014 to 2015 is available at <https://www.gov.uk/government/statistics/noms-annual-offender-equalities-report-2014-to-2015>.

Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system.

When a prisoner proposes to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex, the prisoner is considered to have the protected characteristic of gender reassignment for the purposes of the Equality Act 2010 and must not be discriminated against or harassed because of this.

An establishment must permit prisoners who consider themselves transsexual and wish to begin gender reassignment to live permanently in their acquired gender.

Permitting prisoners to live permanently in their acquired gender will include allowing prisoners to dress in clothes appropriate to their acquired gender and adopting gender-appropriate names and modes of address (e.g. Ms, Mr, Mrs). An establishment must allow transsexual people access to the items they use to maintain their gender appearance, at all times and regardless of their level on the Incentives and Earned Privileges Scheme or any disciplinary punishment being served.

Establishments must produce a management care plan outlining how the individual will be managed safely and decently within the prison environment.

Any risks to and from a transsexual prisoner must be identified and managed appropriately, as would be the case with any other prisoner. Establishments must put in place measures to manage the risk of transphobic harassment and transphobic hate crime. This may necessitate re-visiting their violence reduction strategy.

Difficulty accommodating someone living in their acquired gender will not normally and on its own constitute grounds for transferring a prisoner to another establishment.

In most cases prisoners must be located according to their gender as recognised under UK law. Where there are issues to be resolved, a case conference must be convened and a multi-disciplinary risk assessment should be completed to determine how best to manage a transsexual prisoner's location.

If a prisoner requests location in the estate opposite to the gender which is recognised under UK law, a case conference must be convened to consider the matter. The case conference will consider all relevant factors and make a recommendation to a relevant senior manager above establishment level who will make the final decision. If there is any doubt, advice will be requested from the Offender Management Team in the Ministry of Justice's Legal Directorate.

Summary

According to a data collection exercise conducted in March/April 2016:

- 33 of the 123 public and private prisons (27%) in England and Wales said that they had 1 or more transgender prisoners².
- There were 70 prisoners currently living in, or presenting in, a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 07/2011). Of these, 52 reported their gender³ as male, 14 reported their gender as female and 4 did not state their gender.
- 8 of the 70 prisoners reported their ethnic group as Black, Asian and Minority Ethnic Group; 61 as White and 1 was not stated.
- Based on this exercise, there were 0.8 transgender prisoners reported per 1,000 prisoners in custody.

Table 1: Number of establishments with transgender prisoners

Number of transgender prisoners in an establishment	Number of establishments
1	19
2-4	10
5 or more	4
Total	33

² Prisoners who are currently living in, or are presenting in a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 07/2011), as known to individual prisons.

³ The gender is self-reported on reception to prison and based on information recorded on central administrative databases. It is not possible to determine if this is the legal gender or whether or not the gender has changed.

Table 2: Protected characteristics of transgender prisoners

	Number	Percentage
All reported transgender prisoners	70	100%
Gender		
Female	14	20%
Male	52	74%
Not stated	4	6%
Age		
20-29	16	23%
30-39	22	31%
40-49	14	20%
50-59	14	20%
60+	3	4%
Not stated	1	1%
Ethnicity		
BAME ⁴	8	11%
White	61	87%
Not stated	1	1%

Figures may not add to 100% due to rounding.

⁴ Black, Asian and Minority Ethnic Group

Data Sources and Quality

Equalities Representatives in 123 public and private prisons in England and Wales, were asked to provide information in a data collection exercise on the number of prisoners who are currently living in, or are presenting in a gender different to their sex assigned at birth and who have had a case conference (as defined by PSI 07/2011).

Equalities representatives provided information on a snapshot day, which was between 24 March and 22 April 2016.

33 prisons stated that they had 1 or more prisoners living in or presenting in a different gender to their sex at birth.

Respondents were asked how confident that they were with the completeness of the information- "How confident are you that the data are complete?" 29 of the 33 prisons (88%) said that they were very confident in the completeness of the information. One prison reported that there could be other prisoners who wanted to live as a transgender person, but have not discussed it with staff. Another prison said that they were not confident in the data.

Respondents were also asked how confident they were with the accuracy of the information - "How confident are you that the data are accurate?" 30 of the 33 prisons (91%) said that they were very confident in the accuracy of the information.

Contacts

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General information about the official statistics system of the UK is available from: <http://www.statisticsauthority.gov.uk/>

Ministry of Justice publishes data relating to offender management in England and Wales. Equivalent statistics for Scotland and Northern Ireland can be found at: www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice
www.dojni.gov.uk/index/statistics-research/stats-research-publications.htm

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