Purpose

The purpose of this paper is to use lived experience and research to bridge the gap between LGBTQ+ policy and practice in prisons. We hope that this paper will ignite debate and lead to the development of policy, training and awareness across the prison estate in the United Kingdom (UK).

Design method/approach

We draw on the lived experiences of a serving prisoner, who has co-authored this brief. He identifies as gay. His examples of life behind bars depict the clear disconnect between policy and its application in practice. We have drawn on aspects of lived experience which best highlight gaps in policy and we have then used these to inform and justify the recommendations at the end of this paper.

Findings

We found that there is a clear disconnect between policy and practice in relation to supporting LGBTQ+ people in the prison estate. The findings highlight the haphazard approach to risk assessments and the manipulation of policy by both staff and prisoners.

Research or implications

There is some research on the experiences of LGBTQ+ people in prisons in the UK, albeit limited. We recognise that drawing on the lived experiences of an individual calls into question the reliability of the findings and implications that we have proposed. However, these experiences do align with the existing research. There is an urgent need for further research into the experiences of LGBTQ+ people within prisons.

Practical implications

This paper is intended to ignite debate on the experiences and rights of LGBTQ+ prisoners. Implementing the recommendations that are outlined in this article will help to create a more consistent approach to the application of LGBTQ+ prisoners' rights.

Social impact

LGBTQ+ people are more likely to experience poor mental health. Implementing the policy recommendations will help to create more inclusive cultures within prisons. In addition, the recommendations seek to foster the development of positive attitudes through developing educational resources which aim to challenge discrimination and prejudice. This furthers the advancement of social justice and inclusion, not just in prisons but also in the community. Prisoners returning to the community are more likely to enter it with healthy and inclusive values in relation to LGBTQ+.

Originality/value

This paper draws on the lived experiences of a serving long-term prisoner. Thus, it provides a valuable and unique insight into day-to-day life in the prison system. This insight is valuable to both policy makers and researchers who are seeking to develop a better, more informed understanding of life behind bars for LGBTQ+ prisoners.

LGBTQ+ Lives in Prisons: Addressing the Policy-Practice Gap

Executive summary

This paper highlights the poor application of Lesbian, Gay, bisexual, Trans/Transgender, Queer/Questioning (LGBTQ+) rights in prisons in the United Kingdom (UK). Using examples of lived experience from a serving long-term prisoner and research, it is hoped that this paper will ignite debate and inform future policy and planning. The lack of awareness amongst staff and prisoners concerning the rights of LGBTQ+ people in custody is a significant cause for concern, and a key finding within this paper. The recommendations include policy development, the implementation of staff training and the development of educational resources and research.

Introduction

The positioning of LGBTQ+ people from deviant criminals to vulnerable victims who need protection (Ratkalkar & Atkin-Plunk, 2020) is an interesting shift and arguably reflects the introduction of equality legislation and associated civil and relationship rights, including the introduction of same-sex marriage in many western countries (Carr, Seristier & McAlister, 2020). The decriminalisation of homosexuality in many countries has resulted in increased rights for LGBTQ+ individuals and placed a legal duty on public organisations, including prisons, to protect and safeguard LGBTQ+ prisoners from direct and indirect discrimination. Despite these advances in legislation and rights, LGBTQ+ people continue to experience a range of social and health disparities (Medina-Martínez et al., 2021) and are exposed to discrimination (Just Like Us, 2021) within the general population. Research suggests that the risks of experiencing these are increased within prison environments (Carr et al., 2020; Donohue et al., 2021; Yap et al 2019).

Sex segregation across the prison estate was introduced to remove the possibility of romantic and sexual relationships from occurring (Carr et al., 2020). However, the presence of LGBTQ+ people in prisons disrupts this assumption. The concept of 'jail gays' also demonstrates the fluid and contextual nature of sexuality within prisons (Carr et al., 2020) and arguably disrupts sexual identity categories by illustrating the temporary, dynamic nature of sexualities. The term is used to describe those people who identify as heterosexual but choose to engage in same-sex relationships or same-sex sexual activity during their time in prison. Sexual encounters in prison may be carried out in

secret (Carr et al., 2020; Yap et al., 2019) and prisoners may also exchange drugs, food, money or other items for sex and also enter relationships to afford them protection from other inmates (Yap et al., 2019). According to Hefner (2018), some transgender inmates do not attempt to hide their trans identity, but instead embrace their femininity in the hope that they will gain some respect from other prisoners by adhering to normative standards of femininity. Sexual activity in prisons with multiple people arguably increases the risk of exposure to sexually transmitted infections or disease and access to medication or other forms of sexual protection in prisons is often variable (Carr et al., 2020), thus increasing exposure to infection or disease.

According to research, the physical and mental health needs of LGBTQ+ prisoners continue to be overlooked (Carr et al., 2020). Research highlights that LGBTQ+ people in prisons may be reluctant to disclose their sexual orientation and/or gender identity for fear that they will face discrimination or abuse (Knight & Wilson, 2016; Simopoulos & Khin Khin, 2014) and disclosure may be selective (Fernandes, Kaufmann & Kaufmann, 2020). However, experiences can vary significantly between different prisons (Forder, 2017), depending on staff training and the prior experiences of staff with LGBTQ+ people in prisons (Poole, Whittle & Stephens, 2002; Lamble, 2012; Marlow, Winder & Elliott, 2015).

Scott (co-author) has spent almost two decades in prison, and he is gay. His lived experiences, combined with existing research, highlight the inconsistent application of policy, rules and regulations that apply to those prisoners identifying as LGBTQ+. This paper focuses on the discrimination of LGBTQ+ prisoners specifically in relation to cell sharing and sexual health. We draw on Scott's lived experiences and research to illustrate key issues. Auto/biographical approaches are becoming increasingly popular in research (Sikes & Hall 2019), and any kind of auto/biographical narrative, whether that be from a research participant or the author/co-author of the article need to be considered carefully. Ethical considerations must be at the forefront of the minds of the authors in order to protect all the individuals involved, and consideration of the varying and often competing issues that are inherent in this type of research need to be explored (see for example; Goodson et al, 2017; Iphofen and Tolich, 2018). Both authors discussed at regular intervals the content of this article and ensured that continued consent was in place. His Majesty's Prison and Probation service (HMPPS) and HMPPS National Research Committee ethical approval and research clearance was not required as this article does not constitute an independent empirical study of prison staff or people detained in prison.

Literature

LGBTQ+ individuals experience health disparities across the general population, but these are exacerbated within prison contexts (Walters et al., 2024). In relation to the Australian context, there is evidence that LGBTQ+ people in prison experience physical and psychological harms and are vulnerable to being exposed to violence and sexual victimisation (Walters et al., 2024). However, it is important to remember that LGBTQ+ individuals are not homogenous. Research in the United States (US) demonstrates that bisexual men and women and lesbians experience a higher prevalence of poor mental health compared to their heterosexual peers (Srivastava et al., 2022) and transgender prisoners experience significant psychological and social disparities (Van Hout, Kewley & Hillis, 2020). In addition, LGBTQ+ people may also have multiple disadvantages which increase their vulnerability (Fernandes et al., 2021) and therefore it is important to consider how intersectional identities (for example, social class, race, ethnicity and disability), may overlap and interact, resulting in exposure to multiple forms of discrimination.

Research in the UK (Fernandes et al., 2021) and the US (Van Hout et al., 2020) highlights how LGBTQ+ prisoners are often segregated from other prisoners and placed into isolation as a form of protection. However, this is a reactive response which increases social isolation and psychological harm (Van Hout et al., 2020) and fails to challenge the institutionalised homophobia which is often prevalent in incarcerated spaces. Evidence indicates that LGBTQ+ prisoners are more likely to be exposed to violence and victimisation (Donohue et al., 2021) and exposed to identity related stressors (Harvey et al., 2021). They may be concerned about possible negative repercussions of disclosing their identities (Fernandes et al., 2021), they may be hypervigilant, experience anxiety and post-traumatic stress (Harvey et al., 2021). They are also at risk of self-harm (Favril et al., 2020). Violence in prisons can be caused by several factors. Brazil has the fastest growing prison poulation in the world and a significant proportion of prisoners are young people (Baptista-Silva et al., 2017). Within this context, one might reasonably expect there to be high levels of violence within prisons and some of that may be related to sexual or gender identity. However, there is a paucity of research on the experiences of LGBTQ+ prisoners within Brazil and other South American countries.

Transgender people are particularly vulnerable in prisons (Van Hout et al., 2020). In England, hate crimes related to sexual orientation increased between 2017-19 and transgender-related hate

crimes increased by 37% from 1,703 to 2,333 over the same period (Home Office, 2019). These experiences are likely to be exacerbated within the prison environment (Fernandes et al., 2020).

Transgender prisoners may have socially transitioned by changing their physical appearance in accordance with their gender identity, or they may have had medical treatment to physically alter their bodies in accordance with their gender identity. 'Trans' is an overarching term which includes individuals who are non-binary, genderfluid, transgender or agender. The health and social disparities of transgender people across the general population are well-documented (Fletcher et al., 2014; Grant et al., 2011; Reback & Fletcher, 2014) and prejudices are amplified within the prison context (Van Hout et al., 2020). It is particularly concerning that literature in the UK and US documents the abuse of transgender prisoners by prison staff (Bashford, 2017), thus underscoring the need for staff training. Assaults by staff on transgender prisoners have also been documented in the US (Brömdal et al., 2019). Research from the US, UK, Canada and Australia has highlighted the physical and sexual victimization of transgender prisoners (Bacak et al., 2018; Brömdal et al., 2019; Wilson et al., 2017) and the heightened risks of self-harm and suicide, particularly after periods of solitary confinement for their own protection (Drakeford, 2018). One of the issues is that in countries such as the US, UK, Canada and Australia, the binary classification (male/female) of gender is used to allocate prisoners to either male or female prisons. Biological sex, rather than gender, is used to determine whether prisoners are placed in male or female prisons, and this puts transgender prisoners at risk of serious harm (Van Hout et al., 2020). Although some prisons in the UK allow prisoners to wear clothing that is in accordance with their gender (Bashford et al, 2017), the use of they/them pronouns is not always common practice (Kendig et al., 2019). In the US, substance abuse is prevalent among the transgender prisoner population (Harawa et al., 2017) and transgender prisoners experience poor standards of healthcare compared to the general prisoner population (Van Hout et al, 2020). Many prisons in the US also do not permit the continued use of hormone treatment, even if prisoners started treatment prior to going into prison (Routh et al., 2017) and access to medication is variable (McCauley et al., 2018).

Research on the experiences of transgender prisoners in Thailand (Chotchun et al., 2021) presents a contrasting picture. Thailand is generally more accepting of gender diversity than many other places in the world, partly due to the prevalence of transgender people who live there (Chotchun et al., 2021), although high levels of violence (Hereth et al., 2021) and transphobia (O'Connell et al., 2021) do exist within parts of Thai society. The study by Chotchun et al. (2021) highlight how some prisons in Thailand support transgender prisoners

with access to psychological therapy, medication and medical treatment. However, like western countries, hormones were prohibited and there was a need for staff training. In addition, transgender prisoners could not access vocational courses in areas such as fashion, hair care, beauty and cookery, which they desired. Interestingly, the prisoner participants did not experience poor mental health, which was partly due to the prevalence of other transgender prisoners and the opportunities to form relationships within the prison context.

Theoretical Framework

Meyer's model of minority stress (Meyer, 2003) is a useful frame of reference for explaining disparities in mental health outcomes for individuals with minoritized identities, including those who are LGBTQ+. Meyer's framework identifies two additional stressors that people with a minority status are exposed to, in addition to the general stressors which everyone is exposed to. These additional stressors include (1) distal stressors and (2) proximal stressors. Distal stressors are external stressors and include exposure to prejudice and discrimination, including bullying, violence and harassment. Proximal stressors are internal stressors and occur because individuals with minoritized identities anticipate that they will be exposed to distal stressors. In relation to LGBTQ+ people, this can lead to internalised homophobia, self-stigma and concealment identities. These two additional stressors can result in poor mental health outcomes, although Meyer's model acknowledges that individuals can mitigate these by forming collectives for social support and to gain positive affirmation of identity. It is important to note that the model does not specifically address the experiences of transgender people, nor does it address intersectional identities. It is also crucial to highlight that the framework places the onus on individuals to address the issues, rather than placing the onus on institutions to address institutionalised homophobia or transphobia. Nonetheless, the model explains why people with minoritized identities are more likely to experience poor mental health.

Scott's lived experience as a gay man in a UK prison.

Scott has spent the last two decades behind bars and is therefore well placed to provide vivid first-hand testimony concerning his own experience of being an openly gay man in a UK prison. Scott has spent time in eight different prisons and of varying prison security classification. It is important to note that in the UK the Equality Act 2010 identifies sexual orientation as a protected characteristic.

Discrimination and indirect discrimination on the grounds of sexual orientation therefore breach the Act. According to the HMPPS Offender Equalities Annual Report 2022-23, 96% of the total prison population were male with just 4% female, this out of a total population of 81,057 prisoners. The same report shows that there were 268 transgender prisoners, of which 25 were from an ethnic minority background and 928 prisoners identified as gay/lesbian, and 1022 as bisexual. These figures suggest that LGBTQ+ prisoners are in the very small minority, but co-author Scott suggests that theses figures are likely not to reflect the reality of the prison population due to the transient and fluid nature of sexual identity in prison establishments. Yap et al (2019) provides support to the suggestion that the statistics are not reflective of reality, with evidence provided demonstrating that there is a culture of trying to hide sexual identities.

Cell sharing:

Policy: The Cell Share Risk Assessment (CSRA) is concerned with risk to self and others. It is an evidence-based risk assessment that is completed for every prisoner held in a UK prison. UK prisons have a mix of single, double and triple occupancy cells and the CSRA is designed to identify those individuals who pose an identifiable risk of serious harm to self or others, and therefore require single cell status. The approach by some prison managers to use the CSRA to *prevent* gay men from sharing a cell could be considered a breach of the Equality Act 2010, which is intended to provide protection from direct and indirect discrimination.

Scott's lived experience: The inconsistent approach to the interpretation and application of policy varies considerably between prisons. In one prison, LGBTQ+ individuals may be assessed as 'high risk' CSRA, but when they are transferred to the next prison, the level of risk can be reduced to 'standard' risk. Allowing gay prisoners to share a cell is allowed in some prisons, but this can be dependent on the personal views of wing managers. I have been allowed to share a cell with other gay prisoners in some prisons and been denied this in other prisons. At one prison, it became common place for prisoners to set the cell bin on fire. This would cause an emergency response and result in the person who started the fire being given High risk CSRA status and allocated a single cell. Another tactic used by prisoners to gain high risk status is to pay their cell mate to act out a hostage situation with them. This involves the two prisoners in the cell pretending that one is holding the other hostage. The prison reacts swiftly to such a situation and inevitably both individuals are then given CSRA high risk status and

provided with a single cell. The punishment given by the prison to the fire starter, or the hostage taker is seen as a price worth paying in order to gain single cell status. It is also possible to get high CSAR status by talking to sympathetic staff who for example hold personal view, such as life sentenced prisoners should never share a cell, something that is outside of policy, but is applied and given by some staff.

Homophobic abuse and sexual assault:

Policy: The prison has a duty to protect all prisoners from being a victim of sexual assault and homophobic abuse. Prison policy states that any victim can report any incident to wing staff, or any member of staff within the prison. However, this policy is not effective if staff do not know how to respond to disclosures. In addition, ongoing consideration for victim protection and ongoing mental health support for victims are often lacking.

Scott's lived experience: I have been sexually assaulted in prison. When I reported this, the reaction was swift, but policy was inconsistently followed. Consideration for my mental well-being and safety after the reporting was poor. For example, I was not provided with any emotional support. In addition, I was bullied by other prisoners, and staff, into retracting my formal police statement, despite forensic evidence which corroborated my claims. I have experienced homophobic verbal abuse through my whole sentence, and I find that people often get angry when they learn that I am gay. I don't feel I should have to announce my sexuality every time I meet new people, and I'm told that my general appearance and personality is does not portray me as an obviously gay man. However, when some people later find out my identity as being gay, they confront me with anger for having 'lied' to them. I have experienced anger that has seen people spit in my face, others have stopped talking to me and early in my sentence I was physically assaulted be a prisoner who pinned me against the wall and verbally abused me, simply for having not announced my sexuality to him when I first arrived on the wing several months earlier.

Sexual health:

Policy: All prisoners have the same rights to access the quality and range of National Health Services (NHS) as the general public. This is provided for in Prison Rule 20 and Section 249 (1q) of the National Health Services Act 2006. The NHS guidelines on confidentiality provide

a 'confidentiality model' which all prison healthcare providers should adopt. Prison Rules do not prohibit sexual activity between prisoners and consensual acts would not count as an offence or breach of Prison Rules.

Scott's lived experience: I have requested condoms at several prisons, and at each prison the process is different. For example, at two prisons condoms were issued to prisoners in brown food takeaway bags. This made it obvious to all prisoners and staff that I had collected condoms. When I raised this as a concern to prison staff, I was told 'you're out and proud, so what is the problem?' I have witnessed peers who have been subjected to homophobic abuse, including physical assault, because they were given condoms in a brown bag from the medication hatch., in front of a line of other prisoners. Handing out condoms in brown food takeaway bags could be a breach of the confidentiality rules, but at the very least is not well-considered and might be dangerous. In 2020 I requested an appointment with the Doctor to discuss being given Pre-Exposure Prophylaxis (PrEP) medication. My application was intercepted by prison staff. I was taken into an office and interrogated by prison managers about why I needed to take PrEP). I was informed that sex in prison is against the rules. My request for the medication was subsequently denied. PrEP is a drug which prevents people from contracting the HIV virus.

Discussion and Implications

I have met many men who identify as 'jail gay' and as described in Carr et al (2020), this can cause confusion for many. However, early in my sentence I did take advantage of the many approaches I received from men identifying as 'jail gay'. In more recent years, and I guess perhaps as I am now older, I reject the advances from jail gay men, although the ego boost of still being approached gives me a good feeling inside.

Self-harm plays a significant factor in prison and mental health issues are clearly prevalent amongst the prison population. I have witnessed several men who have been 'outed' as being gay in prison and they have turned to self-harm. As noted in Yap et al (2019), some prisoners fear 'coming out' as gay and it can take years before a person is comfortable in doing so. Some men successfully keep their sexual identity a secret for the whole time they are in prison. I have witnessed men in mental health crisis as they struggle with understanding their feelings towards other men and in the prison environment. The tensions are heightened, given that we live, work and socialise with the same group of people all of the time. Despite being held in a confined

space with lots of other prisoners can be a very lonely experience. There are implications for policy development. The array of different policies, rules and regulations that govern and impact upon the lives of LGBTQ+ individuals should be brought together to create a single policy document which outlines an institutional-wide approach to LGBTQ+ inclusion.

There are implications for staff development and training. Staff training and awareness of LGBTQ+ rights in prison are woefully poor. This can result in discrimination towards LGBTQ+ people in prison and manipulation of policies by staff.

There are implications for educational provision to increase awareness of LGBTQ+ rights across the prison population.

There are implications for research. Further research is required to highlight the issues and to inform the implementation of an institutional-wide approach to LGBTQ+ inclusion.

Recommendations

1. Create a single policy document.

The process should involve a comprehensive review of current policies and practices, and involve key stakeholders, including staff, prisoners and former prisoners who identify as LGBTQ+.

2. Improve staff training and awareness.

A fresh approach is needed to help train all prison staff. To achieve this, a new training programme should be developed with input from LGBTQ+ people with lived experience of prison custody. In addition, an estate-wide awareness campaign should be specifically designed and implemented to highlight LGBTQ+ rights in prison. Fernandes et al. (2020) suggest that improved staff training and awareness is needed concerning the rights and needs of LGBTQ+ individuals.

3. Develop educational resources that will encourage dialogue and build a better, more informed LGBTQ+ community in prison.

His Majesty's Prison Service (HMPS) should partner with LGBTQ+ organisations to develop resources that can be made available to staff and prisoners. The resources should provide clear and well-informed advice and guidance, and developed to facilitate conversations between prisoners, staff and prisoners and staff.

4. Develop further research in this area

Fernandes et al. (2020) suggest more research is needed on the experience of LGBTQ+ people in youth offending institutions, which is an important area to research given the social and psychological development of young people, and more research into LGBTQ+ experiences in women's prisons. Given the paucity of research within this field, there is an urgent need for commissioned research which explores the lived experiences of LGBTQ+ prisoners. There is also a need for research which adopts an intersectional perspective. Fernandes et al. (2020) suggest taking feedback from LGBTQ+ prisoners would be an effective way to inform new research and policy development.

5. Policy update and awareness campaign re: pronoun use

The use of correct pronouns is a real cause of concern and was identified by Kendig et al (2019). Policy should include a section explaining the use of pronouns to reflect government legislation. A clear poster/information campaign should be developed and deployed across the prison estate aimed at educating staff and prisoners on the pronouns that are acceptable and should be recognised and used by all.

Ethical considerations and informed consent

His Majesty's Prison and Probation service (HMPPS) and HMPPS National Research Committee ethical approval and research clearance was not required as this article does not constitute an independent empirical study of prison staff or people detained in prison. Both authors discussed at regular intervals the content of this article and ensured that continued consent was in place.

Author contribution

Both authors contributed equally to this article

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Purpose

The purpose of this paper is to use lived experience and research to bridge the gap between LGBTQ+ policy and practice in prisons. We hope that this paper will ignite debate and lead to the development of policy, training and awareness across the prison estate in the United Kingdom (UK).

Design method/approach

We draw on the lived experiences of a serving prisoner, who has co-authored this brief. He identifies as gay. His examples of life behind bars depict the clear disconnect between policy and its application in practice. We have drawn on aspects of lived experience which best highlight gaps in policy and we have then used these to inform and justify the recommendations at the end of this paper.

Findings

We found that there is a clear disconnect between policy and practice in relation to supporting LGBTQ+ people in the prison estate. The findings highlight the haphazard approach to risk assessments and the manipulation of policy bye both staff and prisoners.

Research or implications

There is some research on the experiences of LGBTQ+ people in prisons in the UK, albeit limited. We recognise that drawing on the lived experiences of an individual calls into question the reliability of the findings and implications that we have proposed. However, these experiences do align with the existing research. There is an urgent need for further research into the experiences of LGBTQ+ people within prisons.

Practical implications

This paper is intended to ignite debate on the experiences and rights of LGBTQ+ prisoners. Implementing the recommendations that are outlined in this article ~~the brief~~ will help to create a more consistent approach to the application of LGBTQ+ prisoners' rights.

Social impact

LGBTQ+ people are more likely to experience poor mental health. Implementing the policy recommendations will help to create more inclusive cultures within prisons. In addition, the recommendations seek to foster the development of positive attitudes through developing educational resources which aim to challenge discrimination and prejudice. This furthers the advancement of social justice and inclusion, not just in prisons but also in the community. Prisoners returning to the community are more likely to enter it with healthy and inclusive values in relation to LGBTQ+.

Originality/value

This paper draws on the lived experiences of a serving long-term prisoner. Thus, it provides a valuable and unique insight into day-to-day life in the prison system. This insight is valuable to both policy makers and researchers who are seeking to develop a better, more informed understanding of life behind bars for LGBTQ+ prisoners.

LGBTQ+ Lives in Prisons: Addressing the Policy-Practice Gap

Executive summary

This paper highlights the poor application of Lesbian, Gay, bisexual, Trans/Transgender, Queer/Questioning (LGBTQ+) rights in prisons in the United Kingdom (UK). Using examples of lived experience from a serving long-term prisoner and research, it is hoped that this paper will ignite debate and inform future policy and planning. The lack of awareness amongst staff and prisoners concerning the rights of LGBTQ+ people in custody is a significant cause for concern, and a key finding within this paper. The recommendations include policy development, the implementation of staff training and the development of educational resources and research.

Introduction

The positioning of LGBTQ+ people from deviant criminals to vulnerable victims who need protection (Ratkalkar & Atkin-Plunk, 2020) is an interesting shift and arguably reflects the introduction of equality legislation and associated civil and relationship rights, including the introduction of same-sex marriage in many western countries (Carr, Seristier & McAlister, 2020~~Carr et al., 2020~~). The decriminalisation of homosexuality in many countries has resulted in increased rights for LGBTQ+ individuals and placed a legal duty on public organisations, including prisons, to protect and safeguard LGBTQ+ prisoners from direct and indirect discrimination. Despite these advances in legislation and rights, LGBTQ+ people continue to experience a range of social and health disparities (Medina-Martínez et al., 2021~~Morrhead et al., 2024~~) and are exposed to discrimination (Just Like Us, 2021) within the general population. Research suggests that the risks of experiencing these are increased within prison environments (Carr et al., 2020; ~~Dononhu~~Donohue et al., 2021; Yap et al 2019-).

Sex segregation across the prison estate was introduced to remove the possibility of romantic and sexual relationships from occurring (Carr et al., 2020). However, the presence of LGBTQ+ people in prisons disrupts this assumption. The concept of 'jail gays' also demonstrates the fluid and contextual nature of sexuality within prisons (Carr et al., 2020) and arguably disrupts sexual identity categories by illustrating the temporary, dynamic nature of sexualities. The term is used to describe those people who identify as heterosexual but choose to engage in same-sex relationships or same-

sex sexual activity during their time in prison. Sexual encounters in prison may be carried out in secret (Cearr et al., 2020; Yap et al., 2019-) and prisoners may also exchange drugs, food, money or other items for sex and also enter relationships to afford them protection from other inmates (Yap et al., 2019-). According to Hefner (2018), some transgender inmates ~~don't~~do not attempt to hide their trans identity, but instead embrace their femin~~eity~~inity in the hope that they will gain some respect from other prisoners by~~e~~ ad~~optin~~hering to normative standards of ~~femineity~~femininity.– Sexual activity in prisons with multiple people arguably increases the risk of exposure to sexually transmitted infections or disease and ~~(~~) ~~and~~ access to medication or other forms of sexual protection in prisons is often variable (Carr et al., 2020-), thus increasing exposure to infection or disease.

According to research, the physical and mental health needs of LGBTQ+ prisoners continue to be overlooked (Carr et al., ~~, Seristier & McAlister,~~ 2020). Research highlights that LGBTQ+ people in prisons may be reluctant to disclose their sexual orientation and/or gender identity for fear that they will face discrimination or abuse (Knight & Wilson, 2016; Simopoulos & Khin Khin, 2014) and disclosure may be selective (Fernandes, Kaufmann & Kaufmann, 2020). However, experiences can vary significantly between different prisons (Forder, 2017), depending on staff training and the prior experiences of staff with LGBTQ+ people in prisons (Poole, Whittle & Stephens, 2002; Lamble, 2012; Marlow, Winder & Elliott, 2015).

Scott (co-author) has spent almost two decades in prison, and he is gay. His lived experiences, combined with existing research, highlight the inconsistent application of policy, rules and regulations that apply to those prisoners identifying as LGBTQ+. This paper focuses on the discrimination of LGBTQ+ prisoners specifically in relation to cell sharing and sexual health. We draw on Scott's lived experiences and research to illustrate key issues. Auto/biographical approaches are becoming increasingly popular in research (Sikes & Hall 2019), and any kind of auto/biographical narrative, whether that be from a research participant or the author/co-author of the article need to be considered carefully. Ethical considerations must be at the forefront of the minds of the authors in order to protect all the individuals involved, and consideration of the varying and often competing issues that are inherent in this type of research need to be explored (see for example; Goodson et al, 2017; Iphofen and Tolich, 2018). Both authors discussed at regular intervals the content of this article and ensured that continued consent was in place. His Majesty's Prison and Probation service (HMPPS) and HMPPS National Research Committee ethical approval and research clearance was not required as this article does not constitute an independent empirical study of prison staff or people detained in prison.

~~Say more~~

Literature

LGBTQ+ individuals experience health disparities across the general population, but these are exacerbated within prison contexts (Walters et al., 2024). In relation to the Australian context, there is evidence that LGBTQ+ people in prison experience physical and psychological harms and are vulnerable to being exposed to violence and sexual victimisation (Walters et al., 2024). However, it is important to remember that LGBTQ+ individuals are not homogenous. Research in the United States (US) demonstrates that bisexual men and women and lesbians experience a higher prevalence of poor mental health compared to their heterosexual peers (Srivastava et al., 2022) and transgender prisoners experience significant psychological and social disparities (Van Hout, Kewley & Hillis, 2020). In addition, LGBTQ+ people may also have multiple disadvantages which increase their vulnerability (Fernandes et al., 2021) and therefore it is important to consider how intersectional identities (for example, social class, race, ethnicity and disability), may overlap and interact, resulting in exposure to multiple forms of discrimination.

Research in the UK (Fernandes et al., 2021) and the US (Van Hout et al., 2020) highlights how LGBTQ+ prisoners are often segregated from other prisoners and placed into isolation as a form of protection. However, this is a reactive response which increases social isolation and psychological harm (Van Hout et al., 2020) and fails to challenge the institutionalised homophobia which is often prevalent in incarcerated spaces. Evidence indicates that LGBTQ+ prisoners are more likely to be exposed to violence and victimisation (Donohue et al., 2021) and exposed to identity related stressors (Harvey et al., 2021). They may be concerned about possible negative repercussions of disclosing their identities (Fernandes et al., 2021), they may be hypervigilant, experience anxiety and post-traumatic stress (Harvey et al., 2021). They are also at risk of self-harm (Favril et al., 2020). Violence in prisons can be caused by several factors. Brazil has the fastest growing prison poulation in the world and a significant proportion of prisoners are young people (Baptista-Silva et al., 2017). Within this context, one might reasonably expect there to be high levels of violence within prisons and some of that may be

related to sexual or gender identity. However, there is a paucity of research on the experiences of LGBTQ+ prisoners within Brazil and other South American countries.

Transgender people are particularly vulnerable in prisons (Van Hout et al., 2020). In England, hate crimes related to sexual orientation increased between 2017-19 and transgender-related hate crimes increased by 37% from 1,703 to 2,333 over the same period (Home Office, 2019). These experiences are likely to be exacerbated within the prison environment (Fernandes et al., 2020).

Transgender prisoners may have socially transitioned by changing their physical appearance in accordance with their gender identity, or they may have had medical treatment to physically alter their bodies in accordance with their gender identity. 'Trans' is an overarching term which includes individuals who are non-binary, genderfluid, transgender or agender. The health and social disparities of transgender people across the general population are well-documented (Fletcher et al., 2014; Grant et al., 2011; Reback & Fletcher, 2014) and prejudices are amplified within the prison context (Van Hout et al., 2020). It is particularly concerning that literature in the UK and US documents the abuse of transgender prisoners by prison staff (Bashford, 2017), thus underscoring the need for staff training. Assaults by staff on transgender prisoners have also been documented in ~~un~~ the US (Brömdal et al., 2019). Research from the US, UK, Canada and Australia has highlighted the physical and sexual victimization of transgender prisoners (Bacak et al., 2018; Brömdal et al., 2019; Wilson et al., 2017) and the heightened risks of self-harm and suicide, particularly after periods of solitary confinement for their own protection (Drakeford, 2018). One of the issues is that in countries such as the US, UK, Canada and Australia, the binary classification (male/female) of gender is used to allocate prisoners to either male or female prisons. Biological sex, rather than gender, is used to determine whether prisoners are placed in male or female prisons, and this puts transgender prisoners at risk of serious harm (Van Hout et al., 2020). Although some prisons in the UK allow prisoners to wear clothing that is in accordance with their gender (Bashford et al, 2017), the use of they/them pronouns is not always common practice (Kendig et al., 2019). In the US, substance abuse is prevalent among the transgender prisoner population (Harawa et al., 2017) and transgender prisoners experience poor standards of healthcare compared to the general prisoner population (Van Hout et al, 2020). Many prisons in the US~~s~~ also do not permit the continued use of hormone treatment, even if prisoners started treatment prior to going into prison (Routh et al., 2017) and access to medication is variable (McCauley et al., 2018).

Research on the experiences of transgender prisoners in Thailand (Chotchun et al., 2021) presents a contrasting picture. Thailand is generally more accepting of gender diversity than many other places in the world, partly due to the prevalence of transgender people who live there (Chotchun et al., 2021), although high levels of violence (Hereth et al., 2021) and transphobia (O'Connell et al., 2021) do exist within parts of Thai society. The study by Chotchun et al. (2021) highlight how some prisons in Thailand support transgender prisoners with access to psychological therapy, medication and medical treatment. However, like western countries, hormones were prohibited and there was a need for staff training. In addition, transgender prisoners could not access vocational courses in areas such as fashion, hair care, beauty and cookery, which they desired. Interestingly, the prisoner participants did not experience poor mental health, which was partly due to the prevalence of other transgender prisoners and the opportunities to form relationships within the prison context.

Theoretical Framework

Meyer's model of minority stress (Meyer, 2003) is a useful frame of reference for explaining disparities in mental health outcomes for individuals with minoritized identities, including those who are LGBTQ+. Meyer's framework identifies two additional stressors that people with a minority status are exposed to, in addition to the general stressors which everyone is exposed to. These additional stressors include (1) distal stressors and (2) proximal stressors. Distal stressors are external stressors and include exposure to prejudice and discrimination, including bullying, violence and harassment. Proximal stressors are internal stressors and occur because individuals with minoritized identities anticipate that they will be exposed to distal stressors. In relation to LGBTQ+ people, this can lead to internalised homophobia, self-stigma and concealment identities. These two additional stressors can result in poor mental health outcomes, although Meyer's model acknowledges that individuals can mitigate these by forming collectives for social support and to gain positive affirmation of identity. It is important to note that the model does not specifically address the experiences of transgender people, nor does it address intersectional identities. It is also crucial to highlight that the framework places the onus on individuals to address the issues, rather than placing the onus on institutions to address institutionalised homophobia or transphobia. Nonetheless, the model explains why people with minoritized identities are more likely to experience poor mental health.

~~Scotts~~Scott's lived experience as a gay man in a UK prison.~~Title~~

~~*Need to introduce this section*~~

Scott has spent the last two decades behind bars and is therefore well placed to provide vivid first-hand testimony concerning his own experience of being an openly gay man in a UK prison. Scott has spent time in eight different prisons and of varying prison security classification. It is important to note that in the UK the Equality Act 2010 identifies sexual orientation as a protected characteristic. Discrimination and indirect discrimination on the grounds of sexual orientation therefore breach the Act. According to the HMPPS Offender Equalities Annual Report 2022-23, 96% of the total prison population were male with just 4% female, this out of a total population of 81,057 prisoners. The same report shows that there were 268 transgender prisoners, of which 25 were from an ethnic minority background and 928 prisoners identified as gay/lesbian, and 1022 as bisexual. These figures suggest that LGBTQ+ prisoners are in the very small minority, but co-author Scott suggests that theses figures are likely not to reflect the reality of the prison population due to the transient and fluid nature of sexual identity in prison establishments. Yap et al (2019) provides support to the suggestion that the statistics are not reflective of reality, with evidence provided demonstrating that there is a culture of trying to hide sexual identities.

Cell sharing:

Policy: The Cell Share Risk Assessment (CSRA) is concerned with risk to self and others. It is an evidence-based risk assessment that is completed for every prisoner held in a UK prison. UK prisons have a mix of single, double and triple occupancy cells and the CSRA is designed to identify those individuals who pose an identifiable risk of serious harm to self or others, and therefore require single cell status.~~please explain more clearly what this is (CSRA).~~ The approach by some prison managers to use the CSRA to *prevent* gay men from sharing a cell could be considered a breach of the Equality Act 2010, which is intended to provide protection from direct and indirect discrimination.

Scott's lived experience: The inconsistent approach to the interpretation and application of policy varies considerably between prisons. In one prison, LGBTQ+ individuals may be

assessed as 'high risk' CSRA, but when they are transferred to the next prison, the level of risk can be reduced to 'standard' risk. Allowing gay prisoners to share a cell is allowed in some prisons, but this can be dependent on the personal views of wing managers. I have been allowed to share a cell with other gay prisoners in some prisons and been denied this in other prisons. At one prison, it became common place for prisoners to set the cell bin on fire. This would cause an emergency response and result in the person who started the fire being given High risk CSRA status and allocated a single cell. Another tactic used by prisoners to gain high risk status is to pay their cell mate to act out a hostage situation ~~wih~~with them. This involves the two prisoners in the cell pretending that one is holding the other hostage. The prison reacts swiftly to such a situation and inevitably both individuals are then given CSRA high risk status and provided with a single cell. The punishment given by the prison to the fire starter, or the hostage taker is seen as a price worth paying in order to gain single cell status. It is also possible to get high CSAR status by talking to sympathetic staff who for example hold personal view, such as life sentenced prisoners should never share a cell, something that is outside of policy, but is applied and given by some staff. ~~Say more~~

Homophobic abuse and sexual assault:

Policy: The prison has a duty to protect all prisoners from being a victim of sexual assault and homophobic abuse. Prison policy states that any victim can report any incident to wing staff, or any member of staff within the prison. However, this policy is not effective if staff do not know how to respond to disclosures. In addition, ongoing consideration for victim protection and ongoing mental health support for victims are often lacking.

Scott's lived experience: I have been sexually assaulted in prison. When I reported this, the reaction was swift, but policy was inconsistently followed. Consideration for my mental well-being and safety after the reporting was poor. For example, I was not provided with any emotional support. In addition, I was bullied by other prisoners, and staff, into retracting my formal police statement, despite forensic evidence which corroborated my claims. I have experienced homophobic verbal abuse through my whole sentence, and I find that people often get angry when they learn that I am gay. I don't feel I should have to announce my sexuality every time I meet new people, and I'm told that my general appearance and personality is does not portray me as an obviously gay man. However, when some people later find out my identity as being gay, they confront me with anger for having 'lied' to them. I have experienced anger

that has seen people spit in my face, others have stopped talking to me and early in my sentence I was physically assaulted be a prisoner who pinned me against the wall and verbally abused me, simply for having not announced my sexuality to him when I first arrived on the wing several months earlier. ~~You could say a lot more about your experiences of discrimination - look at what the literature is saying~~

Sexual health:

Policy: All prisoners have the same rights to access the quality and range of National Health Services (NHS) as the general public. This is provided for in Prison Rule 20 and Section 249 (1q) of the National Health Services Act 2006. The NHS guidelines on confidentiality provide a 'confidentiality model' which all prison healthcare providers should adopt. Prison Rules do not prohibit sexual activity between prisoners and consensual acts would not count as an offence or breach of Prison Rules.

Scott's lived experience: I have requested condoms at several prisons, and at each prison the process is different. For example, at two prisons condoms were issued to prisoners in brown food takeaway bags. This made it obvious to all prisoners and staff that I had collected condoms. When I raised this as a concern to prison staff, I was told 'you're out and proud, so what is the problem?' I have witnessed peers who have been subjected to homophobic abuse, including physical assault, because they were given condoms in a brown bag from the medication hatch., in front of a line of other prisoners. Handing out condoms in brown food takeaway bags could be a breach of the confidentiality rules, but at the very least is not well-considered and might be dangerous. In 2020 I requested an appointment with the Doctor to discuss being given Pre-Exposure Prophylaxis (PrEP) medication. My application was intercepted by prison staff. I was taken into an office and interrogated by prison managers about why I needed to take PrEP). I was informed that sex in prison is against the rules. My request for the medication was subsequently denied. PrEP is a drug which prevents people from contracting the HIV virus.

Discussion and Implications

I have met many men who identify as 'jail gay' and as described in Carr et al (2020), this can cause confusion for many. However, ~~, but~~ early in my sentence I did take advantage of the many approaches I received from men identifying as 'jail gay' ~~who were looking for sexual~~

~~fun~~. In more recent years, and I guess perhaps as I am now older, I reject the advances from jail gay men, although the ego boost of still being approached gives me a good feeling inside.

Self-harm plays a significant factor in prison and mental health issues are clearly prevalent amongst the prison population. I have witnessed several men who have been 'outed' as being gay in prison and they have turned to ~~self-harm~~self-harm. As noted in Yap et al (2019), some prisoners fear 'coming out' as gay and it can take years before a person is comfortable in doing so. Some men successfully keep their sexual ~~orientation~~identity a secret for the whole time they are in prison. I have ~~personally~~ witnessed men in mental health crisis as they struggle with understanding their feelings towards other men and in the prison environment. T~~,~~the tensions are heightened, given that we live, work and socialise with the same group of people ~~day in day out~~all of the time. Despite being held in a confined space with lots of other prisoners ~~,~~ ~~prison~~ can be a very lonely ~~place~~experience. ~~Link your experiences to some of the literature and theory cited above~~

There are implications for policy development. The array of different policies, rules and regulations that govern and impact upon the lives of LGBTQ+ individuals should be brought together to create a single policy document which outlines an institutional-wide approach to LGBTQ+ inclusion.

There are implications for staff development and training. Staff training and awareness of LGBTQ+ rights in prison are woefully poor. This can result in discrimination towards LGBTQ+ people in prison and manipulation of policies by staff.

There are implications for educational provision to increase awareness of LGBTQ+ rights across the prison population.

There are implications for research. Further research is required to highlight the issues and to inform the implementation of an institutional-wide approach to LGBTQ+ inclusion.

Recommendations

~~*Need to expand on recommendations. Link them to your experience*~~

~~*Also Kendig et al. (2019) advocate pronoun use across prisons – say something about this*~~

1. Create a single policy document.

The process should involve a comprehensive review of current policies and practices, and involve key stakeholders, including staff, prisoners and former prisoners who identify as LGBTQ+.

2. Improve staff training and awareness.

A fresh approach is needed to help train all prison staff. To achieve this, a new training programme should be developed with input from LGBTQ+ people with lived experience of prison custody. In addition, an estate-wide awareness campaign should be specifically designed and implemented to highlight LGBTQ+ rights in prison. Fernandes et al. (2020) suggest that improved staff training and awareness is needed concerning the rights and needs of LGBTQ+ individuals.

~~2.~~3. Develop educational resources that will encourage dialogue and build a better, more informed LGBTQ+ community in prison.

His Majesty's Prison Service (HMPS) should partner with LGBTQ+ organisations to develop resources that can be made available to staff and prisoners. The resources should provide clear and well-informed advice and guidance, and developed to facilitate conversations between prisoners, staff and prisoners and staff.

4. Develop further research in this area

Fernandes et al. (2020) suggest more research is needed on the experience of LGBTQ+ people in youth offending institutions, which is an important area to research given the social and psychological development of young people, and more research into LGBTQ+ experiences in women's prisons. Given the paucity of research within this field, there is an urgent need for commissioned research which explores the lived experiences of LGBTQ+ prisoners. There is also a need for research which adopts an intersectional perspective. Fernandes et al. (2020) suggest taking feedback from LGBTQ+ prisoners would be an effective way to inform new research and policy development.

5. Policy update and awareness campaign re: pronoun use

The use of correct pronouns is a real cause of concern and was identified by Kendig et al (2019). Policy should include a section explaining the use of pronouns to reflect government legislation. A clear poster/information campaign should be developed and deployed across the prison estate aimed at educating staff and prisoners on the pronouns that are acceptable and should be recognised and used by all.

Ethical considerations and informed consent

His Majesty's Prison and Probation service (HMPPS) and HMPPS National Research Committee ethical approval and research clearance was not required as this article does not constitute an independent empirical study of prison staff or people detained in prison. Both authors discussed at regular intervals the content of this article and ensured that continued consent was in place.

Author contribution

Both authors contributed equally to this article

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