

29 August 2023

Reference: FOI 490 Freedom of Information Request

Thank you for your email, which we received on 19 July 2023, and the clarification for your request, which we received on 3 August 2023. Your request has been handled under the Freedom of Information Act 2000.

You asked us:

To provide a year-by-year breakdown of complaints the Prisons and Probation Ombudsman (PPO) received between 1 January 2020 and 19 July 2023 from prisoners who identify as transgender, including:

- The full log of the complaint, as it was recorded by the PPO.
- The date of the complaint.
- The prison the complainant was serving their sentence at the time of the complaint.
- The outcome of the complaint.

Our response:

We have searched our records and hold some of the requested information on the above questions. A copy of the information that you requested is enclosed with our response.

Some information cannot be disclosed as exemptions apply. The exemption and reason are described below.

The exemption applied, under the Freedom of Information Act, is Section 40(2) 'Personal Information'.

This exemption applies because the complainant may be identifiable if we provided the prison the complainant was serving their sentence at the time of the complaint. We consider that disclosing this information would constitute a breach of one or more principles in the Data Protection Act 1998 referred to in FOIA 2000. In applying this exemption, we do not have to apply a public interest test to the disclosure of this information.

You have the right to appeal against our response if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

The Prisons and Probation Ombudsman (PPO) carries out **independent investigations** into complaints and deaths in custody. The detailed role and responsibilities of the PPO are set out in our office's Terms of Reference. The PPO has three main duties:

- to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers (detained individuals)
- to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes
- to **investigate deaths** of **recently released prisoners** that occur within 14 days of release from prison (except homicide)

The purpose of these investigations is **to understand what happened, to correct injustices** and **to identify learning** for the organisations whose actions we oversee so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

We may use or share your data only to the necessary extent when conducting our independent investigations in the exercise of our official authority. We will share your data with third parties (e.g. the prison) in order to make sure the information is accurate; to prevent or detect failings; and to identify lessons learnt. We may sometimes need to share your data with third parties if required by law. We only keep your personal data for as long as it is needed, as set out in our data retention policy. If you need any further information about how your data is used, please contact us.

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Prisons and Probation Ombudsman's office **within two months of the date of this letter**, at the following address:

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
Canary Wharf
London
E14 4PU
E-mail: Mail@ppo.gov.uk

Information Commissioner's Office (ICO)

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet address: <https://ico.org.uk/>

Complaint received date	Complaint outcome	Complaint details (redacted)
1/9/2020	Upheld with recommendations	Complaint about adjudication.
1/14/2020	Ineligible	Regarding the decision of Parole Board.
1/30/2020	No Worthwhile Outcome	Unhappy with location on wing.
2/4/2020	Ineligible	Missing property (Gold ring and iPhone).
2/6/2020	No Worthwhile Outcome	Wants money to be placed in her bank account when she is released in 2021.
2/17/2020	Ineligible	Between 2-10 August 2019, being left with no hot water on the unit.
2/25/2020	Ineligible	Transgender access to essential make up items.
2/27/2020	Not upheld with recommendations	Being discriminated against by two prison officers on 27 January 2020.
2/27/2020	Not upheld no recommendations	False allegation by SO X that she was caught/seen in a compromising position with Mr X.
2/28/2020	Partially upheld with recommendations	Not receiving purchases from canteen, specifically cosmetics so that she can present in the correct gender.
3/5/2020	Not upheld no recommendations	Complaint about damaged property, DVD player.
3/13/2020	Not upheld no recommendations	Not receiving adequate support and resources whilst studying for degree course.
3/17/2020	Not upheld no recommendations	Numbers have been removed from the prison pin number - courts, prisoner advise service etc.
6/16/2020	Ineligible	Missing gold ring and iPhone.
6/24/2020	Ineligible	Receiving an IEP warning from the healthcare department.
7/17/2020	Not upheld no recommendations	Not being able to purchase vital make up to enable her to present in female agender role.
8/28/2020	Not upheld no recommendations	Not able to access scented toiletries.
8/28/2020	Not upheld no recommendations	Wants to be transferred to a female prison.
9/8/2020	Not upheld no recommendations	Numbers not being added to PIN account to assist with organising post release resettlement.

9/8/2020	Not upheld no recommendations	Being wrongly classified as Category B Male, when should be categorised as female closed.
9/10/2020	Not upheld no recommendations	Sentence calculation - believes that CRD had been calculated incorrectly.
10/5/2020	No Worthwhile Outcome	Not being transferred to a local Cat B prison to prepare for release.
10/16/2020	Ineligible	Senior probation officer refusing to acknowledge that she is legally a female as recorded on her record of adoption held in the adopted children register.
11/11/2020	Not upheld no recommendations	Numbers not being added to PIN account.
11/26/2020	Not upheld no recommendations	Appeal against adjudication.
12/9/2020	Ineligible	Prisoner is complaining HMP X breached PSI 49/2011 regarding communications between her and her partner.
12/9/2020	Ineligible	Prisoner complaining that HMP X refused to grant him permission to have a civil ceremony with his partner.
12/9/2020	Not upheld no recommendations	Prisoner complaining Governor X failed to address issues re communications between her and her partner X located at HMP X.
12/10/2020	No Worthwhile Outcome	Have been subject to repeated misgendering because she is a woman on a male prison.
12/21/2020	Ineligible	Trans woman in male prison being treated unequally and unfairly
2/23/2021	Ineligible	Due to current regime you have been unable to telephone your solicitors.
2/23/2021	Ineligible	Not being permitted to use the showers on your own.
2/25/2021	Upheld mediated	Prisoner complained that property was packed by officer at HMP X when he was transferred to court but canteen items were missing.
3/10/2021	Ineligible	Requires to be transferred from a Cat A to a Cat B.
4/13/2021	Not upheld no recommendations	Discrimination by a member of staff
4/15/2021	Upheld mediated	Discrimination due to disability. Believes he is only located at X because of his disability. Also see letter attached to case number CX.
4/28/2021	Not upheld no recommendations	Prisoner pay on transfer.

5/20/2021	Upheld mediated	Paraplegic prisoner at HMP X has complained about the use of handcuffs when escorted to hospital appointments.
6/29/2021	Upheld mediated	OMU keeping inaccurate prison records.
7/12/2021	Upheld mediated	Offender supervisor in prison keeps referring to her in the wrong gender.
8/3/2021	Not upheld no recommendations	Not being treated or categorised as a female prisoner.
8/10/2021	Upheld mediated	Not being permitted to have a domestic abuse charity bracelet.
8/16/2021	No Worthwhile Outcome	X will not place a notice on the kiosk about LGBTQIA+ being able to have books and education material sent in via Books Beyond Bars.
9/3/2021	Not upheld no recommendations	The rate of pay owe for women prisoner's who are legally of the female sex and held in single sex male prison.
9/6/2021	Not upheld no recommendations	Prisoner is complaining that the prison stopped her incoming letter and did not tell her who the letter was sent by.
10/6/2021	No Worthwhile Outcome	Discrimination in relation to availability of in cell courses.
10/6/2021	Upheld without recommendations	Female decency policy.
10/18/2021	Ineligible	Mop taken from cell which he used to open his window.
10/19/2021	Upheld without recommendations	Prisoner complaining she was wrongly misgendered on the detainee person escort record and as a result was searched by a male officer.
11/25/2021	Not upheld no recommendations	Reinstate the previous weekly covid credit payments.
12/10/2021	Not upheld no recommendations	Prisoner is complaining that the prison has failed to offer her regime appropriate to her sex while she is located in a male prison.
12/15/2021	Ineligible	Complaint against officers at HMP X
12/17/2021	Not upheld no recommendations	Prisoner complaining HMP X reactivated damage awards which HMP X had previously activated.
1/12/2022	No Worthwhile Outcome	Women prisoner safety.
2/24/2022	Ineligible	Transgender prisoner transferred to a new prison and has not received property.
3/3/2022	Ineligible	Being mis-gendered by a prison officer at HMP X.
3/17/2022	Ineligible	Transfer was in a rush which led to property being left behind.

6/10/2022	Ineligible	Has not received sentence calculations and release dates.
6/16/2022	Not upheld no recommendations	Prisoner is appealing adjudication charge #X at HMP X.
6/30/2022	Ineligible	Catalogue order/account deduction made while at HMP X.
7/1/2022	Not upheld no recommendations	Reference to Trans in reports.
7/1/2022	Not upheld no recommendations	Access to laptop for Open University work.
7/1/2022	Not upheld no recommendations	Not getting access to a laptop.
7/25/2022	Ineligible	Incorrect entry on your OASys and a change of your POM.
7/26/2022	Ineligible	The way she was treated at HMP X.
7/26/2022	Not upheld no recommendations	Damaged award that was adjusted by Governor X has been changed.
7/27/2022	Not upheld no recommendations	Lack of in-cell telephones and the 45 mins restriction time.
7/27/2022	Not upheld no recommendations	The prison not applying a female decency policy.
8/1/2022	Not upheld no recommendations	Believes the sentence calculation is incorrect and that she should now be released.
9/26/2022	Ineligible	Prisoner complaint about various issues: discriminated, victimisation, harassment by staff due to his transgender status, Rule 39 mail being opened, denial using Rule 39, deprived of food at times.
1/9/2023	Ineligible	Recalled back to prison
1/20/2023	Ineligible	A request to be transfer to the transgender unit at HMP X.
2/28/2023	Ineligible	Recall, risk level, transfer of case.
3/2/2023	Upheld with recommendations	HMP X refuse to compensate Ms X for 13 consecutive days without time in the open air.
3/2/2023	Not upheld no recommendations	Prisoner at X complaining of different association times between wings.
3/22/2023	Not upheld with recommendations	The prison have failed to properly investigate multiple allegations of sexual abuse by transgender prisoner X such that an external investigation is now required.
3/31/2023	Under Investigation	The charge and findings for Adjudication Charge No. X
4/5/2023	Upheld mediated	Damaged property.

4/18/2023	Under Investigation	Received via Barnardo's complaint about allegations that CM X accidentally touched your breast and swore at you.
4/20/2023	Ineligible	That the prison have admitted losing your sewing kit but have failed to pay you any compensation.
4/26/2023	Upheld without recommendations	Not being able to have time in the open (on 14.03.23).
5/22/2023	Ineligible	Ms X believes reception Officers X and X stole her property.
5/22/2023	Under Investigation	Prisoner at HMP X has complained that a male officer was present during an MDT.
6/5/2023	Under Investigation	Transgender prisoner with ADHD and Autism has complained that Incentives Warnings and loss of job were discriminatory.
6/7/2023	Under Investigation	Governor breached data protection by discolling attendance at an LGBT meeting
6/19/2023	Ineligible	Staff refused to sign a letter from the PPO, as they state that the PPO and solicitors are not legal and not Rule 39.
6/19/2023	Ineligible	Male staff asking a female prisoner to removed her clothing, she was taken to CSU for refusing to strip search by a male staff.
7/4/2023	Under Investigation	Missing property following a transfer.
7/18/2023	Under Investigation	Complaint about being escorted to court by GEO Amey.