



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Trust Headquarters

Chief Nurse

Royal Albert Edward Infirmary

Wigan Lane

Wigan

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Ref: FOI/2024/9723

Date Received: 18th March 2024

Response Due: 1st May 2024

Date: 1st May 2024

Dear Sir/Madam

With reference to your request for information received on 18th March 2024, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below.

In your request you asked:

1. **Does WWL follow NHS England's same sex accommodation policy Annex B which instructs staff to accommodate patients according to a self-declared gender identity instead of their sex (as recorded at birth)** https://www.england.nhs.uk/statistics/wp-content/uploads/sites/2/2021/05/NEW-Delivering_same_sex_accommodation_sep2019.pdf

All Trust Policies adhere to NHS England's Guidelines – WWL Delivering Same Sex Accommodation Policy, in line with equality legislation and guidance, confirms that trans and non-binary people should be accommodated in line with their stated gender identity.

2. **Please provide copies of guidance for staff (in the form of policy documents, emails, minutes of meetings etc) regarding:**

- a. **How to record a patient's sex at birth and their gender identity if opposite from their sex.**

We do not have any guidance to share with you.

- b. **How to record and report breaches in the single/same sex accommodation policy if a person of the opposite sex is placed on a single/same sex ward according to their gender identity.**

Under the Equality Act and the Public Sector Equality Duty, we have a legal requirement to ensure that trans people are not discriminated against. Guidance clearly states that trans and non-binary people should be accommodated in line with their stated gender identity. Where a trans person is admitted to a WWL in-patient area, protecting their dignity, safety and privacy is paramount. In

such circumstances, decisions such as ward / room allocation will be made in conjunction with the service user themselves. The process of assigning a person to a ward will begin from the position of the gender the patient is living within. This may not always accord with the physical sex appearance. Sufficient privacy can be ensured through the use of curtains or by accommodation in a single room adjacent to a gender appropriate ward. The patient does not have to have a Gender Recognition Certificate or a legal name change. Trans peoples' needs should be taken into consideration before they are placed in a bed specific to their trans sex.

c. How to assess the risk of placing a patient in single/same sex accommodation according to an opposite gender identity.

WWL has a robust Risk Management Framework. Any issues relating to dealing with possible discrimination the patient may experience and any possible risk issues will be dealt with from that position. If there are any clinical/risk issues which require a move from this position these will be recorded in detail and recorded as an incident on DATIX.

d. Informing patients and their visitors that previously single/same sex accommodation has become mixed sex if a person of the opposite sex at birth is placed on a ward according to their gender identity.

Across our estate our inpatient areas are configured in a combination of bays and single rooms. The majority of our inpatient areas accommodate patients who identify as male and female, however if cared for within a bay they are cared for alongside their own gender as stated above.

e. How managers, human resource/staff depts, professional bodies or unions should support and guide staff who do not agree that patients should be accommodated in opposite sex wards according to their gender identity.

We are advised that NHS England are currently producing guidance for Acute NHS Trusts on updating patient records with gender identity. Please contact NHS England for further advice. Contact details below.

f. If no staff guidance exists in the form of policy documents, emails or minutes of meetings covering any or all points 2a,2b,2c,2d or 2e please state 'none'.

We are advised that NHS England are currently producing guidance for Acute NHS Trusts on updating patient records with gender identity. Please contact NHS England for further advice. Contact details below.

3. Please provide blank copies of the documentation to be completed by staff when recording:

a. patients' sex at birth and gender identity.

None.

b. breaches of the same/single sex accommodation policy when placing patients of the opposite sex according to gender identity.

None.

c. concerns expressed by staff and/or patients and/or visitors if a patient of the opposite sex is accommodated on a single/same sex ward because of their gender identity.

None.

If no documentation exists to record 3a, 3b, 3c please state 'none' for any or all points.

We are advised that NHS England are currently producing guidance for Acute NHS Trusts on updating patient records with gender identity. Please contact NHS England for further advice. Contact details below.

NHS England

For postal requests, please send to the following address:

NHS England

PO Box 16738

Redditch

B97 9PT

Send email requests to england.contactus@nhs.net

Please write "Freedom of Information" in the subject line of any FOI request.

If you would have difficulty making a written request, please call the customer contact centre on 0300 311 22 33.

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,

Kevin Parker-Evans MBA, FCMI, CMgr. RN Dip HE



Handwritten signature of Kevin Parker-Evans, with the name 'PARKER-EVANS' printed below it.

Interim Chief Nurse & Director of Infection Prevention and Control

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire, SK9 5AF

Helpline number: 0303 123 111