

Public Trust Board – 29 June 2021

Same Sex Accommodation Annual report including annual declaration of compliance

Purpose of the report

The purpose of this report is to provide the Trust Board with a summary of the Trust position for the financial year 2020/2021 in regard to compliance with NHS England and Improvement (NHSE& I) requirements to eliminate Mixed Sex Accommodation (MSA) breaches within all inpatient areas and compliance with national 'Delivering same-sex accommodation' guidance.

The report sets out definitions for reporting a breach and in addition the impact of Covid-19 to national reporting and system requirements.

The Trust has an annual requirement to declare and publish compliance with delivering same sex accommodation; this is included as an appendix to the report.

Analysis of the issue

Background

Why is same sex accommodation important?

Every patient has the right to receive high quality care that is safe and effective and respects their privacy and dignity. Providers are expected to have a zero-tolerance approach to mixed-sex accommodation, except where it is in the overall best interest of all patients affected.

A mixed-sex accommodation breach occurs at the point a patient is admitted to mixed-sex accommodation outside the guidance;

- Patients should not normally have to share sleeping accommodation with members of the opposite sex.
- Patients should not have to share toilet or bathroom facilities with members of the opposite sex.
- Patients should not have to walk through an area occupied by patients of the opposite sex to reach toilets or bathrooms; this excludes corridors.
- Women-only day rooms should be provided in mental health inpatient units.

Male and female corridors

Patients may on rare occasions be admitted into single, en suite bedrooms in areas occupied by the opposite sex when no bedroom is immediately available in the appropriate area. This will only be done following discussion with the patient and with safeguards in place,

including 1:1 nursing care whilst a more appropriate bed is found. These incidents are reported internally as privacy and dignity breaches.

Reporting

There are times when the need to urgently admit and treat a patient can override the need for complete segregation of sexes with some clinical circumstances where mixing can be justified. These are few, and mainly confined to patients who need highly specialised care, such as that delivered in critical care units. An unjustified breach is where mixing occurs that cannot be clinically justified.

A letter dated 28 March 2020 from NHSE/I provided the trust with guidance relating to reducing burden and releasing capacity for staff so that emergency planning can be undertaken as part of the local NHS response to the Covid-19 pandemic. The letter stipulated that MSA breaches do not need to be returned to NHS Digital from 1 April 2020 to 30 June 2020.

In January 2021 due to demand across the Leicester Leicestershire and Rutland (LLR) healthcare system for beds and to support capacity and flow, the Trust were asked to support the potential lapse of requirements for MSA on the Community Hospital wards if it was in the best interest of the patient to receive care. An action card was developed and reviewed at the Trust Clinical Reference Group and signed off at the Incident Control Centre. This was not enacted and no breaches occurred as a result of this request.

The Trust continued to review and report all incidents in line with national guidance throughout the pandemic and between April 2020 and March 2021 there were no reported justified or unjustified breaches in line with national guidance.

Proposal

The guidance also includes information on same-sex accommodation in relation to individuals who identify as transgender. Individuals who are undergoing gender reassignment or who identify as transgendered are considered a protected characteristic under the Equality Act 2010. The guidance sets clarification on how transgendered patients should be supported including gender variant children and young people. It is proposed that the Trust policy is updated to reflect the national guidance with patient involvement.

There have been no justified or unjustified mixed sex accommodation breaches in 2020/2021; this supports the annual declaration as outlined in appendix 1.

Decision required

Trust Board is asked to:

- be assured that internal processes are in place to monitor and report MSA breaches
- gain insight into the MSA guidance for individuals who identify as transgender and gender variant children and intended work to review the policy
- approve the declaration of commitment to deliver single sex accommodation

Declaration of Compliance – June 2021

Leicestershire Partnership NHS Trust is committed to providing every patient with same sex accommodation as it helps to safeguard their privacy and dignity when they are often at their most vulnerable. The only exception to this is when it is in the patients overall best interests or reflects their personal choice.

Why is same sex accommodation important?

Every patient has the right to receive high quality care that is safe and effective and respects their privacy and dignity. We are committed to ensuring that patients' privacy and dignity is maintained at Leicestershire Partnership Trust. The Trust continues to report all incidents in line with NHS England and NHS Improvements 'Delivering same-sex accommodation' guidance. The guidance states patients must not;

- Share sleeping accommodation with members of the opposite sex
- Share toilet or bathroom facilities with members of the opposite sex
- Walk through an area occupied by patients of the opposite sex to reach toilets or bathrooms; this excludes corridors
- In addition women-only day rooms should be provided in mental health inpatient Units

Reporting

Compliance of same sex accommodation is monitored and reported internally to the Trust Quality Forum and externally by our commissioners. In 2020/2021 there were no clinically justified or unjustified mixed sex accommodation breaches in line with the guidance.

We will continue to monitor our progress against information that is made available following CQC inspections and staff and patient feedback.

We want to know about your experiences. Please contact our [Patient Advice and Liaison Service \(PALS\)](#) on pals@leicspart.nhs.uk or Telephone on 0116 295 0830

Governance table

For Board and Board Committees:	Public Trust Board 29.6.21	
Paper sponsored by:	Anne Scott, Executive Director of Nursing, AHPs and Quality	
Paper authored by:	Emma Wallis, Associate Director of Nursing and Professional Practice	
Date submitted:	21.6.21	
State which Board Committee or other forum within the Trust's governance structure, if any, have previously considered the report/this issue and the date of the relevant meeting(s):	Quality Forum 10 th June 2021	
If considered elsewhere, state the level of assurance gained by the Board Committee or other forum i.e. assured/ partially assured / not assured:		
State whether this is a 'one off' report or, if not, when an update report will be provided for the purposes of corporate Agenda planning	Annual report and declaration	
STEP up to GREAT strategic alignment*:	High Standards	X
	Transformation	
	Environments	X
	Patient Involvement	X
	Well Governed	X
	Single Patient Record	
	Equality, Leadership, Culture	X
	Access to Services	
	Trust wide Quality Improvement	
Organisational Risk Register considerations:	List risk number and title of risk	
Is the decision required consistent with LPT's risk appetite:	y	
False and misleading information (FOMI) considerations:	n	
Positive confirmation that the content does not risk the safety of patients or the public	y	
Equality considerations:	Transgender and gender variant children and young people	