



## **Sandie Peggie v NHS Fife and Beth Upton**

*A&E nurse sues NHS hospital trust for sexual harassment and belief discrimination*

**Jurisdiction:** Employment Tribunal

**Cause of action:** Belief discrimination, Sexual harassment, Victimisation

**Sector:** Health, Public sector

**Legal representation:** Margaret Gribbon at McGrade & Co (solicitor), Naomi Cunningham (counsel)

**Updates:** [Tribunal Tweets](#)

### **Summary of events**

Sandie Peggie, an A&E nurse at Victoria Hospital in Kirkcaldy, was subjected to a suspension and disciplinary investigation after objecting to sharing the hospital's female changing room with Dr Beth Upton, a man who identifies as a woman. Peggie holds gender-critical beliefs that biological sex is immutable.

On 24th December 2023 Peggie found herself alone in the changing room with Upton. An alleged exchange of words took place leading Upton to file a complaint against Peggie, accusing her of bullying and creating a hostile environment, and describing the incident as a "hate incident". Peggie was placed on special leave and was suspended pending a disciplinary investigation. NHS Fife's HR department defended its inclusivity policies and stated that staff must respect each other's gender identities.

After several months of suspension and disciplinary scrutiny, Peggie was allowed to return to work. However, she was subject to new restrictions, including changes to her shift patterns to facilitate supervision by senior staff. NHS Fife refused to provide a guarantee that only biological women would use the female changing room, maintaining that staff were permitted to use facilities that aligned with their "gender identity".

In May 2024, Peggie submitted a formal claim to an employment tribunal against both NHS Fife and Dr Upton for sexual harassment, belief discrimination and victimisation including:

- being required to share a single-sex space with someone she believes to be male
- being disciplined and suspended after raising concerns
- being victimised for holding a gender-critical belief that biological sex is immutable.

### **Opposition to anonymity and private hearings**

In September 2024, NHS Fife and Dr Upton sought an order to anonymise Upton's identity and hold the tribunal in private, citing concerns over Upton's mental health and safety. At a preliminary hearing in

November 2024 the claimant called for this request to be rejected. Sex Matters, For Women Scotland, Tribunal Tweets and the press also intervened in support of open justice. Employment Judge Tinnion rejected the request to hold the tribunal in private or to anonymise the respondent, saying that the issues involved were of legitimate public debate and that open justice must be upheld.

## **Pronouns in the hearing**

During the preliminary hearing, Employment Judge Tinnion said he would refer neutrally to Upton by name or as “the second respondent” without using pronouns. But on the second day he referred to the respondent by feminine pronouns, which was queried by the claimant’s counsel. In the order on the privacy issue the tribunal used feminine pronouns for Upton throughout. The claimant’s solicitor wrote to the tribunal to argue that if in the full hearing the tribunal refers to Upton as “she” and “her” it would be communicating a preference for one side of the debate and undermining both the appearance and the reality of impartiality.

## **Next steps**

The hearing began on 3rd February 2025 and ran for 10 days. It resumed on 16th July 2025 with witnesses being interviewed over a further 10 days and closing statements on 2nd and 3rd September 2025.

On the last day, the legal team for NHS Fife and Dr Upton sought to amend their case to argue that Peggie was not subject to unlawful discrimination, but to lawful treatment based on conduct that was objectionable. The claimant objected to this late change. The judge ruled that this line of defence was anticipated in the pleadings, which referred to allegations of bullying and harassment, discriminatory conduct, using offensive language and acting in an aggressive and confrontational manner.

## **Role of Sex Matters in the case**

Sex Matters is not a party to and is not funding Sandie’s case. Before Sandie took a claim, we provided a small sum for a solicitor to explore the merits of taking a potential case. We have had no financial involvement beyond that point. Like all lawyers on the Sex Matters board, Naomi Cunningham (former chair and board member) is representing Sandie as part of her private practice in employment and equality law.

[Read more about our involvement in the case.](#)

**Further reading:** see [sex-matters.org/case-briefings](https://sex-matters.org/case-briefings)