



Disclosure Team  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

Nicola Williams

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Email: indigo.girl@live.co.uk

15 December 2017

Dear Ms Williams

**Freedom of Information Act (FOIA) Request – 171117015**

Thank you for your request dated 17 November in which you asked for the following information from the Ministry of Justice (MoJ):

**I would like to ask the following under a Freedom of Information Request please: My questions relate to prison guidance PSI 17/2016 Section 6.3 6.3 There may be exceptional cases where it is necessary to refuse a transfer to the female estate for a transgender (male to female) prisoner with a GRC. This can only happen if the risk concerns surrounding the prisoner are sufficiently high that other women with an equivalent security profile would also be held in the male estate. If a transfer is refused, the prisoner will be a female prisoner in the male estate. She must be held separately and according to a female prisoner regime as set out in PSO 4800. This provision exists as the male estate has greater capacity to manage prisoners who pose exceptionally high risk to others. 1) How many biological females (not transgender women) are there currently being held in male prisons because they have a sufficiently high security profile that makes them a risk to other women in a women's prison. 2) What are the criteria used to determine whether someone has this 'sufficiently high security profile'. 3) What have the women from question 1 last been convicted of. 4) Did any of the women from question 1 attack other women prisoners before they were transferred to male prison and was this the reason they were transferred.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it below.

Regarding request number 1, 3 and 4, currently there are no prisoners who were assigned female at birth, held in male prisons.

Regarding request number 2, I can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The information can be accessed via the following link:

<https://www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi-39-2011-womens-cat-recat.doc>

Following a thorough review last year, we have improved the way we manage transgender offenders. Our priority, reflected in the new policy, is to make sure that wherever possible transgender prisoners start in the right prison and don't have to be moved at later date.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Yvette Farrell  
Equalities, Interventions and Operational Practice Group  
HMPPS