# NHS Fife’s bid to restrict public access to nurse's tribunal livestream denied



NHS Fife's recent attempt to restrict public access to the employment tribunal of Kirkcaldy nurse Sandie Peggie has met with a decisive refusal from the tribunal itself. The health board sought to ban the public from watching the online livestream of the proceedings set to resume in July, citing significant disruptions during previous sessions, but their requests were ultimately turned down.

During the initial hearings held in February, the tribunal had allowed the public to view proceedings via livestream. However, issues arose when the sessions encountered interruptions, leading to a subsequent restriction of the stream to accredited media. NHS Fife claimed these disturbances resulted in “significant” delays, with evidence sessions frequently paused until order could be restored. The interruptions ranged from technical mishaps—such as users forgetting to mute their microphones—to more personal disturbances, like a crying baby or an unmuted hairdryer.

Employment judge Alexander Kemp, in rendering his decision, acknowledged the challenges posed by the public's involvement but emphasized that the tribunal did not view the threshold for revoking public access as having been met. He noted that while mistakes had indeed occurred, the focus remained on maintaining transparency. “We do not consider that the threshold has been reached at which it would be in accordance with the overriding objective to revoke the permission that was given,” the judge stated. In light of further issues, he indicated that this conclusion could be revisited. Tribunal Tweets, a social media group covering the hearings, was also granted permission to continue their live-tweeting efforts amidst concerns about accuracy expressed by NHS Fife.

The background of the case is particularly contentious, focusing on allegations of harassment and discrimination brought by Ms Peggie against NHS Fife and Dr Beth Upton, a transgender A&E medic. Central to the dispute is Dr Upton's use of female changing facilities at the Victoria Hospital in Kirkcaldy. Tension escalated when Ms Peggie confronted Dr Upton on Christmas Eve 2023, feeling uncomfortable as the medic began undressing in the women’s changing room.

NHS Fife has pointed to its existing guidance, which allows transgender staff to utilise changing facilities corresponding to their acquired gender. However, this case comes in the wake of a pivotal Supreme Court ruling that highlighted ambiguities in the definition of a “woman” under equalities law. The court's decision has led to considerable debate regarding gender identity, especially concerning access to spaces traditionally restricted by sex.

As the tribunal progresses, the outcomes could have broader implications not only for NHS Fife but for the healthcare sector at large. The public interest in these proceedings has been amplified by the ongoing conversations about gender, rights, and workplace policies, making the continued openness of the tribunal an essential mechanism for public accountability.

Efforts to balance the need for a respectful and orderly courtroom setting against the principles of transparency in legal proceedings will undoubtedly be at the forefront of discussions as the tribunal reconvenes. With emotions running high and complex legal questions at stake, the scrutiny of this case will likely grow, emphasising the importance of upholding both legal rights and the dignity of all involved.

### Reference Map

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## Bibliography

1. <https://www.thecourier.co.uk/fp/politics/5245226/public-ban-sandie-peggie-trans-tribunal/> - Please view link - unable to able to access data