

**FOI Review- 202300351316- Information to be released- Annex A**

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## 1. Email Exchange relating to Transgender Prisoners dated 25 Jan 2023

**From:** [redacted]@gov.scot  
**Sent:** 25 January 2023 10:54  
**To:** [redacted];[redacted];[redacted]@prisons.gov.scot; [redacted][redacted]  
**Cc:** [redacted] [redacted][redacted] [redacted]@prisons.gov.scot[redacted][redacted]  
[redacted]  
**Subject:** RE: FM commission - request for information

CS's office asked for one but it hasn't been done yet. [redacted] are at SPS today speaking to [redacted]. I suggest that whatever we put up to FM is copied to CS and that we confirm with PO that this meets the ask.

[redacted]

**From:** [redacted]@gov.scot  
**Sent:** 25 January 2023 10:39  
**To:** [redacted];[redacted][redacted]@prisons.gov.scot;  
[redacted]; [redacted]  
**Cc:** [redacted]; [redacted]; [redacted];[redacted];[redacted]  
**Subject:** RE: FM commission - request for information

Thanks [redacted] for laying this out, really helpful. We are updating Prions FMQs as well.

I haven't seen the Note for Mr. Brown then went up last night, grateful if anyone can please share the note.

Many thanks,  
[redacted]

**From:** [redacted]@gov.scot  
**Sent:** 25 January 2023 10:33  
**To:** [redacted]@prisons.gov.scot;  
[redacted];[redacted]  
**Cc:** [redacted];[redacted];[redacted];[redacted];[redacted];[redacted];  
**Subject:** RE: FM commission - request for information

I realise there's a number of different asks on this issue and I think prisons are leading on the following but my team will of course feed in in any way helpful:

- Note for Keith Brown commissioned last night (can this be copied to Ms Robison)
- Note for FM before 2pm interview (could be combined with above?)
- Urgent Question if accepted by PO ([redacted] in my team will coordinate with [redacted] team on this)

There's also updates needed to respective FMQs needed. I'm working on ours.

[redacted]

**From:** [redacted]@gov.scot  
**Sent:** 25 January 2023 10:10  
**To:** [redacted]@prisons.gov.scot[redacted];[redacted]  
**Cc:** [redacted];[redacted][redacted]  
**Subject:** FW: FM commission - request for information  
**Subject:** FW: FM commission - request for information

Hi

Please see below – specifically the questions highlighted below.  
[redacted]

**From:** Dalrymple C (Catriona)  
**Sent:** 25 January 2023 10:07  
**To:** [redacted];>[redacted]  
**Subject:** FW: FM commission - request for information

[redacted]

To see this request and the FM interview at 2pm.

Cheers

Cat  
Cat Dalrymple  
DD Community Justice.

**From:** > **On Behalf Of** Rennick NS (Neil)  
**Sent:** 25 January 2023 10:05  
**To:** First Minister; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery;[redacted]; DG Education & Justice[redacted]; Rennick NS (Neil); [redacted];Dalrymple C (Catriona); [redacted]  
**Cc:** [redacted];[redacted];[redacted];[redacted]  
**Subject:** RE: FM commission - request for information

Thanks [redacted],

I understand an updated FMQ brief has been prepared but copying to Prisons Colleagues for anything further.

[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 13:23  
**To:** Dalrymple C (Catriona) ; [redacted]

**Cc:** [redacted]; [redacted];[redacted];[redacted];[redacted];[redacted]

Hi [redacted],

The interviewers are setting up as we speak. We will try and get something to you as soon as it is concluded.

Thanks

[redacted]

**From:** Dalrymple C (Catriona)  
**Sent:** 25 January 2023 13:31  
**To:** [redacted]; [redacted]  
**Cc:** [redacted];[redacted][redacted];[redacted]

Thanks [redacted] – a read out of the interview asap would be really helpful as FM is on at 2pm so would be good to know if there is anything raised that may feature in FM interview.

Cheers  
Cat

**From:** [redacted]  
**Sent:** 25 January 2023 13:23  
**To:** Dalrymple C (Catriona) [redacted]  
**Cc:** [redacted];[redacted];[redacted];[redacted];[redacted];[redacted]  
**Subject:** FW: FM commission - request for information [SEC=OFFICIAL]

Good afternoon [redacted],

Copying you into this for information.

Just to keep you abreast, we have STV here conducting an interview with a colleague regarding [redacted] at the moment.

Kind regards  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 13:18  
**To:** [redacted];[redacted];[redacted];[redacted];[redacted];redacted][redacted]  
**Subject:** FW: FM commission - request for information [SEC=OFFICIAL]

Hi [redacted]

Colleagues may be able to update further, but I've just spoken to the Governor. The case conference has not been held yet, but will take place this afternoon.  
[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Personally, I don't see a reason why FM could not talk to any of that. Mostly it refers to general policy.

Kind regards  
[redacted]

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**From:** [redacted]  
**Sent:** 25 January 2023 13:56  
**To:** [redacted]; First Minister; Dalrymple C (Catriona); [redacted]  
**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk;; Cabinet Secretary for Justice and Veterans; [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery; [redacted]; DG Education & Justice [redacted]; Rennick NS (Neil) [redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Subject:** RE: FM commission - request for information

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**Sent:** 25 January 2023 13:48  
**To:**; First Minister  
**Cc:** Cabinet Secretary for Justice and Veterans; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery  
**Subject:** RE: FM commission - request for information

FMPO to be aware our comms lines in general are –

“Decisions taken by the Scottish Prison Service (SPS) on the placement of transgender prisoners is based on protecting both the wellbeing and rights of the individual and those around them, including staff. The SPS use comprehensive individualised risk assessments to inform decisions such as the appropriate location of transgender people in custody and not the basis of a Gender Recognition Certificate.

The GRR Bill does not change this process in any way.

**From:** [redacted]  
**Sent:** 25 January 2023 13:37  
**To:** First Minister  
**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk; Cabinet Secretary for Justice and Veterans [redacted]; Cabinet Secretary for Social Justice, Housing &

Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery[redacted]; DG Education & Justice; [redacted]; Rennick NS (Neil) [redacted];[redacted];[redacted];[redacted];[redacted];[redacted];[redacted];[redacted]

**See Attachment No.1 - Background note and Lines to Take relating to Transgender Prisoner dated 25 Jan 2023**

**Subject:** RE: FM commission - request for information

Please find attached revised note and lines to take.  
[redacted]

**From:** [redacted] **On Behalf Of** First Minister

**Sent:** 25 January 2023 13:33

**To:** First Minister

**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk; Cabinet Secretary for Justice and Veterans[redacted]; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery[redacted]; DG Education & Justice[redacted]; Rennick NS (Neil) [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

**Subject:** RE: FM commission - request for information

Hi [redacted],

Could I get an ETA on this information please? We need it urgently to allow FM time to consider.

Many thanks,

[redacted]

**From:** Dalrymple C (Catriona)

**Sent:** 25 January 2023 13:15

**To:** First Minister;

**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk; Cabinet Secretary for Justice and Veterans[redacted]; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery[redacted]; DG Education & Justice[redacted]; Rennick NS (Neil) [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

**Subject:** RE: FM commission - request for information

I can confirm this has been picked up and we are making efforts to get some additional information.

Kind Regards

[redacted]

**From:** [redacted] **On Behalf Of** First Minister

**Sent:** 25 January 2023 13:14

**To:** First Minister [redacted]

**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk; Cabinet Secretary for Justice and Veterans [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery [redacted]; DG Education & Justice [redacted]; Rennick NS (Neil) [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

**Subject:** RE: FM commission - request for information

Can someone confirm please that this has been picked up and is being considered?

Thanks

[redacted]

**From:** [redacted] **On Behalf Of** First Minister

**Sent:** 25 January 2023 12:58

**To:** [redacted]; First Minister

**Cc:** [redacted]; Rennick NS (Neil); [redacted]@sps.pnn.gov.uk; Cabinet Secretary for Justice and Veterans [redacted]; Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery [redacted]; DG Education & Justice [redacted]; Rennick NS (Neil) [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

**Subject:** RE: FM commission - request for information

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 11:55

**To:** First Minister

**Cc:** Cabinet Secretary for Justice and Veterans ; Cabinet Secretary for Social Justice, Housing & Local Government ; Deputy First Minister and Cabinet Secretary for Covid Recovery

**Subject:** RE: FM commission - request for information

**See Attachment No.2 – FMQ Brief dated 26 Jan 2023**

PS/First Minister

Please find attached Prison FMQs along with background note on the issue.

Please let me know if you need anything further.

Many thanks,  
[redacted]

**From:** [redacted] **On Behalf Of** First Minister

**Sent:** 25 January 2023 09:49

**To:** Cabinet Secretary for Social Justice, Housing & Local Government; Deputy First Minister and Cabinet Secretary for Covid Recovery; DG Education & Justice [redacted]; Rennick NS (Neil); [redacted] **Cc:** First Minister; [redacted]; [redacted]; [redacted]; [redacted]

**Cc:** [redacted]

**Subject:** FM commission - request for information

**Importance:** High

Good morning all

FM has requested information / a note regarding the below news story -  
[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

Apologies for the tight timescales but FM would like this ahead of her BBC interview scheduled for 14:00 today.

Grateful for confirmation that this is being picked up and happy for you to extend the copy list as needed.

[redacted]

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## 2. Email Exchange relating to Urgent Question dated 25 Jan 2023

**From:** Dalrymple C (Catriona)  
**Sent:** 25 January 2023 14:44  
**To:** Cabinet Secretary for Justice and Veterans ;[redacted][redacted];[redacted];  
Rennick NS (Neil)  
**Cc:** Director of Justice ; [redacted][redacted]Cabinet Secretary for Social Justice,  
Housing & Local Government ; [redacted]@sps.pnn.gov.uk  
**Subject:** RE: Urgent Question - Scottish Prison Service

[redacted]

May be helpful to print this out – separately , it is in the briefing but this is a helpful summary for Cab Sec:

### As at September 2022

At that point, we had 15 trans individuals, including 11 trans women and 4 trans men.

Of the 11 trans women, six are in male, five in female estate. Of the four trans men, three are in the women's estate, and one in the male.

They were all living in single cells at that point

Thanks  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 14:43  
**To:** [redacted]; Cabinet Secretary for Justice and Veterans; Dalrymple C (Catriona);  
[redacted]; [redacted];Rennick NS (Neil)  
**Cc:** Director of Justice; [redacted]; Cabinet Secretary for Social Justice, Housing &  
Local Government; [redacted]@sps.pnn.gov.uk  
**Subject:** RE: Urgent Question - Scottish Prison Service

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

The Gender Recognition Reform (Scotland) Bill does not change the SPS approach to trans prisoners.

Decisions taken by the SPS on the placement of transgender prisoners is based on protecting both the wellbeing and rights of the individual and those around them, including staff. The SPS use comprehensive individualised risk assessments to inform decisions such as the appropriate location of transgender people in custody and not the basis of a Gender Recognition Certificate - unlike the case in England.

SPS will retain the ability to place an individual in an estate which does not necessarily correspond to the gender on their Gender Recognition Certificate where they determine that to do so could put the individual or others at risk.

The current GRC process does not prevent applications from offenders or have any scope to refuse applications on the basis of risk. The Scottish Parliament agreed changes to the Bill that introduced new safeguards around offenders, which go further than what is currently in place. That has been blocked by the UK Government's Section 35 intervention.

**From:** [redacted]

**Sent:** 25 January 2023 14:37

**To:** Cabinet Secretary for Justice and Veterans ; Dalrymple C (Catriona) > ; [redacted];[redacted];Rennick NS (Neil)

**Cc:** Director of Justice ; [redacted];[redacted]; Cabinet Secretary for Social Justice, Housing & Local Government ; [redacted]@sps.pnn.gov.uk

**Subject:** RE: Urgent Question - Scottish Prison Service

**Attachments No.3- Briefing for Urgent Question dated 25 Jan 2023**

**Attachment No.4- Q&A for Urgent Question dated 25 Jan 2023**

Please find attached Briefing and Q&A includes known question.

Thanks,  
[redacted]

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans

**Sent:** 25 January 2023 14:30

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>

**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEExecutiveSecretariat@sps.pnn.gov.uk)

**Subject:** RE: Urgent Question - Scottish Prison Service

**Importance:** High

Hi all,

Can I also check that an answer is being drafted for the below [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]  
Thanks,

[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 14:27  
**To:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>; [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

Hi [redacted], yes all can be made public, all available on our website

**From:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 25 January 2023 14:26  
**To:** [redacted]; HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

[redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Cheers  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 14:21  
**To:** [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]  
**Cc:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

Hi all,

We've tried to get a more recent update, but against the deadline we're only able to provide numbers current as of end of September.

At that point, we had 15 trans individuals, including 11 trans women and 4 trans men.

Of the 11 trans women, six are in male, five in female estate. Of the four trans men, three are in the women's estate, and one in the male.

They were all living in single cells at that point.

**From:** [redacted]  
**Sent:** 25 January 2023 14:17  
**To:** [redacted] HQ CE Executive Secretariat

<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]

**Cc:** [redacted] <mailto:Catriona.Dalrymple@gov.scot>

**Subject:** FW: Urgent Question - Scottish Prison Service

**Importance:** High

Hi [redacted]

Apologies [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]  
We are aiming to get this up in 10 minutes so hoping you might have [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 14:34

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

Sent by teams already

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 14:01

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

Hi[redacted]

Here is a Q&A I have pulled together- grateful if you add questions re GGR Bill

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 14:28

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

[redacted]

You will already have this, but if not, suggested revised reply below:

[redacted]

**Russell Findlay:** To ask the Scottish Government whether it will provide an update on the Scottish Prison Service's Gender Identity and Gender Reassignment Policy Review

**Keith Brown:**

I have asked Teresa Medhurst, Chief Executive of the Scottish Prison Service (SPS), to update on the progress of the review. She has confirmed that: The SPS's Gender Identity Policy review is being conducted in five stages. The 'policy initiation' stage and 'evidence and engagement' stages have `now been completed and the policy review is now moving through the 'analysis and recommendations' and 'authorise and publish' stages.

SPS anticipate the updated policy being published in the coming months. Following implementation, the policy will be subject to on-going monitoring and evaluations.

**From:** [redacted]>

**Sent:** 25 January 2023 14:28

**To:** [redacted]>; HQ CE Executive Secretariat

<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]

**Cc:** [redacted] <mailto:Catriona.Dalrymple@gov.scot>**From:** [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

Colleagues,

Please see the following amendment:

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Kind regards

[redacted]

**From:** [redacted]**On Behalf Of** Cabinet Secretary for Justice and Veterans

**Sent:** 25 January 2023 14:19

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted]

**Cc:** [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

**Importance:** High

Hi [redacted],

Apologies for chasing, Cab Sec is keen to have briefing materials up asap, please.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful if a revised answer can be sent up asap, please.

Many thanks,

[redacted]

**From:** [redacted][redacted]  
**Sent:** 25 January 2023 14:17  
**To:** [redacted]; HQ CE Executive Secretariat  
<HQCEExecutiveSecretariat@prisons.gov.scot>; [redacted]  
**Cc:** [redacted]Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>  
**Subject:** FW: Urgent Question - Scottish Prison Service  
**Importance:** High

Hi [redacted]

Apologies but to see CS request for further info to be included in briefing. We are aiming to get this up in 10 minutes so hoping you might have [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted] > **On Behalf Of** Cabinet Secretary for Justice and Veterans  
**Sent:** 25 January 2023 14:11  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEExecutiveSecretariat@sps.pnn.gov.uk)  
**Subject:** RE: Urgent Question - Scottish Prison Service  
**Importance:** High

[redacted],

Thanks for this, I have passed on to the Cab Sec to review.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]  
Grateful if this can be included in the background note/Q&A, please.

Kind Regards,

[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 14:05

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>

**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEExecutiveSecretariat@sps.pnn.gov.uk)

**Subject:** RE: Urgent Question - Scottish Prison Service

PO/Cab Sec

Please find attached the answer to Urgent Question, briefing and Q&A to follow shortly.

[redacted]

**From:** [redacted][redacted][redacted]

**Sent:** 25 January 2023 13:53

**To:** [redacted]; HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]

**Cc:** [redacted][redacted]; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

All

Have also attached some information which may be useful for the background note.

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 13:52

**To:** [redacted] [mailto:HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>](mailto:HQCEExecutiveSecretariat@prisons.gov.scot); [redacted]

**Cc:** [redacted] [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)

**Subject:** RE: Urgent Question - Scottish Prison Service [SEC=OFFICIAL]

All,

Please see SPS' response to urgent PQ.

Background note to follow.

Kind regards

[redacted]

**From:** [redacted][redacted]

**Sent:** 25 January 2023 13:43

**To:** [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]

**Cc:** [redacted][redacted]; Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>  
**Subject:** FW: Urgent Question - Scottish Prison Service  
**Importance:** High

Hi [redacted]

Apologies but can you please provide an answer to this in the ridiculous timescales set. [redacted] can you please pull together a briefing that covers all the wider questions on GRR and SPS policy.

[redacted]

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans  
**Sent:** 25 January 2023 13:37  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted] ; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Cc:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>  
**Subject:** Urgent Question - Scottish Prison Service  
**Importance:** High

**Importance:** High

Hi all,

The following **Urgent Question** has been selected for this afternoon:

- **Russell Findlay: To ask the Scottish Government whether it will provide an update on the Scottish Prison Service's Gender Identity and Gender Reassignment Policy Review.**

The Cab Sec will be answering the question at 14:50, so I'd be grateful for a draft answer, with background and Q&A **no later than 14:00 today**, please.

Grateful for confirmation that this has been picked.

Apologies for the tight deadline.

Many thanks,  
[redacted]

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### 3. Email Exchange between Scottish Government Officials and SPS dated 26 Jan 2023

**From:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>  
**Sent:** 26 January 2023 10:36  
**To:** [redacted] HQ CE Executive Secretariat  
<HQCEExecutiveSecretariat@prisons.gov.scot>  
**Cc:** [redacted]  
**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

#### Attachment No.5- FMQ Brief dated 26 Jan 2023

Thanks all – for the time being that is all that is required and all outstanding queries from my perspective have been dealt with.

Go and grab a cuppa all and many thanks for all the help and support this morning (and of course last night)

Cheers  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 10:00  
**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 09:51  
**To:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; [redacted]HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>  
**Cc:** [redacted]  
**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**From:** [redacted]  
**Sent:** 26 January 2023 09:41  
**To:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot); [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 26 January 2023 09:24

**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted][mailto: HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)

**Cc:** [redacted]

**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

Hi all,

[REDACTED under Section 29(1)(a)]

Thanks

**From:** [redacted]

**Sent:** 26 January 2023 09:12

**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>

**Cc:** [redacted]

**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

OFFICIAL

Thanks [redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

OFFICIAL

**From:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Sent:** 26 January 2023 08:59

**To:** [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>

**Cc:** [redacted]

Thanks – the requests are fast and furious this morning! – we have another few asks but have tried to summarise below for easiness.

If you fire lines to me .. I will collate them and send them all back to FMQ team.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

That is all I have at the moment for SPS so thought it was helpful to pull it all together for reference

Feel free to phone or teams if you require anything else and thanks again for picking it all up so promptly.

Kind regards  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 08:40  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted] ; HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: Question from SPAD [SEC=OFFICIAL]

OFFICIAL

Hi Cat,

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks  
[redacted]

**From:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 26 January 2023 08:38  
**To:** [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>  
**Cc:** [redacted]  
**Subject:** Question from SPAD  
[redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Can someone quickly confirm if this is the case and if so – can you provide some information on it?

Many thanks  
[redacted]

**From:** [redacted][redacted]  
**Sent:** 26 January 2023 08:38  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]  
**Cc:** [redacted] >; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request  
[redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 26 January 2023 08:04  
**To:** <mailto:>>; <[redacted]@prisons.gov.scot ; [redacted]  
**Cc:** [redacted]  
**Subject:** FW: URGENT - Trans Prisoners FMQ Out of Hours Request

[redacted]

See further requests for this morning:

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Many thanks all- apologies but grateful if this can be prioritised asap.

[redacted]

---

**From:** [redacted]  
**Sent:** 26 January 2023 11:45  
**To:** [redacted]; [redacted]@prisons.gov.scot  
**Cc:** [redacted]  
**Subject:** FW: URGENT - Trans Prisoners FMQ Out of Hours Request

All

So that you are sighted on what appears to be the final material sent up. Sorry trying to collate it all and make sense of the million different chains. I am now going through all the chains to check and will ensure any additional stuff is copied to you.

I am aware of the need to ensure you are all sighted – please bear with us. Half of the requests this morning did not come in on mail – [redacted as Free and frank exchange of views]. I am sorry if I am short – but please be reassured I only know too well the need to sight everyone.

[redacted]- we have not been sighted [redacted]– all that I produced was copied under separate chain and was restricted to factual information that you had previously provided.

If I see anything I will advise. However I understand it was to be [redacted]. The only request that came in on this was from SGLD that you were sighted on so the only other requests [redacted] so you are I think now sighted on all that we are here in prisons policy team.

Hope that assists meantime  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 10:38  
**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Reworked slightly.

**From:** [redacted]  
**Sent:** 26 January 2023 10:24  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Thanks all

[redacted]– grateful for clearance/comments on the attached.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 10:10  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted] McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 26 January 2023 09:58  
**To:** [redacted]; McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]

**Cc:** [redacted] >; First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

[redacted]

As per below and also the various team messages – additional lines on all the issues below:

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**I think that covers all outstanding issues from policy at present.**

Many thanks as ever  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 07:59  
**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Morning all,

(apologies for a third email before 8am!)

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Press we've picked up this morning below:

[Joanna Cherry KC on Twitter: "Excellent thread on SPS policy on placement of self-identified transgender prisoners in the female estate. It runs ahead of the law & could be changed or challenged. Thank-you Jonathan." / Twitter](#)

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

['\[redacted\]' and the madness of Scotland's gender bill | The Spectator](#)

This article states that “[redacted] does not appear to have a Gender Recognition Certificate of the sort which has proved so controversial in Scotland. In the future, however, there would have been nothing stopping her from acquiring one prior to her conviction.” [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,

[redacted]

**From:** [redacted]

**Sent:** 26 January 2023 07:23

**To:** [redacted] McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]

**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]

**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Thanks [redacted]– there's some background on this in the brief, copied below.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 26 January 2023 07:10

**To:** [redacted] McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]

**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]

**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Could we get some detail on what this refers to please.

[redacted]

**From:** [redacted]

**Date:** Thursday, 26 Jan 2023 at 7:04 am

**To:** McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>, Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>, Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>, Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>, Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>, [redacted]

**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>, [redacted]

**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Morning all,

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,

[redacted]

---

**From:** [redacted][redacted]  
**Sent:** 26 January 2023 09:52  
**To:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; [redacted]  
**Cc:** [redacted]; Devlin N (Neil) <Neil.Devlin@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request  
Hi [redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>  
**Sent:** 26 January 2023 08:05  
**To:** [redacted] [redacted]  
**Cc:** [redacted]; [redacted]; Rennick NS (Neil) <Neil.Rennick@gov.scot>  
**Subject:** FW: URGENT - Trans Prisoners FMQ Out of Hours Request

[redacted]

To see the final product – one outstanding request that I have commissioned to SPS and [redacted] ( you are both copied in)

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful if you can confirm when this has been picked up and completed as we need to confirm to the FM team before 10.

Many thanks indeed

[redacted]

**From:** [redacted]  
**Date:** Thursday, 26 Jan 2023 at 7:04 am  
**To:** McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>, Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>, Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>, Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>, Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>, [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>, [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

Morning all,

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]



Thanks,  
Maddie

**From:** Fleming M (Madeleine)  
**Sent:** 25 January 2023 23:25  
**To:** McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request

With thanks to all who have provided input tonight, a draft note is attached.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Russell Findlay's assertion that "... *the justice secretary said that this would be a matter for police Scotland. Well no, I disagree – strongly disagree. It's a matter of absolute common sense that **the Government of the day, in Edinburgh, should be quite firm on this.** If a male-bodied individual commits a sex crime, that is how it should be categorised for crime statistics, and that is how it should be treated for the purposes of criminal prosecution*" (Drivetime).

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 19:02  
**To:** McGillivray D (Donald) <[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Head of Justice Analytical Services <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; [redacted]  
**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]  
**Subject:** RE: URGENT - Trans Prisoners FMQ Out of Hours Request  
Thanks [redacted]

Also copying spads

**From:** [redacted]  
**Sent:** 25 January 2023 18:44  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Swanson DA (Denise) <[Denise.Swanson@gov.scot](mailto:Denise.Swanson@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>;

'headofjas@gov.scot' <[headofjas@gov.scot](mailto:headofjas@gov.scot)>; McGillivray D (Donald)  
<[Donald.McGillivray@gov.scot](mailto:Donald.McGillivray@gov.scot)>

**Cc:** [redacted] First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>

**Subject:** URGENT - Trans Prisoners FMQ Out of Hours Request

Hi all,

We have a number of out of hours requests on trans prisoners from the [redacted] this evening.

- [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]
- [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]
- [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]
- [redacted]– background on updated transgender prisoner policy framework.  
[Update on changes to transgender prisoner policy framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/update-on-changes-to-transgender-prisoner-policy-framework)
- [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]
- I will add this to background -  
<https://twitter.com/qinadavidsonlbc/status/1618282428744798223?s=20&t=4U55-HhdxpRLueGYK7B-zQ>

Really grateful for a first draft of all of this by 8:30pm, please. Happy to have a chat about any of this – give me a call on [redacted] if I'm offline (on the train).

Thanks,  
[redacted]

[redacted as Out of Scope]

---

**From:** [redacted]

**Sent:** 25 January 2023 15:56

**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

Thanks [redacted]– attached. However, [redacted] has asked for a single page on trans prisoners so will be pulling this out into a standalone brief – will circulate that shortly.

Thanks,  
[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 15:46

**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

Hi [redacted],

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful if you can share the GGR brief so we can align it with Prisons FMQ brief.

Many thanks,  
[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 15:29

**To:** [redacted] >; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]

**Subject:** RE: Urgent Question – Scottish Prison Service

Thanks [redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,  
[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 15:24

**To:** [redacted] Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted] >; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]

**Subject:** RE: Urgent Question - Scottish Prison Service

Hi [redacted]

Here is the latest updated information-

[redacted as already published (page 11) at- [Public Information Page \(PIP\) Quarter 3 20228975\\_3912 \(2\).pdf](#)

Many thanks,  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 15:21  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: Urgent Question - Scottish Prison Service

Thanks [redacted]

The GRR brief is going in FM's folder this evening, so I will include these figures for now – [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks  
[redacted]

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 25 January 2023 15:17  
**To:** [redacted]  
**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: Urgent Question - Scottish Prison Service  
Hi

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Hope that assists meantime

Cat

Cat Dalrymple  
DD Community Justice

**From:** [redacted]  
**Sent:** 25 January 2023 15:16  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Cc:** First Minister FMQs <[FirstMinisterFMQs@gov.scot](mailto:FirstMinisterFMQs@gov.scot)>; [redacted]; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: Urgent Question - Scottish Prison Service

Thanks Cat

For adding this to FMQ briefs – [redacted]  
Thanks,

[redacted]

**As at September 2022**

At that point, we had 15 trans individuals, including 11 trans women and 4 trans men.

Of the 11 trans women, six are in male, five in female estate. Of the four trans men, three are in the women's estate, and one in the male.

They were all living in single cells at that point

[redacted]

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 25 January 2023 15:07  
**To:** [redacted]; Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEEExecutiveSecretariat@sps.pnn.gov.uk)  
**Subject:** RE: Urgent Question - Scottish Prison Service

Yes

We will aim to get more recent information if possible.

Many thanks

Cat

Cat Dalrymple  
DD Community Justice.

**From:** [redacted]  
**Sent:** 25 January 2023 15:04  
**To:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted] <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] ; Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEEExecutiveSecretariat@sps.pnn.gov.uk)  
**Subject:** RE: Urgent Question - Scottish Prison Service

can we ensure this in FMQ for tomorrow please

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 25 January 2023 14:44  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>

**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] Cabinet Secretary for Social Justice, Housing & Local Government <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [HQCEExecutiveSecretariat@sps.pnn.gov.uk](mailto:HQCEExecutiveSecretariat@sps.pnn.gov.uk)

**Subject:** RE: Urgent Question - Scottish Prison Service  
[redacted]

May be helpful to print this out – separately , it is in the briefing but this is a helpful summary for Cab Sec:

**As at September 2022**

At that point, we had 15 trans individuals, including 11 trans women and 4 trans men.

Of the 11 trans women, six are in male, five in female estate. Of the four trans men, three are in the women's estate, and one in the male.

They were all living in single cells at that point

Thanks  
[redacted]

#### 4. Email Chain of Exchange between SG and SPS dated 25-26 Jan

**From:** [REDACTED]  
**Sent:** 25 January 2023 23:32  
**To:** Dalrymple C (Catriona); Rennick NS (Neil); [REDACTED]  
**Subject:** RE: FM lines [SEC=OFFICIAL]

[REDACTED] - thanks for picking this up so late and for a heads up on likely [redacted] stance which I see has come to fruition.

Neil, Cat, just to advise [REDACTED] is off tomorrow and Friday but please continue to route things via [REDACTED] and me.

[REDACTED]

**From:** [REDACTED]  
**Sent:** 25 January 2023 23:16  
**To:** Dalrymple C (Catriona); Rennick NS (Neil)  
**Cc:** [REDACTED]  
**Subject:** Re: FM lines [SEC=OFFICIAL]

OFFICIAL

Thanks Cat. Just responded. – [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

---

**From:** Dalrymple C (Catriona)  
**Sent:** Wednesday, January 25, 2023 10:55:48 PM  
**To:** Rennick NS (Neil); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FM lines [SEC=OFFICIAL]

Thanks [REDACTED] – just copied you into the press query and response.

Cat

Cat Dalrymple  
DD Community Justice.

**From:** [REDACTED]  
**Sent:** 25 January 2023 22:32  
**To:** Dalrymple C (Catriona); Rennick NS (Neil)  
**Cc:** [REDACTED]  
**Subject:** RE: FM lines [SEC=OFFICIAL]

OFFICIAL

All,

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

OFFICIAL

**From:** [REDACTED]

**Sent:** 25 January 2023 22:06

**To:** Dalrymple C (Catriona); Rennick NS (Neil)

**Cc:** [REDACTED]

**Subject:** FM lines [SEC=OFFICIAL]

OFFICIAL

Both,

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks

[Redacted]

**From:** [redacted]

**Sent:** 26 January 2023 10:19

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Comms Line - Timing of SPS Decision Transgender Prisoner  
[SEC=OFFICIAL]

Thanks [redacted] – yes, I think [redacted] messaged a couple of folk. Thanks for fielding.

[redacted]

**From:** [redacted]

**Sent:** 26 January 2023 10:15

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Comms Line - Timing of SPS Decision Transgender Prisoner

Morning [redacted],

Apologies, just had similar request from [redacted] (perhaps same one), should have CCd you in. I've discussed with [redacted]. I am mindful this where media and political interest will head.

This is our proposed line...



The SPS recognises the public interest in this matter, but cannot provide a running commentary on decisions relating to personal cases.

[redacted]

**From:** [redacted]

**Sent:** 26 January 2023 10:08

**To:** [redacted]

**Cc:** [redacted]

**Subject:** Comms Line - Timing of SPS Decision Transgender Prisoner

Morning [redacted]

[Redacted under section 38(1)(b)]

[redacted]

## 5. Email Chain of Exchange between Scottish Government officials and SPS dated 24 Jan 2023

**From:** [redacted]

**Sent:** 25 January 2023 13:16

**To:** [redacted] Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; [redacted] [redacted]>; [redacted] HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>; [redacted][redacted]>

**Cc:** Director of Justice <DirectorofJustice@gov.scot>; [redacted]; Devlin N (Neil) <Neil.Devlin@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]

**Subject:** Read out of Cab Sec BBC interview on trans prisoners

Dear Colleagues,

Please find below an overview of Mr Brown's interview with the BBC earlier today – on trans prisoners.

Below is a read-out of Mr Brown's responses. The BBC were asking about:

- How confident SG were in SPS's approach to managing risks
- What was being done to protect vulnerable prisoners, especially women
- How the GRR Bill impacted on decisions made
- SG response to public concerns on this issue

Hope this is of some help

Many thanks

[redacted]

### **Readout of KB interview on trans prisoner [redacted]**

I am very confident that the Scottish Prison Service is managing the risks, sometimes extreme risks, posed by those in custody - both to themselves and others around them.

Risk assessments are done over a period of time, and decisions are made from this

Decisions on where to place prisoners have nothing to do with the GRR Bill that went through Parliament. The Prison service takes the facts as they see them, take the risks that are presented and mitigate against them.

As things currently stand SPS don't know if people have a gender recognition certificate or not. There are medical assessments done, health assessments, psychological assessments - these are what are taken into account. Gender recognition certificates are not a cornerstone of the assessments carried out by SPS.

SPS knows better than anyone else, the background of prisoners, the trauma they have suffered and the possibilities of exacerbating this. They take these issues into account when deciding where to allocate prisoners.

Part of the justice system across the board is managing risks and I am confident that we do the proper risks assessments to minimise risks for everyone

Have to understand the general public concern about this, not least the ways facts are presented by the media, and that SG have a duty to respond to this. Hope they will accept that we do take these things very seriously and have a strong- track record of keeping people safe.

**From:** [redacted]

**Sent:** 25 January 2023 11:33

**To:** Dalrymple C (Catriona) <Catriona.Dalrymple@gov.scot>; [redacted] HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>; [redacted][redacted]>

**Cc:** Director of Justice <DirectorofJustice@gov.scot>; [redacted]; Devlin N (Neil) <Neil.Devlin@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner [SEC=OFFICIAL]

Thanks [redacted] [REDACTED under Section 30(b)(ii) – Free and frank exchange of views] we do not comment on individual cases, that this is an operational matter for SPS who have a clear track record in deploying robust risk assessment for those in our care.

[redacted] will be able to give a read out on media questions asked of CS just following our meeting/HQ opening just now with him. Cc [redacted]

[redacted]

**From:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>

**Sent:** 25 January 2023 11:26

**To:** [redacted] [mailto:HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>](mailto:HQCEExecutiveSecretariat@prisons.gov.scot); [redacted]

**Cc:** [DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot); [redacted] <mailto:Neil.Devlin@gov.scot>; [Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner [SEC=OFFICIAL]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 11:24

**To:** [redacted] HQ CE Executive Secretariat <[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]

**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] [redacted]; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner [SEC=OFFICIAL]

Ok – please ignore my suggestions. [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 11:16

**To:** [redacted] 'HQ CE Executive Secretariat'  
<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]  
**Cc:** Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] [redacted]  
Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Rennick NS (Neil)  
<[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
[SEC=OFFICIAL]

Reduced copy list

SPS

Following on from my question below please see additional lines suggested in track.

I am sorry but we really need to turn this around very quickly as it needs to go to the FM in 15 minutes. Please call if that helps [redacted]

[redacted]

**From:** [redacted][redacted]  
**Sent:** 25 January 2023 09:53  
**To:** [redacted] HQ CE Executive Secretariat  
<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted][redacted]>  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice  
<[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]; [redacted] Dalrymple C (Catriona)  
<[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>;  
[redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
[SEC=OFFICIAL]

Thanks! [redacted]

I note that Russell Finlay has lodged an urgent PQ so it probably makes sense to develop further briefing at short notice this morning. We will come back on a reduced copy list to work through that.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 09:36  
**To:** [redacted] >; HQ CE Executive Secretariat  
<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice  
<[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted] <mailto:>Dalrymple C (Catriona)  
<[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>;  
[redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
[SEC=OFFICIAL]

Good morning,

Updated FMQ with lines from SPS.

Kind regards  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 09:26  
**To:** [redacted] [mailto: HQ CE Executive Secretariat <HQCEExecutiveSecretariat@prisons.gov.scot>](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)  
**Cc:** [Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot); [DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot); [redacted]  
<mailto:Catriona.Dalrymple@gov.scot>; [Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot); Teresa Medhurst  
[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)

Thanks both

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

[redacted]

**From:** Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>  
**Sent:** 25 January 2023 09:06  
**To:** [redacted] Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Teresa Medhurst  
<[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)>; [redacted]  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice  
<[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
[SEC=OFFICIAL]

Thanks – if someone could liaise with Prisons Policy team with lines so that between us and [redacted] team we can ensure the relevant material is available for FMQ tomorrow.

Cheers  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 08:24  
**To:** Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Teresa Medhurst  
<[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)>; Dalrymple C (Catriona)  
<[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice  
<[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
[SEC=OFFICIAL]

[redacted]  
[REDACTED under Section 38(1)(b)].  
[redacted] will be happy to discuss later if required.  
Many thanks  
[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 07:54  
**To:** [redacted]  
**Cc:** [redacted]

**From:** Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>;  
**Sent:** 25 January 2023 07:54  
**To:** Teresa Medhurst <[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)> Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner [SEC=OFFICIAL]

[redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

I'm just leaving just now so should be there before 9:00.

[redacted]

**From:** Teresa Medhurst <[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)>  
**Sent:** 25 January 2023 07:44  
**To:** Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>; [redacted]  
**Cc:** Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>; Director of Justice <[DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot)>; [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner [SEC=OFFICIAL]

Good morning [redacted],

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Many thanks,  
[redacted]

**From:** [Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>  
**Sent:** 24 January 2023 21:23

**To:** [Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot); [redacted]; [mailto:Teresa Medhurst](mailto:Teresa.Medhurst@prisons.gov.scot)  
<[Teresa.Medhurst@prisons.gov.scot](mailto:Teresa.Medhurst@prisons.gov.scot)>; [redacted]  
**Cc:** [Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot); [DirectorofJustice@gov.scot](mailto:DirectorofJustice@gov.scot); [redacted]  
**Subject:** FW: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner  
**Importance:** High

Dear all

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans  
**Sent:** 24 January 2023 19:41  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; Donald AE (Anna) <[Anna.Donald@gov.scot](mailto:Anna.Donald@gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner

Dear all,

[redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Kindest regards  
[redacted]

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans  
**Sent:** 24 January 2023 17:33  
**To:** [redacted] Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner

[REDACTED]

Mr Brown is content to clear the lines below.

Thanks

[REDACTED]

**From:** [redacted]  
**Sent:** 24 January 2023 17:22  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** [redacted]  
**Subject:** CAB SEC CLEARANCE PLEASE: Scottish Daily Mail Trans prisoner

Dear Cab Sec and PO,

Grateful for your consideration of the following response to a query from the Daily Mail about the conviction of [REDACTED].

The following has been agreed with policy colleagues and spads – and is a line which was previously cleared earlier this month.

Many thanks  
[REDACTED]

**Issue:** [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

**Suggested comment (cleared Jan 2022)**

A Scottish Government spokesperson said: “Decisions taken by the Scottish Prison Service (SPS) on the placement of transgender prisoners are based on protecting both the wellbeing and rights of the individual and those around them, including staff.

“The SPS use comprehensive individualised risk assessments to inform decisions, such as the appropriate location of transgender people in custody, and not the basis of a Gender Recognition Certificate. The Gender Recognition Reform (Scotland) Bill does not change this process in any way.”



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## 6. Email Exchanges between Scottish Government Officials and SPS dated 27 Jan 2023

**From:** [REDACTED]  
**Sent:** 27 January 2023 11:36  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Bail and release bill - [REDACTED]

[Redacted under Section 29(1)(a) and Section 36(1)]

**From:** [REDACTED]  
**Sent:** 27 January 2023 11:11  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Bail and release bill – [REDACTED]

[Redacted under Section 29(1)(a) and Sections 36(1)]

**Sent:** 30 January 2023 14:32  
**To:** [redacted][redacted][redacted]Cabinet Secretary for Justice and Veterans; First Minister; [REDACTED]  
**Cc:** Rennick NS (Neil); Dalrymple C (Catriona); DG Education & Justice; [REDACTED]  
**Subject:** RE: Transgender Prisoner: Update: OFFICIAL - SENSITIVE - PERSONAL

Hi [Redacted],

Thanks for this update, Mr Brown has noted.

Kind Regards,

[Redacted]

**From:** [redacted][REDACTED]  
**Sent:** 27 January 2023 09:59  
**To:** Cabinet Secretary for Justice and Veterans; First Minister  
**Cc:** Rennick NS (Neil); Dalrymple C (Catriona); DG Education & Justice; [REDACTED]  
**Subject:** Transgender Prisoner: Update: OFFICIAL - SENSITIVE - PERSONAL  
**Importance:** High

(SENT ON BEHALF OF TERESA MEDHURST, SPS CHIEF EXECUTIVE)

PS/First Minister  
PS/Cabinet Secretary for Justice & Veterans

[redacted under Section 38(1)(b)]

[redacted under Section 30(b)(i) – Free and frank provision of advice]

If you require any further information please do let me know.

Many thanks

Teresa

**Teresa Medhurst**  
Chief Executive

**7. Note of PHONE CALLS WITH SPS [redacted]– 26 JANUARY 2023 10:00 – 12:30**

Around 10:00 a.m. I spoke on the telephone with the SPS Chief Executive. I asked [Redacted under section 38(1)(b)]

Following a check on the process, the CEO confirmed, [Redacted under Section 38(1)(b)] The CEO noted the unique circumstances of the case and confirmed that this was an operational decision for the SPS.

[Redacted under section 38(1)(b)] the CEO noted that communication was required with relevant partners to progress the decision.

[Redacted under section 38(1)(b)]

[Redacted under section 38(1)(b)]

Neil Rennick  
Director, Justice  
25 January 2023

## 8. Email Exchange relating to Media queries dated 25-27 Jan 2023

**From:** [redacted] **On Behalf Of** Cabinet Secretary for Justice and Veterans  
**Sent:** 25 January 2023 19:05  
**To:** [redacted] Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>  
**Cc:** [redacted] HQ CE Executive Secretariat  
<HQCEExecutiveSecretariat@prisons.gov.scot>; [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: GRC lets trans women into English jails

[Redacted]

Many thanks. Cab Sec is content to clear.

Kind regards

[redacted]

**From:** [redacted]  
**Sent:** 25 January 2023 18:16  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** [redacted] ; HQ CE Executive Secretariat  
<[HQCEExecutiveSecretariat@prisons.gov.scot](mailto:HQCEExecutiveSecretariat@prisons.gov.scot)>; [redacted]  
**Subject:** CAB SEC CLEARANCE PLEASE: GRC lets trans women into English jails

Private Office

The Times has approached for clarification to a point made by the Cab Sec in Parliament about the requirement for a GRC in prisons in England and Wales.

Grateful for your consideration of the following response which has been agreed with policy colleagues and SPADS.

A Scottish Government spokesperson said:

“In Scotland decisions on placement and management are based on multiple factors and a through individualised risk assessment.

“The policy in England and Wales is distinct from Scotland’s and makes specific provision in respect of those prisoners with GRCs. It is for the UK Government to confirm how this operates.”

Thanks [redacted]

### QUERY

Keith Brown seemed to suggest Scotland's vetting was more rigorous than England. He claimed access to prisons in England and Wales is "determined by the presence of GRC" whereas in Scotland a GRC has "minimal impact" on a placement.

It seems to imply a GRC is a golden ticket to a women's jail in England but there is a comment from Downing Street on PA which suggests the process in England is similar to Scotland.

**Transcript of exactly what KB said:** "...They do not, as is the case in England and Wales, have their process determined by the presence of a GRC."

**From:** [redacted] > **On Behalf Of** Cabinet Secretary for Justice and Veterans

**Sent:** 25 January 2023 14:17

**To:** [redacted] ; Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

**Cc:** [redacted]

**Subject:** RE: CAB SEC VIEW: Transgender prisoner bids

All

Mr Brown is content to issue the previously cleared lines, and [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

He will await further guidance re STV.

Kindest regards

[redacted]

**From:** [redacted]

**Sent:** 25 January 2023 14:11

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>

**Cc:** [redacted]

**Subject:** CAB SEC VIEW: Transgender prisoner bids

Private Office

We have received bids from STV, Press Association and Times Radio for Cab Sec to speak about the [redacted] transgender prisoner case.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful if PO can indicate if Mr Brown is content with this handling.

**A Scottish Government spokesperson said:**

"Decisions taken by the Scottish Prison Service (SPS) on the placement of transgender prisoners are based on protecting both the wellbeing and rights of the individual and those around them, including staff.

“The SPS use comprehensive individualised risk assessments to inform decisions, such as the appropriate location of transgender people in custody, and not the basis of a Gender Recognition Certificate. The Gender Recognition Reform (Scotland) Bill does not change this process in any way.”

**SPS spokesperson said:**

“Decisions by the SPS as to the most appropriate location to accommodate transgender people are made on an individualised basis, informed by a multi-disciplinary assessment of both risk and need.

“Such decisions seek to protect both the wellbeing and rights of the individual as well as the welfare and rights of others around them, including staff, in order to achieve an outcome that balances risks and promotes the safety of all.

“Where there are any concerns about any risks posed by an individual, either to themselves or others, we retain the ability to keep them separate from the mainstream population until an agreed management plan is in place.”

[redacted]

**From:** [redacted]

**Sent:** 28 January 2023 13:37

**To:** Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>

**Cc:** [redacted]

**Subject:** FOR AWARENESS Media query - Sunday Times - Calum Steele comments

Cab Sec, PO

Good afternoon

For awareness we've been approached by The Sunday Times to comment on remarks made by Calum Steele about the transgender case.

After consideration policy, comms and spads agreed to send on our current lines as below.

A Scottish Government spokesperson said:

“The placement of prisoners is an operational matter for the Scottish Prison Service (SPS) who use comprehensive individualised risk assessments to inform decisions, such as the appropriate location of transgender people in custody.

“SPS is working with partners including the Scottish Government on the review of their policy on managing transgender prisoners and that process is nearing completion.”

Query

Hi,

Could you get me a response to these comments by Calum Steele regarding [redacted] ?

Best regards,

[redacted]

Following the conviction of Bryson, I asked if (s)he was a Trans-woman or simply a man pretending to be so? Whichever is true – Bryson’s case has finally shot that most resilient of foxes - that opponent’s concerns for women’s safety were due to simple transphobia.

Criminals, especially those who connive and exploit as part of their offending behaviour are hardly renowned for their honesty and integrity. On the contrary, they are known for their wickedness and willingness to use any and all means for their own selfish and malevolent ends. A highly improbable risk of a fraud investigation is not the safeguard weak politicians suggest it is, and the sooner they accept it, the sooner they can work on restoring some form of credibility with a highly sceptical public.

The madness of incoherent policy positioning has always been there for those of us prepared to look but it now has nowhere to hide.

We are to believe a sixteen-year-old is mentally mature enough to make life changing decisions, whilst simultaneously accepting the brain does not fully mature to age 25 if you are in the criminal justice system. We are to believe we have a victim centred criminal justice system whilst ignoring the trauma inflicted on victims of sex crimes having to refer to their “penis owning” attackers as she or her. We are to believe the Scottish Prison Service can keep women prisoners safe if housed with trans women (with penises), yet can’t don’t the same for female penis owning prisoners in the male estate.

**From:** [redacted] scot> **On Behalf Of** Cabinet Secretary for Justice and Veterans

**Sent:** 26 January 2023 18:12

**To:** [redacted] Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>;

**Cc:** [redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: Bryson case 'inevitable'

Hi [redacted]

Mr Brown is content to clear.

Thanks,  
[redacted]

**From:** [redacted]  
**Sent:** 26 January 2023 17:37  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted]  
**Cc:** [redacted]  
**Subject:** CAB SEC CLEARANCE PLEASE: Bryson case 'inevitable'

Dear Cab Sec and Po,

Grateful for your consideration of the following response to a query from the Daily Mail about [redacted]

The following has been agreed with SG and SPS policy colleagues and Spads.

Many thanks

[redacted]

**Issue**

a former senior prison source has told us that for several years the prison service were warning the government about the 'inevitable' prospect of a case like [redacted] – the transgender double rapist – but because it was seen as a headache and politically sensitive issue nothing was done to prevent it. Is this something you would comment on?

**Suggested comment**

A Scottish Government spokesperson said: "The SPS uses comprehensive individualised risk assessments to inform decisions, such as the appropriate location of transgender people in custody, and it is clear from the steps being taken that procedures to deal with a scenario such as this have been put in place."

**From:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Sent:** 26 January 2023 16:06  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: KB BID - the Nine

Hi [redacted]

Mr Brown is content to decline the bid.

[Redacted]

Thanks,

**From:** [redacted]  
**Sent:** 26 Jan 2023 15:35



**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** [redacted]  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: KB BID - the Nine

[Redacted]

Dear Cab Sec and PO,

We've had a BID come through from the Nine for Mr Brown to speak more about the trans prisoner

Our inclination is to **decline**. [REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful for your consideration of this approach,

Many thanks

[redacted]

**Sent:** 27 January 2023 17:41

**To:** [redacted] Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** [redacted] ; Rennick NS (Neil) <[Neil.Rennick@gov.scot](mailto:Neil.Rennick@gov.scot)>; [redacted] ; Dalrymple C (Catriona) <[Catriona.Dalrymple@gov.scot](mailto:Catriona.Dalrymple@gov.scot)>;  
**Subject:** RE: CAB SEC CLEARANCE PLEASE: [redacted]

Hi all,

Mr Brown is content to clear the amended lines.

Thanks,  
[redacted]

**From:** [redacted]

**Sent:** 27 January 2023 17:33

**To:** [redacted] >; Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>

**Cc:** [redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: [redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

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**From:** [redacted]

**Sent:** 27 January 2023 17:18

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>; [redacted]

**Cc:** [redacted]

**Subject:** RE: CAB SEC CLEARANCE PLEASE: [redacted]

I would suggest:

A Scottish Government spokesperson said:

“The placement of prisoners is an operational matter for the Scottish Prison Service who use comprehensive individualised risk assessments to inform decisions, such as the appropriate location of transgender people in custody.

“SPS is reviewing their policy on managing transgender prisoners in partnership with the Scottish Government and that process is nearing completion.”

**From:** [redacted]

**Sent:** 27 January 2023 16:59

**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>

**Cc:** [redacted]

**Subject:** CAB SEC CLEARANCE PLEASE: [redacted]

Dear Cab Sec and PO,

Grateful for your consideration of the comment below, in response to a query from the The Record about another trans prisoner – [redacted]

They understand that [REDACTED under Section 30(b)(ii) – Free and frank exchange of views] and have asked for our feedback

The following has been agreed with policy and Spads. SPS lines included for awareness

Many thanks

[redacted]

**Issue:** [Redacted under section s38(1)(b)]

#### **Suggested comment**

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

#### **SPS LINES**

A Scottish Prison Service spokesperson said: “We do not comment on individuals.

“Decisions by the SPS as to the most appropriate location to accommodate transgender people are made on an individualised basis, informed by a multi-disciplinary assessment of both risk and need.

“Such decisions seek to protect both the wellbeing and rights of the individual as well as the welfare and rights of others around them, including staff, in order to achieve an outcome that balances risks and promotes the safety of all.

“Where there are any concerns about any risks posed by an individual, either to themselves or others, we retain the ability to keep them separate from the mainstream population until an agreed management plan is in place.”

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**From:** Cabinet Secretary for Justice and Veterans <CabSecJV@gov.scot>  
**Sent:** 26 January 2023 22:14  
**To:** [redacted]  
**Cc:** Cabinet Secretary for Social Justice, Housing & Local Government <CabSecSJHLG@gov.scot>; Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)> [redacted]  
**Subject:** RE: Media bid - R4 Today - [redacted]

Hi [redacted]

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Thanks,  
[redacted]

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**From:** [redacted]  
**Sent:** 26 Jan 2023 19:10  
**To:** Cabinet Secretary for Justice and Veterans <[CabSecJV@gov.scot](mailto:CabSecJV@gov.scot)>  
**Cc:** "Cabinet Secretary for Social Justice, Housing & Local Government" <[CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)>; [redacted]  
**Subject:** Media bid - R4 Today - [redacted]

Justice Secretary PO  
Copying to Social Justice Secretary for awareness

BBC Radio 4 have bid for Mr Brown tomorrow morning on the Today programme to discuss the [redacted], and the decision to move her to a men's prison.

This would be with [redacted], in either the 07:12 or 08:30 slots.

[REDACTED under Section 30(b)(ii) – Free and frank exchange of views]

Grateful if you could confirm whether Mr Brown is content with this recommendation.

Many thanks  
[redacted]