

Single-sex provision for NHS staff and patients

Briefing for Peers on Lords [oral question from Baroness Fox](#)
on Wednesday 8th January 2025 at 11.30am in the chamber

Overview and background

At 11.30am on Wednesday 8th January there will be a debate in the House on a question from Baroness Fox of Buxley (non-affiliated) regarding single-sex provision (or lack of) in the NHS for staff and patients.

Baroness Fox's question is **"to ask HMG whether they plan to issue guidance relating to single-sex provision for NHS staff as well as patients."** We expect Baroness Fox to reference an ongoing legal dispute, *Darlington Nurses v County Durham and Darlington NHS Foundation Trust*, regarding the trust's failure to provide a single-sex area for female nurses to change in. **Both the Secretary of State for Health and Social Care, Wes Streeting MP, and the Shadow Minister for Equalities, Claire Coutinho MP, have met the nurses.** Please see appended briefing (not yet published) for more information and background on this case.

Aims for the debate

Follow-up questions could address either ongoing failures by NHS England to record accurate information about patients' sex and to offer patients single-sex provision. Or they could focus on how the current lack of clarity about the meaning of "sex" in the Equality Act is harming public-sector and other employers, as well both as employees and service users, including NHS patients leading to court cases such as the *Darlington nurses* - when the legislature rather than the judiciary should have the responsibility for making the law clear.

A new poll (sex-matters.org/posts/updates/poll-shows-support-for-sex-meaning-sex-in-equality-act) shows strong support for single-sex spaces and services, and opposition to allowing people born male ("trans women") to access women's spaces such as changing rooms (56% oppose, 27% favour) and toilets (51% oppose, 33% favour). 54% of respondents support clarifying that sex in the Equality Act means biological sex, with just 22% opposing. **It would be helpful if members could refer to this new YouGov polling commissioned by human-rights charity Sex Matters.**

Suggested questions

- All health professionals need to know patients' sex to provide suitable care. The Data Bill will provide for a common data standard across health and social care. Will the Government seize this opportunity to ensure that sex is recorded accurately as part of NHS patient records and in the digital identity trust framework being developed as part of the Bill?
- Misunderstanding about the "single-sex exceptions" in the Equality Act are widespread. It is lawful to provide single-sex spaces and services in a wide range of everyday and specialist situations. Employers in many sectors, not just the NHS, are crying out for clear official guidance on how the single-sex exceptions work, and when they can be used. What are the Government's plans to provide such guidance, which is essential to fulfil its manifesto commitment to protect single-sex spaces?
- The Secretary of State for health and social care has committed to improving access to and availability of single-sex hospital accommodation, set out in the new draft NHS Constitution. The consultation on this closed on 25th June 2024. Can the noble lady provide an update on when the Government's response will be published, and will the Government call on NHS England to revise the "Annex B" policy so that patients can be sure that single-sex accommodation really is single sex?

Further reading: sex-matters.org/where-sex-matters/healthcare

For more information contact Laura Pascal at Sex Matters: PublicAffairs@sex-matters.org