

21 April 2026

Gender reassignment and/or transgender guidance and policies

Please provide the following details:

1) Gender reassignment and/or transgender guidance and policies relating to staff - have you changed or updated these policies since 16th April 2025? If yes, please provide copies of the policies. If not, please state why not.

Belfast Health & Social Care Trust's (BHSCT) Gender Identity and Expression Employment Policy (*Attachment 1: 36664 Gender Identity and Expression Employment Policy.pdf*) was implemented in 2018. This is a regional Health & Social Care NI (HSCNI) employers' policy and is currently due for renewal and update. We have commenced regional discussions across HSC with our Trade Union colleagues and will not finalise the updated policy until we receive clear legislative guidance from the Equality Commission for (NI). ECNI have advised that the review of the recent Supreme Court decision is being considered in relation to its application within NI legislation, the impact of the Windsor Agreement and links to current EU legislation.

2) Gender reassignment and/or transgender guidance and policies relating to patients including policies on mixed sex /same sex accommodation - have you changed or updated these policies since 16th April 2025? If yes, please provide copies of the policies. If not, please state why not.

BHSCT was in the process of reviewing this policy, however due to the complexities of the legislative disparities between NI and the rest of the United Kingdom, any review had to be stood down. As with other public bodies here in NI, there is current legal uncertainty and absence of guidance for BHSCT as a service provider and employer in terms of the definition of 'sex' in NI. After the Supreme ruling in *For Women Scotland Ltd v the Scottish Ministers*, which concluded that 'sex' in the Equality Act 2010 means 'biological sex' and does not therefore cover people who are transgender, the Equality Commission in NI committed to consider the implications and issue guidance having taken account of our different legislation – (Equal Pay Act (NI) 1970, the Sex Discrimination (NI) Order 1976 and Section 75 of the NI Act 1998 – all of which use terms like 'sex', 'men' and 'women' without providing comprehensive definitions). This variance is further compounded by Article 2 of the Windsor Framework, introduced after Brexit, meaning that there can be no diminution of rights in NI and that European Law can still provide the standard that must be maintained – e.g. influencing interpretation of domestic provisions.

Given the complexity of the interpretation of the legislation, the Commission applied for leave to the High Court for an advisory declaration to clarify how the terms "sex", "men" and "women" should be interpreted under NI's equality laws. It is understood that in January 2026, the Court directed that consideration of the leave application

21 April 2026

would not proceed until the Supreme Court issues its judgment in Dillon and Others v Secretary of State for NI. BHSCT is committed to reviewing its policies in line with the Court's decision making, the Commission's guidance and any further regional DOH or PHA direction. In the interim, we remain committed to providing dignified, compassionate and person-centred care.

3) Single sex spaces and/or bed management guidance and policies - have you changed or updated these policies since 16th April 2025? If yes, please provide copies of the policies. If not, please state why not.

As per response to Q2

4) Related Equality Impact Assessments if separate

As a result of an equality screening which found no impact on Section 75 categories, the 2018 *Gender Identity and Expression* Employment Policy did not require an Equality Impact Assessment. The Trust will undertake this exercise again at a future date when updates are made to the policy.

5) Details of any EDI schemes, consultancy or training that the Trust currently participates in (or has subscribed to in the last 24 months) which incorporates trans policy advice eg Stonewall Proud Employers, NHS Rainbow Badges, Inclusive Companies, LGBT Foundation, or any local LGBT organisations. Please provide a weblink to the scheme/organisation.

BHSCT promotes the HSC Rainbow Badge initiative, based on the NHS Employers Rainbow Badge initiative. This is a voluntary initiative and we have 900 staff signed up to this currently. BHSCT offers open, non-judgemental and inclusive care for colleagues, patients, service users and their families, who identify as LGBTQ+. Interested staff have the opportunity to receive a rainbow badge, which can be worn in support of diversity, equality and inclusion relating to LGBTQ+ awareness. The badge is an outward sign that wearers are open to listening and can signpost to resources appropriately. Staff who are interested can get involved by reading our materials (shared by NHS Evelina Children's Hospital, London), completing some self-led learning, and pledging to be a friendly, listening-ear.

The Employment Equality Manager attends the national NHS Staff Council Equality, Diversity & Inclusion Group meeting. This is held quarterly via TEAMS and provides guidance and discussion on a range of employment matters including anti-racism, reviewing uniform policies and information for UK employers (not NI) regarding gender in the workplace.

The Assistant Services Manager, HR attended a free, on-line, NHS Confederation LGBTQ network event over lunch time on 25 February 2026. This informative session, provided an oversight for employers regarding the lived experience of a Trans colleague who transitioned in the workplace (within an NHS Trust) LGBTQnetwork@nhsconfed.org lgbtqnetwork@nhsconfed.org

21 April 2026

As this is a simple request for guidance and policies which requires no email search or redaction, I look forward to a swift response and remind you of your obligation to respond promptly under FOIA section 10(1). 20 days is a long stop for responses, not the deadline. See ICO guidance <https://ico.org.uk/for-organisations/foi...>

Attachments

Attachment 1: *Gender Identity and Expression Employment Policy*
Filename: 36664 Gender Identity and Expression Employment Policy_attachment
1.pdf