

Date 19/05/2025
Your Ref
Our Ref 10004

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION – SINGLE SEX FACILITIES

I write in response to your request for information in relation to single sex facilities.

Question:

- Do NHS Lothian have single sex facilities for example toilets, changing rooms and single sex wards on hospital sites and / or GP surgeries?

Answer:

Yes.

Question:

- When providing medical care to an individual whose gender self-identity differs from the biological sex noted on their medical record, do NHS Lothian permit access to single sex hospital or GP surgery facilities in accordance with the individual's biological sex or their preferred gender self-identification?

Answer:

NHS Lothian does not have a policy on the provision of single sex facilities for patients.

NHS Lothian aims to provide medical care to people in a way that best meets their needs. There may be circumstances when NHS Lothian may have to provide a different service or exclude a trans person from a service. In accordance with equality and human rights law, this will only be done if NHS Lothian is satisfied that the different service or exclusion is proportionate.

Question:

- If an individual whose biological sex differs from their gender self-identity requests medical care from NHS staff of the opposite biological sex to themselves, do NHS Lothian accede to their request including where it involves intimate care?

Headquarters
Mainpoint
102 West Port
Edinburgh EH3 9DN

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

Answer:

I am advised we do not have a policy specific to same-sex care/or opposite biological care. We do make every effort to accommodate these requests and in most cases are able to do that.

All patients have the right to request that an NHS Lothian doctor who is the same sex as them carries out an intimate examination or procedure. NHS Lothian is committed to taking a person-centred and trauma informed approach to care and treatment and will accommodate requests to be examined by a doctor who is the same sex as the patient where it is possible to do so. We encourage all patients to let us know their needs and preferences, so we can provide the best care possible.

The General Medical Council (GMC) [Intimate Examinations and Chaperones guidance](#) explains the approach doctors must take when carrying out an intimate examination or procedure. This includes making sure that every effort is made to ensure patients feel as safe and in control of the situation as possible, to offer a chaperone and explain their role and obtain the patient's consent or have other valid authority before the examination and record that the patient has given it.

The Chaperoning Policy, section on 'Intimate Care' on page 8. The policy is currently being updated. Please see links below:-

https://policyonline.nhsllothian.scot/policy_page/chaperoning-policy/

<https://policyonline.nhsllothian.scot/wp-content/uploads/2023/03/Chaperoning%20Policy.pdf>

This information is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - Information otherwise accessible

(1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

Question:

- What policy document and / or guidelines to NHS Lothian defer to in relation to the provision of single sex facilities for individuals whose biological sex is the opposite to that of their gender self-identity?

Answer:

NHS Lothian does not have a policy on the provision of single sex facilities for patients.

NHS Lothian is guided by the information contained in the [EHRC Statutory Code of Practice for Services, Public Functions and Associations](#). The EHRC recently announced that the statutory code is under review and an update version should be available in summer 2025. NHS Lothian will review its guidance, practices and training materials once the updated statutory code is available.

In relation to GP practices, most are independent contractors and information for those practices would need to be requested directly from them as it is not held by NHS Lothian. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise we do not hold this information.

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
Cc: Chief Executive