

Trans Legal Project Statement on Lord Blencathra's proposed amendments to The Health and Care Bill (297F & G)

In the midst of the biggest public health disaster in modern history, with our doctors and nurses straining every muscle to keep the NHS going, we find it staggering that once more Lord Blencathra (this time supported by Baroness Nicholson) has tabled an explicitly anti-trans amendment to The Health and Care Bill going through Parliament. This amendment would directly harm trans people and create a further burden on services.

[Amendment 297G](#) would have the inevitable result that some trans women, regardless of the length of time since they transitioned, regardless of the extent of surgical and hormonal treatments, regardless of their full acceptance in society as women, regardless of whether they have a Gender Recognition Certificate, could be placed on men's wards. This is not due to practical or medical considerations, but ideology. This dreadful, but exhaustingly familiar, attack on the dignity of trans people is very likely to breach their human rights. It is also very likely to result in trans people refusing to attend hospital, in fear of how they will be treated.

[Amendment 297F](#) on the other hand is unworkable, badly written and designed to limit the right to free expression of a Trust or Trust employee to describe a situation in the most appropriate way.

NHS Trusts all operate policies that are designed to protect the dignity and privacy of patients and if Lord Blencathra is keen to support the NHS he might want to throw his weight behind calls for desperately needed staff, resources and funding, especially with waiting lists and avoidable deaths climbing. With respect to the issue of single sex wards he might also turn his attention to the 2586 breaches of the Mixed-Sex Accommodation guidance (<https://www.england.nhs.uk/statistics/wp-content/uploads/sites/2/2022/01/MSA-Stats-Press-Notice-November-2021.pdf>) that took place in November 2021 alone, none of which will have been trans people. Earlier in the pandemic, the figure was even higher, caused by a chronic bed shortage whilst NHS staff worked tirelessly for the country. NHS Trusts will only adopt this approach if they have literally no other choice; it is worth noting that should Blencathra's amendment have been in force, they would have been breaking the law and these (cisgender) patients may not have received treatment at all.