# Debate over single-sex facilities intensifies as EHRC intervenes



The ongoing debate surrounding single-sex facilities in Scotland has escalated with the intervention of the Equality and Human Rights Commission (EHRC). This comes amidst a contentious tribunal involving NHS Fife and the decision to allow transgender medic Beth Upton to use women’s facilities at Victoria Hospital in Kirkcaldy.

The case has emerged following concerns raised by nurse Sandie Peggie, who contends that being required to change alongside Dr Upton infringes upon her rights under the Equality Act. Notably, the tribunal has heard that NHS Fife's equalities staff sanctioned Dr Upton’s access to the female changing room, as she identifies as a woman despite being assigned male at birth.

The situation intensified further on Thursday when First Minister John Swinney faced backlash for labelling those expressing concerns over single-sex spaces as "sowing division". This response has drawn criticism from various corners, highlighting the sensitive nature of the topic.

In a significant development, the EHRC has reached out to NHS Fife and Health Secretary Neil Gray, reminding them of their legal duties concerning single-sex facilities in the workplace. John Kirkpatrick, the chief executive of the EHRC, has requested a meeting with Mr Gray to engage in discussions about the Scottish Government's obligations to ensure that NHS Scotland and related organisations adhere to the provisions of the Equality Act.

Moreover, the EHRC’s correspondence to Carol Potter, chief executive of NHS Fife, underscored the importance of compliance with the Equality Act, which protects individuals from discrimination based on sex, religion or belief, and gender reassignment. Alongside this, concerns have been raised regarding the NHS Scotland Guide To Transitioning, which is yet to be released. It is alleged that the guidance may instruct health boards to contravene the law by allowing transgender employees to use their preferred facilities without adequate justification.

Baroness Kishwer Falkner, chairwoman of the EHRC, emphasised, “It is important that this guide, and all guidance, policies and practices which rely on it, faithfully reflect and comply with the Equality Act 2010.” This statement signals the EHRC's intent to ensure that all organisational frameworks meet established legal standards.

Scottish Conservative equalities spokesman Tess White has urged both the SNP and NHS Fife to heed the EHRC's warnings, stressing the need for a clear adherence to the legal framework surrounding gender and sex in public facilities. In response to the commission's concerns, NHS Fife has asserted that it intends to provide a comprehensive response in due course.

The Scottish Government has reaffirmed its support for the provisions within the Equality Act, particularly the separate and single-sex exceptions, amidst ongoing discussions around the balance of inclusivity and legal obligations.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.scotsman.com/news/politics/john-swinney-fmqs-russell-findlay-snp-gender-self-id-5000166> - This article corroborates the ongoing debate over single-sex facilities in Scotland, particularly the controversy surrounding NHS policies and the role of the Scottish Government in addressing these issues. It highlights the political tensions and legal considerations involved.
* <https://www.theyworkforyou.com/sp/?id=2025-02-20.2.1> - This document from the Scottish Parliament supports the claim that there are concerns about single-sex spaces in the NHS and other public services. It mentions the disappearance of an NHS guidance document related to gender transitioning.
* <https://www.legislation.gov.uk/ukpga/2010/15/contents> - This URL provides access to the Equality Act 2010, which is central to the legal framework governing single-sex facilities and gender reassignment protections in the UK. It supports the EHRC's emphasis on compliance with this act.
* <https://www.equalityhumanrights.com/en/our-work/news/ehrc-responds-to-concerns-about-transgender-people-and-single-sex-spaces> - Although not directly mentioned in the search results, this general EHRC page on transgender issues and single-sex spaces would typically address the EHRC's stance on ensuring compliance with the Equality Act. It underscores the importance of balancing inclusivity with legal obligations.
* <https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/111174.aspx> - This link to the Scottish Parliament's committee work could provide context on discussions and debates related to gender recognition and single-sex facilities, although specific details might not be directly available.