



States of Jersey Prison Service HM Prison La Moye

Guidance Note on the Care and Management of Transgender Prisoners

(This Policy is currently under-review and will be subject to change)

CONTENTS

1. Introduction.....	3
2. Medical treatment.....	3
3. Applications to begin hormonal treatment for.....	3
gender dysphoria	3
4. Prisoners living in their acquired gender role	4
5. Location within the estate.....	5
6. Change of name.....	5
7. Searching	6
8. Addendum.....	6
9. Annex	10

1. Introduction

This document provides guidance on the care, management, and treatment of transgender prisoners – both with and without gender recognition certificates. It covers medical treatment, living in an acquired gender role, location in the establishment, and searching.

The States of Jersey Prison Service (SOJPS) is committed to ensuring that transgender prisoners are treated fairly and in accordance with the law.

A transgender person is someone who lives or proposes to live in the gender opposite to the one assigned at birth. The gender in which the transgender person lives or proposes to live is known as that person's acquired gender. A transgender person may or may not have been diagnosed with gender dysphoria.

The Gender Recognition (Jersey) Law 2010 provides for transgender people to gain legal recognition of their acquired gender through the issue of a gender recognition certificate.

2. Medical treatment

The SOJPS will provide prisoners who have been diagnosed with gender dysphoria with the same quality of care that they would expect to receive from Jersey medical services if they had not been sent to prison.

If medical treatment for gender dysphoria is commenced before reception into prison, and the prisoner applies for it to be continued, it should be continued until the prisoner's gender specialist has been consulted – unless the doctor working in the prison has reasonable clinical grounds for not doing so. Any continued treatment is dependent on those services being available in Jersey.

3. Applications to begin hormonal treatment for gender dysphoria

An unconvicted prisoner who asks to begin treatment for gender dysphoria should be advised that generally the matter will be re-considered by prison medical services in the event that the court orders a subsequent custodial sentence. If the prisoner has any pre-arranged appointments, guidance must be sought from the specialist clinician providing care to the prisoner when they were in the community, to ascertain whether there exists any clinical or other imperative reason that those appointments should be attended during the remand period, or whether they could be postponed until the outcome of any court proceedings are known. Time to trial is not, of itself, a sufficient reason to allow the prisoner to attend the outpatient appointment unless that has direct

clinical or psychological consequences that adversely affect the health and well-being of the prisoner. The prison health care team must inform the relevant medical services of any request from a sentenced prisoner to begin medical treatment for gender dysphoria.

The doctor working in the prison should take full account of any possible coexisting psychopathology that may require expert forensic psychiatric assessment and refer the prisoner to a forensic psychiatric service if appropriate.

4. Prisoners living in their acquired gender role

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

The SOJPS will permit prisoners who consider themselves transgender and wish to begin gender reassignment to live permanently in their acquired gender.

Permitting prisoners to live permanently in their acquired gender will include allowing prisoners to dress in clothes appropriate to their acquired gender and adopting gender-appropriate names and modes of address. The SOJPS will allow transgender people access to the items they use to maintain their gender appearance, at all times and regardless of their level on the Incentives and Earned Privileges Scheme or any disciplinary punishment being served. Available items are listed on the prison facilities list.

A management plan outlining how the individual will be managed safely and decently within the prison environment will be created. Advice on producing this must be sought from the Diversity and Equalities Action Team (DEAT).

Any risks to and from a transgender prisoner will be identified and managed appropriately, as would be the case with any other prisoner. The SOJPS will put in place measures to manage the risk of transphobic harassment and transphobic hate crime.

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

Transgender prisoners should be offered as wide a regime of activities as other prisoners.

5. Location within the estate

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

If a prisoner requests location in the estate opposite to the gender which is recognised under law, a case conference must be convened to consider the matter.

The case conference will consider all relevant factors and make a recommendation to the Governor who will make the final decision. If there is any doubt, it is advisable to seek legal advice.

Before a prisoner is placed in custody, attempts must be made to determine which gender is recognised under law. This is a legal issue rather than an anatomical one, and under no circumstances should a physical search or examination be conducted for this purpose. If attempts are unsuccessful, the prisoner should be placed according to the best evidence available and the prisoner's gender status must be determined as soon as possible. If it emerges that a prisoner has been placed in the estate opposite to the legally recognised gender, a case conference must be convened.

6. Change of name

When senior management are considering name change requests, the following factors may be regarded as indications that the intended change is genuine and permanent, and should therefore be acknowledged officially:

When the request is the result of a change of marital status.

When the change of name is on genuine religious grounds. If a prisoner wishes to change his/her name on such grounds, operational managers must obtain the views of the Chaplain (or equivalent) of the relevant faith.

When not to acknowledge the new name may cause severe psychological harm to the prisoner. Medical advice should be sought.

When the change of name is because of gender reassignment. In such a case the change of title (Mr, Ms etc.) should also be acknowledged.

A name change by Deed Poll or statutory declaration is also generally an indication of genuineness on behalf of the prisoner and should be acknowledged officially. Governors may refuse a name change by Deed Poll or statutory declaration but only in exceptional circumstances such as where the name is considered to be offensive or obscene.

7. Searching

Transgender prisoners at all stages of the gender reassignment process must be encouraged to enter into a voluntary written agreement in respect of their searching arrangements as soon as possible after arrival at an establishment. In general terms searching of an individual should be performed in line with their recognised legal gender.

8. Addendum

Gender Recognition Certificate

A Gender Recognition Certificate (“GRC”) is a formal document issued by the Gender Recognition Panel to legally recognise an individual’s acquired gender in the UK.

At birth an individual’s gender is registered on their birth certificate, however it may become apparent later in life that the gender assigned at birth does not match that individual’s true gender identity. An individual may therefore take steps to transition and live in the gender they identify with. Part of this transition may involve applying for a GRC.

Legal gender confirmed

Transgender Women who have a conviction or current charge for sexual or violent offence, or who retain birth genitalia. In most cases the decision where the individual will be housed will align with the view of the individual about where they should be located, but in some cases it won’t. The individual will have the opportunity to attend a Complex case review and will have the opportunity to share their view and ask any questions.

Where legal gender is determined, the legal gender must be recorded on all case administration system where ‘sex’ (male or female) is required.

Where Legal gender is not confirmed

Where legal gender is not confirmed, allocation must be in line with their birth gender. It is expected that the prison will be informed by the courts, Police, Customs if the legal gender of an individual has not been confirmed and the prison must continue efforts to establish and individuals “Legal gender” following their allocation.

Legal gender can only be confirmed via sight of a birth certificate or GRC, or confirmation from the Local authority with the consent of the individual.

During the Reception Process: where legal gender cannot be determined, staff must record a transgender individual's sex recorded at birth on all administration systems where 'sex' is required. However, efforts to establish legal status should continue.

Disclosure

It is an offence under [Gender Recognition \(Jersey\) Law 2010](#); to reveal the birth assigned gender of an individual who has gained legal recognition of the gender they identify with, without their permission and where none of the exemptions in the Gender Recognition (Jersey) Law 2010 apply. See **Annex D**

Avoiding Misgendering

You 'mis-gender' someone when you refer to them using a word, especially a pronoun or a form of address, that does not correctly reflect the gender with which they identify.

- Choose gender-neutral terms whenever possible when talking or writing about collective or generic subjects.
- Avoid unnecessarily binary terms (e.g., men and women, he or she) when a gender-neutral one will do (e.g., prisoners, they).
- Always use an individual's appropriate name, title, pronouns (and/or other gendered morphology).
- When talking about people whose pronouns you do not yet know, using *they* may be a temporary solution. However, if you learn the appropriate pronoun is something else, use that.
- If you notice a colleague misgendering someone, correct them, even if the misgendered person is not present to witness it.
- Avoid explicitly gendering groups with "Mister" or "Miss," "ladies" or "gentlemen," or "guys" and "gals" as terms of address. Learn and use preferred names; and pronouns.

Guidance for Escorts

Any transgender woman with a previous conviction for sexual or violent offence and or current charge and/ or who has birth genitalia must generally be held in a prison which matches their sex registered at birth. (Those without Gender Recognition Certificate – (GRC))

Transgender woman with a GRC whom meet these criteria should be on a Women's estate in separate accommodation.

All individuals must be permitted to express the gender with which they identify regardless of prison location.

Be aware that some individuals who are transgender many do not have the confidence or had the opportunity to appear in court in the gender with which they identify; care should be taken not to make assumptions on appearance alone. Care should be given to consider how this might impact on the individual.

Searching

Searching a Transgender individual must comply with the operational local policy guidance. Any physical search or examination must not be conducted for the purpose of determining gender and/ or surgery status.

Transgender individuals should be searched in line with their legally recognised gender. Eg. A prisoner identifying as a female is to be searched as a female.

Complex Case Review

A complex case review should be held as soon as possible normally within 24hours or no later than 14 days of the individual arriving into custody. The purpose of the initial review is to gather as much information around the individual; how they identify; Do they hold a GRC or birth certificate confirming their gender? Do they have either history or current offence of a violent or sexual nature? This is an opportunity for the individual to share their view and ask any questions they may have. **Annex A&B**

Prior to any complex case Review taking place to determine location

If a Complex Case Review is unable to be held within the 24-hour time frame. Transgender Women should be allocated in line with their birth gender (for those without GRC's) or separate accommodation within the women's estate.

Temporary accommodation in a men's estate may need to be utilised for Transgender women with GRC's who meet the criteria in order to arrange safe transfer into a separate unit in the women's estate. Temporary accommodation should be used for the shortest possible time.

All transgender individuals should be allocated in line with their legal gender which is recorded on their birth certificate or GRC. The decision will be based on risk and the safety of all individuals concerned.

Prisoner Escort Record (PER) Form

Individuals who declare that they are Transgender should be recorded on the PER form. It is important that the prisoner discloses or agrees to disclose this information.

If an individual has gained legal recognition of their gender identity, records must reflect their legal gender.

It is an offence under [Gender Recognition \(Jersey\) Law 2010](#); to reveal the birth assigned gender of an individual who has gained legal recognition of the gender they identify with, without their permission and where none of the exemptions in the Gender Recognition (Jersey) Law 2010 apply.

Individuals who are intersex and / or identify as non -binary, gender-fluid and / or cross dresser.

Individual who identifies in this way or outside of the binary will be located based on their legally recognised gender. All individuals are enabled to express their gender identity.

Voluntary Agreements

A voluntary Agreement is designed to assist with the care and management of an individual and form the basis of a Care / management Plan.

These Agreements keep a record of things agreed to assist, support and enable an individual live and express the gender identity they feel is right for them. Unless otherwise stated Agreements and individual plans will be the same as all other residents in the prison.

A Voluntary Agreement will reach agreements in the following areas: Living space; Prison Location; Showering; Laundry; Dress code; Employment; Offending Behaviour; Items you have; Support; Named Case Manager and Personal Officer; Monthly Review; Searching arrangements. See **Annex C**

9. Annex

Annex A

Case Board Review Record		
		Tick as appropriate
Initial Local Case Board		
- During pre-sentence report preparation		<input type="checkbox"/>
- Within fourteen days of reception into custody (remand or sentenced)		<input type="checkbox"/>
Local Transgender Case Review Board		
Pre- release/Contingency Case Board		
1	Date of Board	
2	Location of Board	
3	Chair	
4	Attendees (including emails)	
5	Apologies	
6	Name of Individual and preferred pronoun (he/she/they etc)	
7	Prison number or case reference number	
8	Has written consent to disclose previous gender been signed by the individual? When?	
9	Date disclosure form was given to the individual (including accompanying documents)	

10	What is the assessed confirmation of gender identity? Full, Strong, limited, counter) and what evidence supports this?	
11	Views/Representations of the individual (in person, in writing, via telephone etc.)	
12	Location decision – Men’s or Womens estate? Is this consistent with the view of the individual and/or their legal gender? Record reasons for the location decision	
13	Voluntary Agreement – has the individual participated in a voluntary agreement and if not what decisions are required?	
14	If searching arrangements have not been agreed via the Voluntary Agreements, what decisions needs to be made and who do these need to be communicate to?	
15	Healthcare and wellbeing considerations (including medication, continuity of healthcare, mental health, any Gender Identity Appointments)	
16	How is the individual being supported and enabled to express the gender they identify with? What else needs to be explored or put in place?	
17	Specific input from attendees that has not already been covered	
18	What support via friends, family members or external organisations are in place. What else needs to be explored or considered?	
19	Summary of all known risks relating to transgender status (4.27 of the Policy Framework include risks to the individual, to other individuals, to staff and including self-harm)	

20	Location considerations within the main regime and access to purposeful activities and interventions
21	Does this case meet any criteria (4.45 of the Policy Framework) triggering the need for a referral to the centrally managed Transgender Complex Case Board? If yes, which criteria
22	Summary of actions from the Case Board (Who will do what and by when)
23	Any other considerations
24	Review date (where necessary)

Care and Management Plan for Transgender Individuals

Care and Management Plan for Transgender Individuals	
1	Individual's name
2	Prison Number
3	Date of plan
4	Review date of plan (where applicable)
5	Summary of care and management within the prison or approved premises location and main regime, including if a change of location is requested
6	Views of the individual (including location, care and management)

7	Actions needed to support gender expression
8	Healthcare and management
9	Management of risks (consider all known risks to the individual (including self-harm), by the individual to other individuals, staff and known victims)
10	Any other agreed care and management needs identified by staff, individual or others
11	Support from family or voluntary/external groups

12	Any other considerations, including media handling

Voluntary Agreement for Transgender Residents

Voluntary Agreement between: **States of Jersey prison Service**

and

1 The reason for this agreement

The reason for this agreement is to keep a record of the things we agree will happen to enable you to live in and express the gender identity you feel is right for you. This agreement complies with Prison Service rules and will be updated if the rules change. Unless otherwise agreed, your daily plan will be the same as all other residents in this prison.

2 Living space

Whilst at **States of Jersey prison Service** space will be provided to give you the most privacy possible but still allowing you to take part in all the prison activities. This will take into account your cell sharing risk assessment and any needs or issues you may face.

3 Showers/bathing

If the prison is unable to provide a showering or bathing option in your cell, you will be given as much privacy as possible by:

- No other resident will be allowed to use the shower/bathing space when you are using it.
- You must make sure that the shower curtain/screen or bathroom door is closed.
- You must be fully dressed when walking to and from the shower area. This includes wearing proper footwear.
- You will be told the times you can use the shower/bathroom and you must not use or attempt to use the shower outside these times.
- If there are times when you need to use the shower/bathroom facilities outside of the proper times, such as prior to escort, you must speak to the Wing Officer or Wing Manager.

- You must use the showers/bathroom as directed by the staff on duty.

4 Laundry

All your clothing will be washed in line with the wing/unit laundry rules. You may wash personal items such as underwear by hand in your room. If needed, a bowl will be provided for this purpose. If a sink is not available in your room, other plans will be made for you to wash personal items in private.

5 Dress code

You will be able to wear clothing that fits your gender identity as long as it fits with the prison rules. During work periods you will dress correctly for the work you do and in line with health and safety regulations.

If your gender identity changes (for example, if you cross-dress or change your dress between male and female), a security assessment will be completed and access to clothing and other items such as make-up or jewellery will be agreed with you. (delete this paragraph if not relevant to the prisoner)

6 Employment

Employment will be provided for you in line with the usual prison rules, but will take into account any issues you may have in relation to your gender identity.

7 Offending behaviour

You are expected to follow your sentence plan and to do any offending behaviour programmes which you need. You will be able to do your programmes in the gender you identify unless that means you are unable to follow the health and safety rules.

8 Items you can have

The list of items you can have will be the same as other prisoners, along with some items that help you express your gender identity. Certain items will be agreed locally.

You will be allowed to buy toiletries to help you express your gender identity as long as these meet with prison rules.

If your gender identity changes (for example, if you cross-dress or change your dress between male and female presentation), a security assessment may need to be

completed and access to items will be agreed with you. Photographs may need to be taken of you in your male and your female roles. If you change your gender identity regularly, this should be shared with (insert staff name) so that an agreement can be reached. (Delete this paragraph if not relevant to the prisoner)

9 Support

You have the support of **Safer Custody Officer** but you can also speak to any member of staff about any concerns you may have.

10 Named Offender Supervisor and Senior Officer

Your Personal Officers are 1.
2.....

Your Case Managers are 1.....
2.....

11 Monthly review

You will have a review every month with your Offender Supervisor, and every three months with your Senior Officer. This will give you the time to discuss any problems or ask for help.

12 Searching

You and your cell will be searched in line with the **States of Jersey prison Service** rules and Policy. This includes any personal items that you have.

The way in which you are searched, and the gender of the staff searching you, will be discussed with you to reach an agreement. If agreement cannot be reached, you will be searched in the way that this prison considers to be the best for security and for your welfare and privacy.

Searching agreement

Your signature.....

Wing
signature.....

Manager's

Your name.....

Wing
name.....

Manager's

Prison number.....

Date / /

Date / /

Informed Written Consent to Disclose a Previous Gender

Gender Reassignment

There are special rules about how we treat information relating to gender reassignment if you have or are applying for a gender recognition certificate (GRC) under the Gender Recognition Law (Jersey) 2010.

It may be an offence for us to tell anyone about your previous gender, unless you consent to us doing so or unless another exemption in section 22 of the Gender Recognition Law (Jersey) 2010 applies. .

Giving your consent by signing in the box below will allow us to record and share this information with partnership agencies, when necessary, to support the management of your case.

We will usually tell you beforehand, except in some circumstances where there is a risk of serious harm to yourself or another person.

You may withdraw your consent at any time.

Signed	Date
Print Name	
Staff name	Date

Glossary of Terms

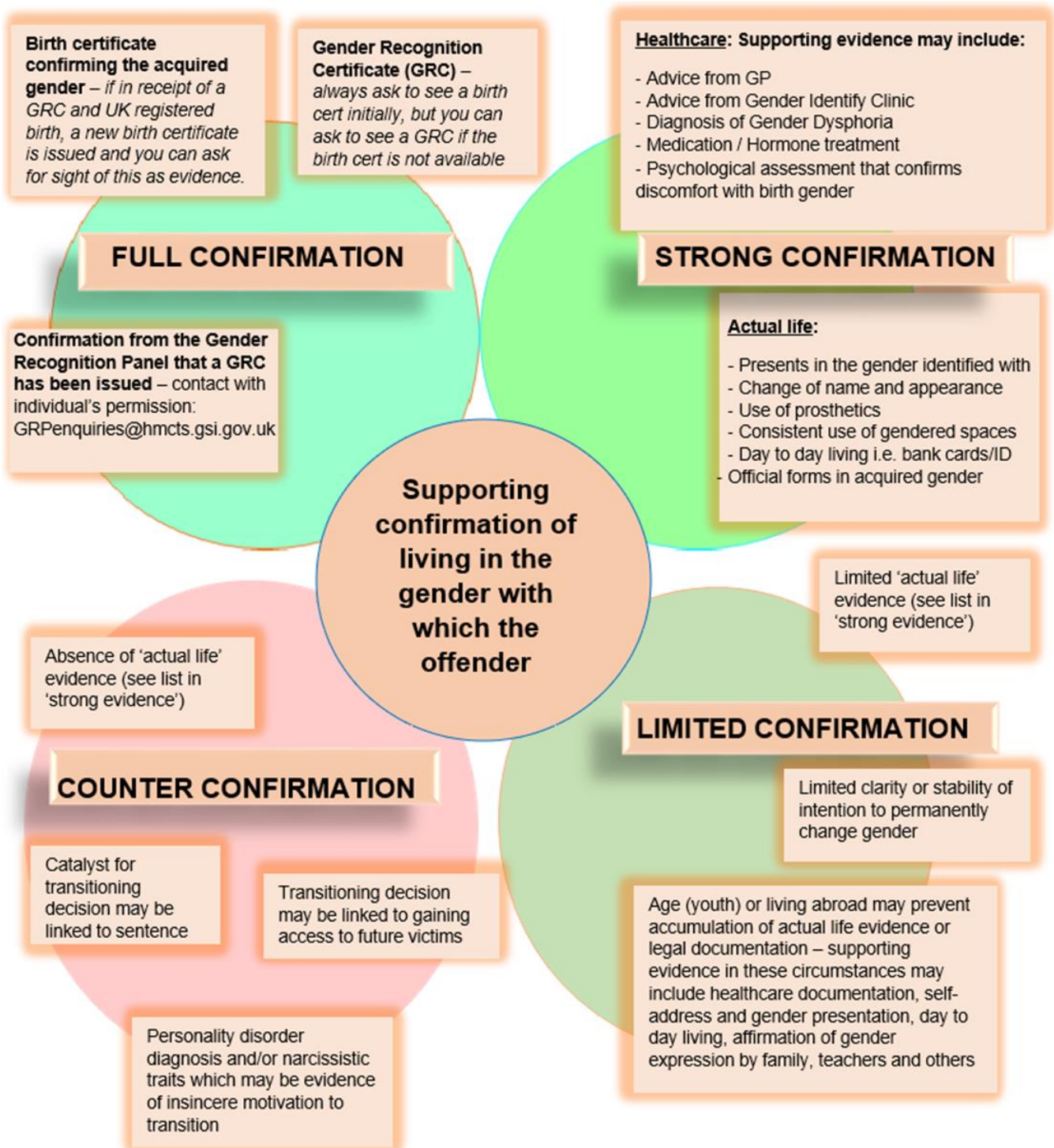
Terms and language regarding transgender individual's and transgender issues are evolving rapidly and many terms may mean different things to different people. The definitions given here are common, but not universal, understandings of these terms¹.

Acquired gender	The law uses the phrase 'acquired gender' to refer to the gender in which a transgender person lives and presents to the world. This is not the gender that they were assigned at birth, but it is the gender in which they should be treated. The 'acquired' gender is a legal term which describes a person's gender following reassignment but is unpopular with transgender campaigners. This is because it implies that the 'true' gender has been acquired following reassignment rather than being 'true' before the person had the confidence or resources to transition. A term that has been used within the policy is 'the gender the person identifies with'
Affirmed Gender	Term used to describe the gender after a person has transitioned (generally preferred to the term 'acquired gender').
Cross Dresser	Someone who wears the clothes usually expected to be worn by someone of the opposite gender, typically of a part time activity. They may dress to express the more masculine or feminine side of themselves, for their own sense of comfort. It may have an erotic component for some people
Gender binary	A binary system allows only two things or states – for example, on/off. In terms of gender, it refers to the either/or categories of male/female that do not allow for, or recognise, other experiences of gender.

Gender dysphoria	Where a person experiencing discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity.
Gender-fluid	This refers to a gender identity which varies over time (see also 'gender variance').
Gender identity	A person's sense of self as a man, woman, non-binary person or other sense of gender. A person's gender identity typically follows the sex they were assigned at birth (based on physical attributes), but this is not always the case.
Gender reassignment	One of the protected characteristics listed in the Equality Act 2010. A person is undergoing gender reassignment if they are "proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex". This does not require any medical assessment or treatment
Gender Recognition Certificate (GRC)	A certificate issued under the Gender Recognition Law (Jsy) 2010 which enables someone to be legally recognised in their acquired gender.
Intersex ² (or variant sex characteristics)	Is someone who may have hormonal or chromosomal conditions which are not typically male or female. This may also, but not necessarily include physical characteristics that differ from the typical male or female. In the UK, Intersex babies have to be registered as either male or female. Not all intersex conditions are apparent at birth and may appear later, for example during puberty.
LGBT+	Lesbian, Gay, Bi-sexual, Transgender and other identities
JMAPPA	Jersey Multi Agency Public Protection Arrangements
Mis-gendering	You 'mis-gender' someone when you refer to them using a word, especially a pronoun or a form of address, that does not correctly reflect the gender with which they identify

Non-binary person	Someone who does not subscribe to the customary binary approach to gender, and who may regard themselves as neither male nor female, or both male and female, or take another approach to gender entirely.
Cisgender	Someone whose gender identity matches the gender they were assigned at birth
Pronouns	For example 'she', 'he', they. .
Sex	Is assigned at birth as male/female based on the appearance of a baby's genitalia at birth.
Sexual orientation	This includes lesbian, gay man/woman, bisexual person and heterosexual person.
Transgender (or trans) person	A broad, inclusive term referring to anyone whose personal experience of gender extends beyond the typical experiences of those of their registered sex at birth. Sometimes also referred to as gender diverse
Transgender man	A transgender man is a person who was assigned female at birth but has a male gender identity.
Transgender woman	A transgender woman is a person who was assigned male at birth but has a female gender identity.
Transition	The journey a transgender person takes from their assigned gender to the one they know themselves to be. This may refer to social transition (changing name, clothes etc), medical transition (hormones and/or surgery) or both.

Supporting Confirmation of the Gender with which the Individual Identifies When an individual discloses that they are transgender, the following chart may assist in assessing the strength of evidence of living in the gender the



individual identifies with, to help with location decisions and sentence plans.

Category 1: FULL SUPPORTING CONFIRMATION

This is evidence which fully confirms the individual's legal gender. The best form of confirmation is a birth certificate. Staff should ask an individual to produce a birth certificate which will confirm their sex at birth or, if they have received a GRC and were born in the UK, a new birth certificate will have been issued showing their acquired ('new') gender identity. Asking an individual what is recorded on their birth certificate and requesting sight of this should always be the first step in confirming legal gender.

However, staff can ask for sight of a GRC (or for sight of an application for a GRC) if a birth certificate is not available. Should an individual offer a GRC as evidence, or give permission for the Gender Recognition Panel to confirm that a GRC has been issued and confirmation is received, this must be accepted as full evidence of legal gender. If a person discloses that they have a GRC, or have applied for a GRC, the individual must be asked to provide written consent for their gender which was assigned at birth and/or detail of the application process, to be disclosed to/from relevant staff in or on behalf of HMPPS. However, if they do not provide this consent, this information can still be disclosed where necessary for offender management purposes or where any other exemption under s22 of the Gender Recognition Act 2004 applies (see 4.70-4.73). Information about the gender history of an individual with a GRC should be treated carefully, as with any other sensitive information. Disclosure of this information that is not necessary for offender management purposes may amount to a criminal offence.

Driving licences and passports do not confirm legal gender. Only a birth certificate, GRC or confirmation from the Gender Recognition Panel should be accepted.

Category 2: STRONG SUPPORTING CONFIRMATION

Strong supporting evidence may include the length of time the person has been living in the gender they identify with. Care must be taken here in relation to younger people who may not have had the opportunity to demonstrate this due to their age. Other supporting confirmation may be presented as follows:

Healthcare documents – this may include documents from the GP or from a Gender Identity Clinic.

Appearance and mannerisms – this may include clothes, hair style, use of prosthetics, or other items to express gender identity. Care must be taken here as the person may not be confident to appear in court or for a Pre-sentence report appointment in the gender they identify with, or may have been remanded into custody and then disclose during the course of their sentence. In these

circumstances they may not have gained access to items to express their gender identity.

Evidence of day to day living – this may include bank or other cards, or a driving licence, showing a change of name and/or expression of gender identity.

Category 3: LIMITED SUPPORTING CONFIRMATION

This may include similar confirmation to STRONG confirmation but may reflect that a person is in an earlier stage of transitioning or that they have not reached a decision.

For individuals who identify as non-binary, gender fluid or cross dresser and those who are intersex and not intending to transition to a gender opposite to that assigned at birth, they will be located in the part of the prison or AP estate consistent with their legal gender.

Particular care should be given when considering confirmation from younger people and also from foreign national prisoners who may not have had the opportunity or recourse to supporting confirmation. It is also worth noting that prison may be the first time that people feel able to come out and so lack of prior evidence of gender expression may not be an indication that the desire to transition is not genuine, but rather than they are at an earlier stage in the process.

Category 4: COUNTER EVIDENCE

The wider Ministry of Justice review established that individuals who are transgender are overwhelmingly genuine about living in the gender with which they identify. It was, however, accepted that, as with other areas of prison life, some individual's will always attempt to test, exploit or undermine the system. In cases where there is a concern around an individual's sincerity, the confirmation that makes that person's views credible will be examined (including counter-evidence) and application of the decision-making criteria would be able to identify those who may pose a risk to others.

Counter confirmation may include the lack of any supporting evidence of living in the gender with which the person identifies and may be linked to offending profile, sentencing outcomes and/or motivation to undermine the system. Where it is considered that an individual is insincere, this should be clearly recorded and subject to risk, operational and security assessments, and shared with the individual.