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Mr John Kirkpatrick
Chief Executive
Equality and Human Rights Commission
(via email: ChairandCEO@equalityhumanrights.com)

Dear Mr Kirkpatrick

I refer to your letter published on the Equality and Human Rights Commission website on 21 February 2025, regarding recent media coverage about the policies and practices relating to access to single sex changing facilities for staff within NHS Fife. We appreciate the opportunity to provide clarity and assurance regarding our position on this matter.

We recognise the significant media attention and public discussion this issue has generated. However, as with any complex legal and organisational matter, not all facts or considerations may be fully reflected in external reporting.

NHS Fife is committed to handling this issue sensitively, respectfully and with due diligence, ensuring that all necessary processes are followed appropriately and fairly. We want to take this opportunity to offer our assurances that we recognise our obligations under the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. As a public sector body, we are committed to fostering a safe, inclusive, and non-discriminatory environment for all staff and patients, ensuring that our policies and practices align with our legal duties and our values, and comply with national policies in place for all Health Boards across NHS Scotland, as directed by the Scottish Government Health Directorates.

We are fully aware of the need to protect individuals from discrimination and harassment based on protected characteristics and are committed to ensuring a fair and thorough approach. We currently believe it is important to allow the legal process to reach its conclusion before considering further actions regarding NHS Fife practices.

As you may know, NHS Fife staff, like their colleagues across NHS Scotland, are governed by a series of local and national policies and guidance. We are aware that a national gender transitioning guide is currently under development as part of the 'Once for Scotland' NHS Scotland Workforce Policy Programme, which aims to ensure consistency across all NHS Boards in Scotland. Once finalised and formally approved, this guide will be accompanied by a comprehensive Equality Impact Assessment (EQIA), in line with standard practice for national NHS Scotland policies.

Upon conclusion of the employment tribunal, any recommendations pertaining to NHS Scotland Workforce Policies or Guides will be considered in partnership with the Scottish Government, Trade Union representatives and NHS Scotland Employers. The formal mechanism to direct the adoption of such policies or guides would be via a Scottish Government 'Directors Letter' to me in my role as Accountable Officer for NHS Fife.

Within the context of the ongoing legal proceedings, we endeavor to remain as open and transparent as possible on this matter. We would have welcomed the opportunity to engage with you in advance of your letter's online publication and issue into the public domain.

I can confirm that NHS Fife first received a formal copy of your letter via email on Thursday, 20 March 2025, following its publication on your website on Friday, 21 February, and subsequent media reporting. We have also received a follow up letter dated 24 March 2025 from Baroness Kishwer Falkner.

We thank the EHRC for its offer "*to support our organisation to interpret and apply legislation and guidance on this matter.*"

Demonstrating our commitment to equality remains a top priority for our workforce, our patients, and our Board, and we will continue to uphold this commitment within NHS Fife.

Yours sincerely

Carol Potter
Chief Executive