

PE1876/OO: Accurately record the sex of people charged or convicted of rape or attempted rape

Scottish Prison Service written submission, 12 February 2026

Thank you for your letter dated 17th December 2025 regarding the recording of sex of people charged or convicted of rape or attempted rape.

When an individual enters SPS custody, including those charged with or convicted of rape or attempted rape, SPS records their gender and, where relevant, their gender identity using the information provided on the warrant, alongside any other available documentation and records.

The SPS Prison Record System records a prisoner's gender. In cases where an individual's birth sex does not align with the gender identity they present in custody, 'the Management for Transgender People in Custody Policy 2023' requires an additional marker is then applied within the system to record further information regarding the person's birth sex, ensuring that both sets of data are held appropriately and in accordance with policy.

I hope you find the above information useful.

Yours sincerely

TERESA MEDHURST

CHIEF EXECUTIVE