

23rd March, 2020

The Lord Bethell,
House of Lords,
London.
SW1A 0PW

Dear James,

I mentioned to you on Thursday last my concerns at the unnecessary diversion of scarce NHS resources through the NHS Hospital Guidelines on Gender self-determination which has been taken from the 2010 Equalities Act.


As I commented, these Guidelines are assuming an NHS responsibility which causes staff considerable concerns (I have data) but which are in force and must therefore be obeyed.

I write to request the lifting of these guidelines for the foreseeable future for three reasons following:

1. Hospitals are excluded from the 2010 Equalities Act; by issuing Guidelines the NHS seemingly ignores that exclusion which was passed by both Houses, thus placing the NHS above parliament.
2. Annex B of the NHS Guidelines are a direct contradiction to the Equalities Act; by quoting as justification of the Guidelines a filleted version of the relevant Article the NHS reaches an invalid conclusion. That is to say, a conclusion based on a false usage of the Act.

3. The Self Identification proposal is not yet agreed either by parliament nor by [Government](#). It is a highly contentious proposal which has resulted in physical violence, no platforming, job losses and closing of public meetings. The Government issued a limited (difficult to access and hard to understand) consultation paper a year ago and the 80,000 responses await publication and public debate. With these socially divisive aspects in mind the NHS Guidance is vastly premature.

In conclusion, I request a lifting of the NHS Guidelines while the pandemic continues and subsequently until parliament has decided after Public agreement or other reasons that the initial proposition should go ahead.



Baroness Nicholson of Winterbourne