

Guide for Staff
to help them meet the needs
of Trans Patients
attending for Hospital Care



April 2019

This Guide is also available in large print and other formats and languages, upon request. Please call Equality and Diversity on 01224 551116 or 552245 .

Produced by the NHS Grampian Diversity Working Group
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1. Introduction

The aim of this short Guide is to provide information for NHS Grampian staff, which will help them to meet the needs of trans patients who attend for hospital based care.

Trans patients are an especially vulnerable group in our society and it is important that their health care needs are met in a way that gives them both confidence and reassurance.

2. Definition of a Transsexual person

A trans person is someone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

It is neither a lifestyle choice nor a mental health disorder, but a widely recognised clinical condition.

Other useful definitions are:

Sex: is a person's biology at birth

Gender: some legislation uses the word "gender" to refer to male or female instead of sex.

"Gender dysphoria" is a clinical condition where a person feels that they are in a body of the wrong sex.

There is no reliable information on the numbers of trans people in Grampian. However, the best local estimate is 44. Various studies have shown that 70% of people who transition, transition from male to female.

Trans people in our community often suffer from gender dysphoria and may experience discrimination, isolation, rejection by family members and friends as well as the trauma resulting from major surgery. Members of the trans community are some of the most vulnerable people in our society.

It is estimated that approximately 58% of trans people have attempted suicide or have seriously considered it. Surveys have shown that many trans people have also experienced public harassment.

To help this vulnerable group, the Gender Recognition Act 2004 and the Equality Act 2010 provide specific safeguards. Some of these safeguards have implications for the provision of healthcare in terms of patient care and confidentiality.

3. The Legal Framework

The three main pieces of legislation are:

(a) The Gender Recognition Act 2004

The Gender Recognition Act 2004, gives legal recognition to trans people who have or have had gender dysphoria, have had at least 2 years medical supervision in their confirmed gender and intend to live in that gender for the rest of their lives. To get this legal recognition, the trans person must apply to a Gender Recognition Panel and present evidence. If the Panel accept the evidence presented, they will issue a Gender Recognition Certificate. This gives the person the full legal status of the sex to which they have transitioned. This can then be submitted to the Office of the Registrar General for Scotland and a new Birth Certificate obtained showing their new sex. The Gender Recognition Certificate is an instruction to the Registrar General to issue a new Birth Certificate. It could be classed as a breach of the Gender Recognition Act 2004 for anyone outwith the General Registrar's Office to request sight of a Gender Recognition certificate.

Under the terms of the Gender Recognition Act 2004:

- (i) Trans persons should not be required to produce their Gender Recognition Certificate. If verification of identity is required, they may show you their Birth Certificate or other identity document such as a passport.
- (ii) It is an offence under Section 22 of the Gender Recognition Act 2004 for a person who has acquired protected information in an official capacity to disclose the information to any other person. "Protected information" is defined in section 22(2) as information relating to a person who has applied for a gender recognition certificate under the Act, and which concerns

that application (or a subsequent application by them), or their gender prior to being granted a full Gender Recognition Certificate.

However, the fact that a patient is trans can be disclosed by clinicians to fellow clinicians or other colleagues if:

- It is with the explicit consent of the patient.
or
- It is considered to be absolutely necessary for the clinical care of the patient.

(b) Equality Act 2010

The Equality Act 2010 gives trans people legal protection from discrimination in the provision of services, the work place and society in general. Transsexualism is given full recognition as a "protected characteristic".

(c) The Data Protection Act 2018

This Act requires NHS Grampian staff to safeguard the data of patients and staff. Disclosure is only permitted in certain specific circumstances. Health Records are classified under Part Two Section 11 of the Act as "special category data". This means that this data requires to be treated with greater care because it is more sensitive and therefore requires greater protection than other non-clinical data.

Staff must not obtain or disclose sensitive personal data or information, or ask others to obtain or disclose sensitive personal data or information, without permission.

4. How do I address the patient?

The patient should be addressed in the way that they prefer. If in doubt, staff should ask the patient which is the most appropriate pronoun to use i.e. Miss, Mrs, Ms or Mr. Some may simply prefer to be called by their first name.

5. In-patient accommodation for transsexual patients

Trans in-patients who have fully transitioned should be accommodated in wards appropriate to their sex. Where possible, the need for individual privacy should also be respected.

Trans patients who have not yet begun the transition process or who are part way-through the transition process, require special consideration. These patients should be involved in the discussion to determine which accommodation would be most suitable for them. Again, where possible, the need for individual privacy should be respected.

6. Community Health Index (CHI) Number

Trans patients can request a new CHI number giving their new name and sex, via their GP Practice or directly from PSD (Practitioner Services Division). Once a new CHI number is generated any subsequent referral to secondary care will be aligned to their new identity.

This will cause a new Health Record to be created, giving the patient the required degree of confidentiality.

Note there will be no link between the previous Health Record, or any information held in an IT system. The onus will be on the individual themselves to declare their previous identity as appropriate. Their previous health related information will be retained under their former identity.

7. Staff Access to Electronic Health Records for Trans Patients

Once the new identity (under the new CHI number) has been created, staff must be careful not to record any information against that patient record which identifies them as a trans patient and references their previous medical history by reference to their former name or CHI number etc.

8. Further Help and Advice

If further help and advice is required, this can be obtained by contacting Nigel Firth, Equality and Diversity Manager on Extension 52245 or by email at: nigel.firth@nhs.net

This Guide has been produced by the NHS Grampian Diversity Working Group, which includes trans representation. This input has been especially valuable in the production of this Guide.



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