

Date 12/12/2024
Your Ref
Our Ref 9313

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION – GENDER-AFFIRMING SURGERY

I write in response to your request for information in relation to gender-affirming surgery.

Question:

1. Can you confirm this policy change and clarify from what date it was instigated and when, if ever, it is set to expire.

Answer:

There has been no change in policy in relation to gender-affirming surgery. A pause to all referrals for gender-affirming surgery undertaken outside Scotland was introduced while clinical governance steps were clarified and brought into line with out-of-area referrals in other clinical areas. Referrals were paused from 2nd May 2024 and restarted on 17th October 2024 for those aged 25 and over. From 31st July 2024, NHS Lothian stopped offering appointments for surgical assessments at the Chalmers GIC to avoid building up a backlog of referrals. Assessment appointments for those aged 25 and over recommenced on 18th November 2024. The pause on referrals for people under the age of 25 years has now also been lifted and referrals will resume as soon as appointments can be arranged.

Question:

2. When was this policy change decided?

Answer:

decision to pause gender surgery referrals was taken on 2nd May 2024.

Question:

3. At what level was this policy decision made? i.e. by what level of NHS Lothian.

Answer:

The decision to pause was agreed at Executive level.

Question:

4. What evidence was used to make this policy decision?

Headquarters
Waverley Gate
2-4 Waterloo Place
Edinburgh EH1 3EG

Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
*Lothian NHS Board is the common
name of Lothian Health Board*

Answer:

The decision was taken because there was lack of evidence of clear clinical governance, including standard pathways for treatment and care, surrounding assessment and referral for gender affirming surgery. The review and sign off process for all Gender referrals, most of which are to services in England, was not in line with those for external referrals from other services for other conditions. Referrals for gender surgery did not receive the same external senior clinical review prior to approval, as for all other specialties.

The purpose of the pause was to to review our assessment and referral processes and to improve our recording, documentation, review and sign-off of referrals to ensure clinical safety and good governance

Question:

5. Who presented this evidence? I am not asking for the names of individuals, but their roles on or to the decision-making body.

Answer:

It was discussed at Patient Safety and Experience Action Group (Corporate) which is an Executive level group which meets to consider issues relating to patient safety or experience.

Question:

6. Was the decision by the deciding body unanimous?
These decisions are not taken by means of a vote however it was agreed by the Patient Safety and Experience Action Group.

Question:

7. Were clinical staff with current experience of gender incongruity directly involved in making the decision i.e. in presenting evidence and/or making the decision?

Answer:

No, the issue was one of Clinical Governance. Gender Identity clinic staff are not on PSEAG).

Question:

If such clinical staff were involved, did they agree with the decision?

Further to this, in order to understand the decision-making process and make it transparent to patients, please provide copies of the evidence presented and the decision taken whether in hard copy or from electronic communications, including discussion from the first proposal to the final decision.

Answer:

Not applicable. See enclosed.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing, Midwifery and AHPs
Cc: Chief Executive