

SPSO decision report



Case: 201805380, An NHS Board
Sector: Health
Subject: other
Decision: upheld, recommendations

Summary

Miss C was referred by her GP to a health board in Scotland for gender reassignment. However, although she was assessed as being eligible and referred to the board's gender identity clinic, she is still waiting for some treatment including surgery. Miss C said that the delay in treatment has had an adverse effect on her mental health, which has been exacerbated by the failure to keep her informed about the delays in a reasonable way.

We considered the relevant Scottish Government protocol, which requires health boards to ensure their gender reassignment service is provided in an effective way and within a reasonable time. We also considered the evidence from Miss C's clinical records about her contact with the clinic. We found that the board do not yet have a functioning gender reassignment pathway. We recognised the continuing difficulties the board experienced in providing some aspects of their gender reassignment service and noted the steps they had taken to re-establish this and address the remaining gaps identified. Even so, the board are still not in a position to provide a full gender reassignment service, which has a far-reaching impact on transgender patients.

In relation to communication, we found that the standard of communication between staff and Miss C and her family was unreasonable and noted it was likely the impact of delays on transgender patients would be compounded by any communication failings. In addition to staff failing to respond at all to communication, there was a failure to be open and transparent about the difficulties the board had in providing a gender reassignment service. We upheld the complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Miss C for the failings identified in this investigation and acknowledge the impact that this has had on her. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

What we said should change to put things right in future:

- Carry out an equality impact assessment when all the relevant services are established and provide a copy to this office.
- Finalise an action/improvement plan of the board's activities underway to establish a functioning gender reassignment pathway and provide a copy to this office.
- Review the current arrangements for communication and implement any changes identified to ensure the board meets the requirements of the protocol and the needs of transgender patients.
- Review the psychological support offered to patients accessing the board's gender reassignment service to ensure it is adequate in light of the potential impact delays and gaps in the service will have on patients.

We have asked the organisation to provide us with evidence that they have implemented the recommendations

we have made on this case by the deadline we set.