

## Quality Forum – 14 July 2022

## Trust Board – 26 July 2022

### Report title

Same Sex Accommodation Annual report including annual declaration of compliance

### Purpose of the report

The purpose of this report is to provide the Quality Forum and Trust Board with a summary of the Trust position for the financial year 2021/2022 in regard to compliance with NHS England and Improvement (NHSE& I) requirements to eliminate Mixed Sex Accommodation (MSA) breaches within all inpatient areas and compliance with national 'Delivering same-sex accommodation' guidance.

The report sets out definitions for reporting a breach in line with national reporting requirements.

The Trust has an annual requirement to declare and publish compliance with delivering same sex accommodation; this is included as an appendix to the report.

### Analysis of the issue

#### Background

##### **Why is same sex accommodation important?**

Every patient has the right to receive high quality care that is safe and effective and respects their privacy and dignity. Providers are expected to have a zero-tolerance approach to mixed-sex accommodation, except where it is in the overall best interest of all patients affected.

A mixed-sex accommodation breach occurs at the point a patient is admitted to mixed-sex accommodation outside the guidance;

- Patients should not normally have to share sleeping accommodation with members of the opposite sex.
- Patients should not have to share toilet or bathroom facilities with members of the opposite sex.
- Patients should not have to walk through an area occupied by patients of the opposite sex to reach toilets or bathrooms; this excludes corridors.
- Women-only day rooms should be provided in mental health inpatient units.

## Male and female corridors

Patients may on rare occasions be admitted into single, en suite bedrooms in zones occupied by the opposite sex when no bedroom is immediately available in the appropriate area. This will only be done following discussion with the patient and with safeguards in place, including 1:1 nursing care whilst a more appropriate bed is found. These incidents are reported internally as privacy and dignity breaches with detail included and reported as part of the monthly Mixed Sex Accommodation breach report to the Quality Forum.

## Reporting

There are times when the need to urgently admit and treat a patient can override the need for complete segregation of sexes with some clinical circumstances where mixing can be justified. These are few, and mainly confined to patients who need highly specialised care, such as that delivered in critical care units or joint admission of couples or family group. An unjustified breach is where mixing occurs that cannot be clinically justified.

In 2021/2022 there no unjustified breaches and one reported justified mixed sex accommodation breach in August 2021 on East Ward, Hinckley Hospital, in line with the national guidance and definition below;

*The joint admission of couples or family groups may be a justifiable breach if it is in the overall best interest of the patient and the patients have expressed a preference for sharing and this consent is recorded.*

A couple married for over sixty years requested to be able to share accommodation whilst both in-patients on East Ward Hinckley. This request was accommodated ensuring that the patient's request/preferences and decision were documented clearly in the clinical records. Both patients had capacity to make this decision and their individual care plans were updated to reflect their wishes. There was no impact to other patients' privacy and dignity and it was reported as a justified breach in line with national guidance.

## Decision required

Trust Board is asked to:

- be assured that internal processes are in place to monitor and report MSA breaches
- gain insight into the MSA guidance for individuals who identify as transgender and gender variant children
- approve the declaration of commitment to deliver single sex accommodation

## Declaration of Compliance – June 2022

Leicestershire Partnership NHS Trust is committed to providing every patient with same sex accommodation as it helps to safeguard their privacy and dignity when they are often at their most vulnerable. The only exception to this is when it is in the patients overall best interests or reflects their personal choice.

### Why is same sex accommodation important?

Every patient has the right to receive high quality care that is safe and effective and respects their privacy and dignity. We are committed to ensuring that patients' privacy and dignity is maintained at Leicestershire Partnership Trust. The Trust continues to report all incidents in line with NHS England and NHS Improvements 'Delivering same-sex accommodation' guidance. The guidance states patients must not;

- Share sleeping accommodation with members of the opposite sex
- Share toilet or bathroom facilities with members of the opposite sex
- Walk through an area occupied by patients of the opposite sex to reach toilets or bathrooms; this excludes corridors
- In addition women-only day rooms should be provided in mental health inpatient Units

### Reporting

Compliance of same sex accommodation is monitored and reported internally to the Trust Quality Forum and externally by our commissioners. In 2021/2022 there were no unjustified mixed sex accommodation breaches in line with the guidance. There was one justified breach, a married couple requested to share sleeping accommodation whilst both in-patients, as both consented and it was deemed in their best interests the breach was deemed justified in line with national guidance.

We will continue to monitor our progress against information that is made available following CQC inspections and staff and patient feedback.

We want to know about your experiences. Please contact our [Patient Advice and Liaison Service \(PALS\)](#) on [pals@leicspart.nhs.uk](mailto:pals@leicspart.nhs.uk) or Telephone on 0116 295 0830

## Governance table

<b>For Board and Board Committees:</b> Paper sponsored by:	Trust Board	
	Anne Scott, Executive Director of Nursing, AHPs and Quality	
Paper authored by:	Emma Wallis, Interim Deputy Director of Nursing and Quality	
Date submitted:	5.7.22	
State which Board Committee or other forum within the Trust's governance structure, if any, have previously considered the report/this issue and the date of the relevant meeting(s):	Quality Forum 14.7.22	
If considered elsewhere, state the level of assurance gained by the Board Committee or other forum i.e. assured/ partially assured / not assured:	Assured	
State whether this is a 'one off' report or, if not, when an update report will be provided for the purposes of corporate Agenda planning	Annual report and declaration	
STEP up to GREAT strategic alignment*:	High Standards	X
	Transformation	
	Environments	X
	Patient Involvement	X
	Well Governed	X
	Single Patient Record	
	Equality, Leadership, Culture	X
	Access to Services	
	Trust wide Quality Improvement	
	Organisational Risk Register considerations:	List risk number and title of risk
Is the decision required consistent with LPT's risk appetite:	y	
False and misleading information (FOMI) considerations:	n	
Positive confirmation that the content does not risk the safety of patients or the public	y	
Equality considerations:	Transgender and gender variant children and young people	

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