

Freedom of Information request 52-22

Request

I write to request the following information relating to adult inpatient wards run by NHS Borders in the most recent year for which data is available. I use the word “ward” below to mean a shared space where adult patients are accommodated and monitored and where patients would rest and sleep, and where more than one patient may be present:

1. How many inpatient wards are in operation.
2. How many inpatient wards are mixed-sex.
3. How many inpatient wards are single sex facilities for males.
4. How many inpatient wards are single-sex facilities for females.
5. If a patient is biologically male, and in possession of a Gender Recognition Certificate (GRC) that states the patient’s legal sex is female, what is your procedure for determining which inpatient ward in which to accommodate that patient, supposing the patient requested to be accommodated in the female ward.
6. If a patient is biologically female, and in possession of a GRC that states the patient’s legal sex is male, what is your procedure for determining which inpatient ward in which to accommodate that patient, supposing the patient requested to be accommodated in the male ward.
7. If a patient is biologically male, and CANNOT produce a Gender Recognition Certificate (GRC) that states the patient’s legal sex is female, what is your procedure for determining which inpatient ward in which to accommodate that patient, supposing the patient requested to be accommodated in the female ward.
8. If a patient is biologically female, and CANNOT produce a Gender Recognition Certificate (GRC) that states the patient’s legal sex is male, what is your procedure for determining which inpatient ward in which to accommodate that patient, supposing the patient requested to be accommodated in the male ward.
9. If the answer to 2. is non-zero, has a risk assessment been carried out relating to housing males with females? I request you release such risk assessment if it exists.
10. If the answer to 5., 6., 7. and 8. is that in some or any cases the patient would be accommodated in the ward they have requested, has a risk assessment has been carried out relating to housing biological males with biological females. I request you release such risk assessment if it exists.
11. If the answer to 5., 6., 7. and 8. is that this would be determined on a case-by-case basis, what procedure is in place to enable the healthcare professional to make such determination in an objective and rigorous manner. I request the detail of such policy and procedure if it exists.
12. If the answer to 5., 6., 7. and 8. is that in some or any cases the patient would be accommodated in the ward they have requested, what documentation if any would a healthcare provider be required to make, in order for complete record-keeping in this novel situation. If a sample form or similar exists I request you release this.

13. If the answer to 2. is non-zero do all of these wards have sex-segregated toilet facilities. If not, how many do and how many do not.
14. With respect to 5., 6., 7. and 8. do you have a policy which stipulates that separate toilet facilities be made available for biological males and biological females in the event that the two sex classes are accommodated together. I request details of any policy regarding single- and mixed- sex toilet facilities.
15. With respect to 2., 13. and 14. has a risk assessment been carried out regarding mixed-sex toilet facilities on inpatient wards. I request you release such risk assessment if it exists.
16. With respect to 5., 6., 7. and 8. should a patient express discomfort with being accommodated alongside a patient of the other biological sex, what policy or procedure if any applies in enabling healthcare professionals to resolve this discomfort. Does a patient have the right to request to be accommodated solely alongside others of their biological sex. I request you release any such policy or procedure.

I further request you release the following information for the period 2013-present:

17. I request you release any and all correspondence between NHS Borders and Stonewall Scotland (Charity Number SC039681)
18. I request you release any and all correspondence between NHS Borders and Mermaids (Charity Number 1160575)
19. I request you release any and all correspondence between NHS Borders and Stonewall (Charity Number 1101255)
20. The minutes of any meeting in which single sex or mixed sex adult inpatient accommodation or single or mixed sex adult inpatient toilet facilities have been discussed by NHS Borders.
21. The minutes of any meeting in which accommodation of patients with a GRC have been discussed by NHS Borders management.
22. The minutes of any meeting in which accommodation of patients who do not have a GRC but wish to be accommodated in a ward for the opposite sex have been discussed by NHS Borders management.
23. Details of any external training that has been undertaken by NHS Borders managers regarding single-sex facilities, or the Gender Recognition Act 2004, including course title and name of the provider of the course

Response

1. There are 11 inpatient wards in operation at the Borders General Hospital.
2. 10 inpatient wards are mixed sex; individual bays within these wards are single-sex.
3. There are no single sex inpatient wards for males; there are single sex bays within wards for males.
4. There is one single sex inpatient ward for females, this is the Maternity ward. There are also single sex bays within mixed sex wards for females.
5. If a patient in possession of a gender recognition certificate requested to be accommodated in a female ward, the patient would be accommodated in a bay within a ward that they have requested. Please note however that patients will be accommodated within wards that best meet their clinical needs.
6. If a patient in possession of a gender recognition certificate requested to be accommodated in a male ward, the patient would be accommodated in a bay within a ward that they have requested. Please note however that patients will be accommodated within wards that best meet their clinical needs.

7. A private cubicle with its own facilities for the patient would be suggested.
8. A private cubicle with its own facilities for the patient would be suggested.
9. No, a risk assessment has not been carried out by NHS Borders.
10. No, a risk assessment has not been carried out by NHS Borders.
11. There is no specific clinical document or policy on NHS Borders Clinical Governance & Quality's clinical document register that relates to how patients are accommodated on admission to NHS Borders Hospitals based on their gender, therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
12. There is no documentation that a healthcare provider would be required to complete, therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
13. Within wards in NHS Borders Hospitals cubicles have single toilets. All bays within wards are either male or female toilets and there is one toilet/shower area per bay.
14. There is no policy in place which stipulates that separate sex toilet facilities be made available.
15. Upon checking the risk assessment register, there was no documentation relating to this topic and therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
16. There is no such policy in place at NHS Borders.
17. Please see attached documents below which are all correspondence between NHS Borders and Stonewall Scotland / Stonewall:



1. Document 1.pdf



2. Document 2.pdf



3. Document 3.pdf



4. Document 4.pdf



5. Document 5.pdf



6. Document 6.pdf



7. Document 7.pdf



8. Document 8.pdf



9. Document 9.pdf



10. Document
10.pdf



11. Document
11.pdf



12. Document
12.pdf



13. Document
13.pdf



14. Document
14.pdf

18. There is no correspondence between NHS Borders and Mermaids.
19. Please see above.
20. There are no minutes from a meeting in which single sex or mixed sex adult inpatient accommodation or single or mixed sex adult inpatient toilet facilities have been discussed, therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
21. There are no minutes from a meeting in which accommodation of patients who do not have a GRC but wish to be accommodated in a ward for the opposite sex have been discussed by NHS Borders management therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.
22. There are no minutes from a meeting in which accommodation of patients who do not have a GRC but wish to be accommodated in a ward for the opposite sex have been discussed by NHS Borders management therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.

23. No external training has been undertaken by NHS Borders managers regarding single-sex facilities, or the Gender Recognition Act 2004 in the past 12 months.

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 **52-22** 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.