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23 June 2026

Dear Convener,

I am writing to update the Committee on the recent Court of session judgment in *For Women Scotland v Scottish Ministers* concerning the Scottish Prison Service's (SPS) Policy for the Management of Transgender People in Custody and associated Operational Guidance.

Following careful consideration of the Lady Ross's judgment, the Scottish Government accepts the ruling and has decided not to appeal.

This case involved important considerations regarding Ministers' legal obligations under the Scotland Act 1998, the Equality Act 2010 and the European Convention on Human Rights, as well as serious practical implications arising from the issues before the Court, including the risk of suicide recognised in the judgment.

The SPS is now implementing this judgment and I can confirm SPS withdrew their Transgender Policy on 22 June and the transfers of prisoners will be implemented today (23 June). This is being undertaken with a clear focus on the safety, wellbeing and rights of all those living and working within Scotland's prisons and the welfare of affected individuals will remain an important consideration throughout.

SPS will consider any other operational implications of the judgment to ensure that policy and operational arrangements are aligned with the law and any further changes arising from the judgment will be taken forward carefully, lawfully and in a managed way.

Yours sincerely,

**NEIL GRAY**

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