

Freedom of Information Request

Ref: 22-472

16 September 2022

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

- We can confirm that we hold some of the information you are requesting

1 - Please advise how the Trust measures the exclusion of women who are unable to access your hospital because of your mixed sex ward policy. If you are not measuring this group, please advise.

University Hospitals Bristol and Weston NHS Foundation Trust (UHBW) aims to develop and implement policy documents that meet the diverse needs of our services, population, and workforce. The Trust considers the provisions of the Equality Act 2010 and promotes equal opportunities for all.

The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity according to their needs.

The Trust has a single sex accommodation policy. We enclose the following policies for your information:

- Single sex accommodation policy - This policy is currently under review. There is a national group reviewing this guidance and the policy will be updated to reflect this and this is likely to be completed by the end of December 2022.
- Chaperone policy
- Safeguarding policy

2 - a copy of your Equality Impact Assessment of how the current policy of mixed sex wards impacts on other protected groups, especially women and people of other beliefs, with specific reference to:

rape and sexual assault victims (who are usually women and girls, including victims of trans identified men) , -domestic abuse victims (who are usually women and girls)

- female religious believers eg muslim, christian -those who believe sex is immutable/ biology believers

- and other women (eg older women) who cannot share mixed sex spaces

- those with learning disabilities and

- disabled patients.

if none has been done specifically considering these protected groups , despite your PSED, please advise.

Please see the response to question 1.

3 - if you have done a safeguarding and/ or risk assessment on the Privacy and Dignity/ Same sex ward policy giving males access to vulnerable women patients please provide it. If not, please advise why not, and when it will be done.

Please see the response to question 1.

4 - Please provide any other guidance/ policies, whether formal or informal, to provide care and ensure inclusion for women who need same sex care or wards, like the female groups detailed above, who cannot currently access in patient care at your hospital .If you do not have any additional policies/ guidance to ensure inclusion and reduce trauma for these vulnerable and often excluded groups, please advise why not and when they will be done.

Please see the response to question 1.

5 - The Trust does not currently record the biological sex of staff- only their self proclaimed gender on passports, which does not reflect biological sex. However as you are required to adhere to the Care Act, please therefore provide your guidance on how you manage conflicts between a male member of staff who identifies as female, and a female patient who needs same sex only intimate care.

<https://www.lgo.org.uk/information-centre/news/2014/nov/not-providing-same-sex-carers-can-impact-dignity-says-ombudsman>

If you have no policy, and have not considered the needs of female patients in this situation, please advise when policies/ guidance for these vulnerable women to access NHS care will be considered.

Please see the response to question 1.

6 - there have been allegations across the Trust of inappropriate behaviour by male patients and staff in recent years. Please advise the number of allegations of male staff/ patient sex based crimes/ inappropriate behaviour against female patients/staff over the last 3 years (eg flashing , sexual assault etc).

- whether trans identified male abusers are recorded by sex for this purpose (or by gender, in which case please provide the results for allegations by 'women').

- If there has not been any formal allegation by female staff / patients of sex based crime/ assault/ inappropriate behaviour etc by male staff / patients in the last 3 years , please advise. If you are unable to release this information (eg because the cases have not yet reached court or for reasons of confidentiality) please advise.

Please note, the Trust does not hold the data in a format that would enable us to fully respond to your request to the level of detail required and a manual trawl for this information would significantly exceed the 18 hours limit set down by the FOI as the reasonable limit. Section 12 of the FOIA provides that we are not obliged to spend in excess of 18 hours in any sixty-day

period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

This concludes our response. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Data Protection Officer
University Hospitals Bristol and Weston NHS Foundation Trust
Trust Headquarters
Marlborough Street
Bristol
BS1 3NU

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

Freedom of Information Team
University Hospitals Bristol and Weston NHS Foundation Trust