

Freedom of Information request 637-18

Request

I am requesting information about training given to NHS staff about transgender awareness. I am aware that this was offered by NHS Lothian on 6 December 2017, led by the Scottish Trans Alliance, so I wanted to ask whether this was also offered by NHS Borders. If so, I would also like to ask, please:

1. How many of your staff received the training? Which departments were those staff from?
2. How many sessions were provided in total and how long was each?
3. Who requested the training -- NHS Borders or the STA or someone else?
4. What costs were involved and who covered them?
5. Was the programme approved by the training department?
6. Were you aware of advice given orally in the Q&A session at the end of the training to use the pronoun "they" at home and work to normalise its use?

Please find a quote to a response to a request for clarification following an FOI on female-only care, in which NHS Lothian said:

"I have been advised that unless the practitioner consented, to exclude them from carrying out female only care would be a breach of section 22 of the Gender Recognition Act 2004, and a criminal offence. There are also restrictions under the Equality Act 2010 around requiring staff to disclose their gender identity and staff selection on this basis.

"For these reasons, NHS Lothian does not have any policy to guarantee that a legally female member of staff carrying out female only care as requested by a patient, will be biologically female."

7. Specifically, I would like to ask NHS Borders: are you able to guarantee that female-only care would not be undertaken by a transgender doctor?
8. How many openly trans doctors do you have, if you are able to say?

Response

1. NHS Borders has not offered training provided by Scottish Trans Alliance to our staff.
- 2-6. Not applicable.
7. Gender is a protected characteristic under the Equalities Act 2010 and so any staff selection on such a basis would be illegal. In our small community discretion is valued and staff may therefore choose to self-exclude, if relevant, on a voluntary basis.
8. NHS Borders publishes some statistical information on staff composition in our Equality Mainstreaming Report, accessible via our public website:
<http://www.nhsborders.scot.nhs.uk/media/488226/mainstreaming-2017-2021-version-2-2.pdf>
Therefore under section 25 of the Freedom of Information (Scotland) Act 2002, this information is available elsewhere.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **637-18** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.