

Equality Impact Assessment Report

Title

Transgender Care Knowledge and Skills Framework

Executive Lead

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Executive Summary

NHS Education for Scotland (NES) has undertaken this Equality Impact Assessment (EQIA) to inform the Transgender Care Knowledge and Skills Framework (the Framework). The aim of this EQIA is to assess the potential impact of this work against the three parts of the Public Sector Equality Duty. It considers the impact of this work on 'equality' for people with one or more protected characteristics defined in the Equality Act 2010 and will be kept under review throughout the project.

We use the term 'equality' as shorthand for the three needs mentioned in the Public Sector Equality Duty (PSED) which requires public authorities in the exercise of their public functions to have due regard for the need to –

- a) Eliminate discrimination, harassment, victimisation and any other conduct that's prohibited under the Equality Act 2010,
- b) Advance equality of opportunity between people who share a relevant protected characteristic and those who don't, and
- c) Foster good relations between people who share a relevant protected characteristic and those who don't.

The aim of the Framework is to specify the educational knowledge and skills required by NHS Scotland staff to deliver high-quality care for trans people. It was commissioned by the Scottish Government as part of a [strategic action framework to improve NHS Scotland gender identity services](#).

Throughout this report we use the term 'trans' or 'transgender' to mean someone whose gender identity does not fully correspond with the sex recorded for them at birth which includes non-binary and gender diverse people.

Impact on equalities has been considered throughout the development process. This report addresses the key tests required by the PSED:

- Does this policy help to eliminate unlawful discrimination and harassment?
- Does this policy have a positive or negative impact on advancing equality of opportunity between people who share a relevant protected characteristic and those who don't?
- Does this policy have a positive or negative impact on fostering good relations between people who share a relevant protected characteristic and those who don't?

Equality impact assessment, as well as a legal requirement, is a process that helps us to mainstream equality into our work at NES and to help us:

- Take effective action on equality
- Develop better policy, technology, education and learning and workforce planning solutions for health, social care and a wide range of our partners, stakeholders and employees
- Demonstrate how we have considered equality in making our decisions.

Background

The Framework was commissioned by the Scottish Government in February 2023 to complete work brought forward by the National Gender Identity Clinical Network for Scotland (NGICNS) in 2019. It sits within a broader [strategic context of commitments](#) to improve access to gender identity healthcare in the NHS in Scotland resulting from the [2021/22 Programme for Government](#).

The Framework sets out the knowledge and skills required by all NHS Scotland staff to be able to deliver safe and high-quality care to trans people. It is arranged in levels, from essential knowledge and skills for all staff to an expert level relating to highly specialist gender identity healthcare.

A clear theme of the Framework is to promote a positive impact on and reduce inequalities for people with the protected characteristic of gender reassignment, i.e., trans people, whilst ensuring that any negative impact on people with other protected characteristics is appropriately mitigated. It provides the opportunity to identify any opportunities for improvements and benefits for people with other protected characteristics.

The impact on equalities has been central to the development work throughout the entire project. A development group and reference group were established in July 2023 to support the project team. Ensuring equality is considered in decision making has been embedded as a process into the project and team members have been encouraged to consider equality at each meeting and throughout our consultation.

Particular care has been given to considering the impact of initiatives intended to promote inclusion to understand their potential intersection with other protected characteristics. Legal advice was sought to clarify matters relating to possible balancing of characteristics and/or rights.

The assessment that follows outlines the work related only to the development of the Framework. It is expected that further assessment will be necessary once the educational scoping and needs analysis are completed, which will in turn support the development and implementation of training materials.

It should be noted that this EQIA relates to the Framework for adults. Whilst some of the knowledge and skills will be universal regarding age, a Children's and Young Persons' Annex to the Framework is planned later in 2024/25.

Regular progress updates have been provided to the [Scottish Government National Gender Identity Healthcare Reference Group](#) and final publication of the Framework is expected by Q3 of 2024/25.

Evidence

The [2021 census in England and Wales](#) shows that 0.5% of respondents stated their gender identity was different to their sex recorded at birth, with 6% not answering the question. [Data from the 2022 census in Scotland](#) suggest the figure is 0.44% comprising 19,900 people. Waiting times for specialist gender identity healthcare in Scotland increased from 18 months to over 3 years from 2019 to 2021¹.

There have been two significant healthcare needs assessments for trans and non-binary people in Scotland, a [national overview for ScotPHN in 2018](#) and a second commissioned by NHS Greater Glasgow & Clyde and NHS Lothian (main report and [supplementary follow up report published in 2022](#)). The higher-level healthcare needs assessment from 2022² also covers healthcare experiences of all LGBTQ+ people, and provides insight and narrative about people who share several protected characteristics.

Several recent studies have explored the experiences of people of racialised minorities who appear to experience substantially increased levels of transphobia in specialist gender identity services and general healthcare.

¹ Health needs assessment of LGBT+ people Summary report, T. Leven, 2022.

<https://www.stor.scot.nhs.uk/bitstream/handle/11289/580332/Infographic%20Summary%20%28Final3%20-%2013%20June%202022%29.pdf?sequence=6&isAllowed=y>

² Health needs assessment of LGBT+ people, T. Leven, 2022.

<https://www.stor.scot.nhs.uk/bitstream/handle/11289/580332/Final%20Report%20%2831%20May%202022%29.pdf?sequence=1&isAllowed=y>

Specialist gender identity healthcare for young people under 18 is outside the current scope of the project. However, Scottish surveys call for reducing barriers that all LGBTQ+ young people face when accessing healthcare services.³ Emerging guidance for older trans people identifies the importance of inclusive person-centred care.⁴

Themes related to pregnancy have emerged throughout the project and were specifically addressed at two of the three focus groups held during December 2023. The LGBT Foundation reported in 2022 that around one third of trans men and non-binary people who give birth do not access any formal NHS perinatal care, and this increased to over half for trans racialised minorities.⁵

A knowledge and skills framework sets out what staff should know and be able to do. Other protocols, policies and guidance are responsible for how these are realised in practice. We considered this carefully with regard to evidence and feedback related to religion and belief, including beliefs about gender and sex. Professional regulators including the [NMC](#) and [GMC](#) have guidance in this area, and we have sought legal advice.

Assessment findings

We have considered how this work will impact on the Public Sector Equality Duty. This includes how it might affect people differently, taking account of protected characteristics and how these intersect, including with poverty and low income.

A Fairer Scotland Assessment requires public authorities to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.

We have included our Fairer Scotland Assessment in this Equality Impact Assessment.

The bullet points below are the three parts of the Public Sector Equality Duty:

- Will it help to progress equality of opportunity for people who experience inequalities? (neutral, positive or negative impact)
- Will it help to eliminate discrimination, victimisation or harassment or other unlawful conduct?
- Will it help to promote good relations between people who share a protected characteristic and those who do not? For example, think about how we can tackle any prejudice or stigma.

³ The Trans Report, 2024, LGBT Youth Scotland. <https://lgbtyouth.org.uk/wp-content/uploads/2024/04/Trans-Report-2024-digital-final-V2.pdf>

⁴ Working with older trans people, 2022, Dartington Trust. https://www.researchinpractice.org.uk/media/do4pllai/working_with_older_trans_people_pt_web.pdf

⁵ Trans and Non Binary Experiences of Maternity Services, LGBT Foundation, 2022. <https://dxfy8lrzbpw.cloudfront.net/Files/97ecdaea-833d-4ea5-a891-c59f0ea429fb/ITEMS%2520report%2520final.pdf>

Characteristic	Potential Impact	Rationale
Age	Neutral No potential unlawful age discrimination identified.	<p>Young trans people in Scotland report a range of barriers to accessing generalist and specialist healthcare.</p> <p>The Framework aims to improve the knowledge and skills of NHS Staff to provide safe and high quality care to Trans people. It aims to ensure that different needs, for example, older and younger Trans people are met through a workforce that has the appropriate knowledge and skills.</p> <p>An annex to the framework relating to children and young people is in progress. This EqIA does not therefore apply to young people under 18 years old.</p>
Disability	Positive No potential unlawful disability discrimination identified.	<p>Project team made aware that the flat PDF option for previous Framework presentations does not adequately support people using screen readers and final format changed to web-based content.</p> <p>Evidence shows that trans people are more likely to experience neurodiversity and that this may lead to additional complexity around accessing relevant healthcare. Trans people are at much higher risk of experiencing mental health problems. The Framework recognises the intersection between different protected characteristics to support the workforce to meet different needs of Trans people, including disabled people and people who are neurodiverse.</p>
Gender reassignment	Positive No potential unlawful gender reassignment discrimination identified.	<p>The Framework directly addresses a range of themes that are intended to improve outcomes for trans people. It aims to remove disadvantage and progress equality of opportunity for trans people by improving the knowledge and skills of the NHS workforce to provide safe and high quality care for Trans people. This is likely to reduce stigma and prejudice and so foster good relations between people who share a protected characteristic of gender reassignment and those who don't.</p>

Race	Positive No potential unlawful race discrimination identified.	Evidence suggests that where there is transphobia in healthcare that this is increased towards racialised minorities, and consequently they may be more likely to move away from formal healthcare. The Framework recognises the intersection between ethnicity and gender reassignment. It aims to progress equality for Trans racialised minorities.
Religion or belief	Neutral No potential unlawful religion or belief discrimination identified.	We have considered the potential impact on groups with a range of religious and philosophical beliefs, and sought legal advice to ensure that relevant knowledge and skills were consistent with employment law.
Sex	Neutral	No potential unlawful sex discrimination identified.
Sexual orientation	Neutral No potential unlawful sexual orientation discrimination identified.	Around two thirds of trans people participating in the 2023 Leven research (<i>n</i> 521) indicated they were gay, lesbian, bisexual or pansexual. Multiple sources refer to the unhelpful conflation of sexual orientation with gender identity.
Pregnancy	Neutral (for staff) / Positive (for trans people) No potential pregnancy unlawful discrimination Identified.	Evidence including focus groups suggests emerging risks with trans people either experiencing difficulties relating to accessing pregnancy related healthcare or avoiding formal NHS perinatal care. Advice and feedback sought from colleagues from reproductive health and maternity services. There is no differential impact of the framework on grounds on pregnancy.
Marriage and civil partnership	Neutral No potential marriage or civil partnership	We found no evidence of disadvantage or advantage due to marriage or civil partnership.

	unlawful discrimination Identified.	
Socio-economic status	Positive No potential social economic unlawful discrimination Identified.	<p>Trans people responding to the Leven Research published in 2022 are represented fairly evenly across SIMD quintiles. However, this was not the finding of the 2018 ScotPHN Healthcare Needs Assessment that showed a disproportionate level of trans people in the more deprived quintiles based upon their postcode at time of referral.</p> <p>Improving care for trans people supports their health and wellbeing and therefore is likely to lead to improved opportunities in education and employment.</p> <p>Improving the knowledge and skills of NHS staff to address stigma and discrimination experienced by trans people could potentially positively impact on social determinants of health</p>

Next Steps

The impact assessment has identified the following actions to better advance equality and foster good relations by meeting helping to reduce health inequalities experienced by people sharing relevant protected characteristics:

Issue	Action	Responsibility	Timescale
Young trans people in Scotland report a range of barriers to accessing generalist and specialist healthcare.	Training around inclusivity at essential level should be informed by specific themes related to younger and older people.	TG Project Team	Inform EqIA at start of development of the Children's and Young Persons' Annex (expected 24/25)
Evidence shows that 1) trans people are more likely to experience neurodiversity and that this may lead to additional	Development team to consider this in relevant knowledge and skills	TG Project Team to make Development Team aware	Done – appropriate knowledge and skills strengthened

complexity around accessing relevant healthcare, 2) trans people are at much higher risk of experiencing mental health problems			
Flat form PDF not accessible to screen readers	Ensure any public PDF is fully accessible	TG Project Team	Done – Framework will be accessible through web format only
Evidence suggests that where there is transphobia in healthcare that this is increased towards racialised minorities and people from particular ethnic groups may be more likely to move away from formal healthcare.	Training around selectors relating to dignity and respect should be strengthened to increase awareness of this.	TG Project Team	Inform EqIA at start of development of training relating to the Essential and Skilled levels of the Framework (expect 24/25)
Possibility of materials conflating sexual orientation with gender identity.	Training to be informed of evidence in this area. Selectors referencing this information in the Framework to be strengthened.	TG Project Team	Action will inform EqIA for Training in this area (expected 24/25) Done
Emerging risks related to trans people either experiencing difficulties relating to accessing pregnancy related healthcare or avoiding formal NHS perinatal care.	Training materials around these themes are strengthened and that a customised training offer is provided for maternity and related services that addresses these risks	TG Project Team	Action will inform EqIA for Training in this area (expected 24/25)

Trans people who had been in a relationship have experienced an abusive relationship.	Recommendation that knowledge around these themes is strengthened in training materials.	TG Project Team	Action will inform EqIA for Training in this area (expected 24/25)
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The TG Project Team will meet within three months following publication of the framework to evaluate the impact of the framework on equalities, and review this impact assessment in light of that evaluation.

Sign-off

Director: Karen Wilson, Deputy Chief Executive (Clinical) & Director of Nursing, NMAHP Directorate

Date: 02/09/24

Review date: 09/09/24