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EXCLUDING FEMALE OFFENDERS IN POLICY AND PRACTICE

HOW THE SCOTTISH PRISON SERVICE OVERLOOKS THE SEX-BASED NEEDS OF WOMEN IN PRISON



It has long been accepted that female offenders exhibit patterns of exceptional vulnerability. As such, their needs are recognised as distinct from those of male offenders.

Female-only trauma-responsive services are recommended as key to enabling women in prison to have the best chance for lasting rehabilitation. Repeated exposure to male violence, including sexual violence, is common within the female prison population. These experiences mandate single-sex prison accommodation. The Equality Act (2010) contains specific provision to enable the provision of single-sex services.

However, women's prisons in Scotland are effectively mixed-sex facilities. This is because Scottish Prison Service (SPS) policy is to house prisoners of the male sex in the female prison estate based on their self-declared gender identity.

The SPS policy that permits this and the associated Equality Impact Assessment reveal that the legitimate needs and rights of female prisoners were not considered. Although organisations representing the interests of transgender prisoners were consulted, no individual or organisation representing the needs of female offenders was included in the consultation process.

Documents show that Scottish Trans Alliance and Stonewall Scotland have an active involvement in the Scottish Prison Service that includes delivering mandatory officer training, advising on infrastructure, running workshops for women in prison and advising which prisoners of the male sex are appropriate for transfer to the female estate. Arguably these organisations exert undue influence.

The documented evidence consistently demonstrates that housing prisoners of the male sex with female offenders has a negative impact on women in prison, up to and including sexual assault. The SPS policy is currently under review. The new policy must foreground the privacy, safety and dignity of female offenders and ensure that women's prisons are for female offenders only.