

7 Gender Reassignment

The Gender Recognition Act 2004 provides for transsexual people to apply to the Gender Recognition Panel to receive a Gender Recognition Certificate. Successful applicants, who are granted a full Gender Recognition Certificate, will, from the date of issue, be considered in the eyes of the law to be of their acquired gender. He or she is entitled to all the rights appropriate to a person of his or her acquired gender. The Act also provides transsexual people with special protection of their privacy and as such it is an offence for an individual to disclose to any other person the transsexual history of a patient who is in receipt of a Gender Recognition Certificate, without their explicit consent.

Prior to making any changes to a patient's registration, the GP should discuss the patient's wishes regarding transition and where this is intended to be permanent may provide them with a letter confirming this for use when approaching other institutions in respect of their name and gender change.

The GP should also provide the patient with advice on the process, and how their care will be managed going forward, for example their inclusion in 'regular' screening initiatives based on administrative gender which they should either ignore or seek further information if they have concerns. Similarly, the GP is obliged to ensure that arrangements are made for the patients to receive appropriate tests without any need to reference their previous gender.

To comply with the Gender Recognition Act, the following process is in place for managing cases where a patient wishes to become known by a gender and name other than that of their birth. This process is currently under review and may be subject to change at short notice.

Information is also provided below on the handling of medical records for patients who have chosen to 'acquire' a new gender. This may be helpful in advising GPs on how best to handle clinical records.

7.1 GP sends Registration in new details

- Patient advises GP that they wish to change their name and gender details.
- GP advises the Agency that this is the case and should be instructed to register the patient in their new details with no NHS number.
- The NHAIS Agency accepts the transaction and allocates the patient with a new NHS number in their new details.
- The NHAIS Agency completes form NBO ID101 and sends to HSCIC.NBOteam4@nhs.net to notify the NBO of the new number allocated.
- The NBO invalidates the PDS record in the old details and sends a request to the NHAIS Agency using a form advising them to cancel this registration O/R and advise the GP to accept the deduction.
- Any queries regarding the handling of such cases on the PDS should be referred to the NBO using the Team 4 generic email account: HSCIC.NBOteam4@nhs.net.

7.2 GP updates current PDS record with new details

- Patient advises GP that they wish to change their name and gender details.
- GP traces patient locally and updates the patient's PDS record with new details.
- The NHAIS Agency is notified of the change of details and informs NBO using form NBO ID102 to request that a new NHS number for the patient is allocated for the patient⁷.
- The NBO allocates a new number and notifies this to the NHAIS Agency.
- The NBO invalidates the PDS record in the old details and sends a request to the NHAIS Agency using a form advising them to cancel this registration O/R.
- The NHAIS Agency should then inform the GP Practice of the patient's new NHS number and request that they accept the deduction for the patient and re-register them in the new details.
- Any queries regarding the handling of such cases on the PDS should be referred to the NBO using the Team 4 generic email account:
HSCIC.NBOteam4@nhs.net.

7.3 Handling Medical Records for Gender Reassignment Cases

In such cases the patient is given a new NHS number, and to ensure continuity of care and avoidance of clinical risk, all previous medical information relating to the individual should be transferred to a newly created health record envelope. Any information relating to the patient's previous gender and name should be removed from the record. The change of name, NHS number and transfer of previous health information into a new health record should take place for both GP records and hospital records and other health records as appropriate.

Patients who are in the process of transitioning or who choose not to go before the Gender Recognition Panel are entitled to the same special protection against disclosure of their gender history, and therefore the following information may be of assistance in determining local procedures for managing medical records:

7.3.1 Best Practice

- It is inappropriate to use a gender value of Indeterminate for patients in the process of transitioning. Records should be updated with the acquired gender and local markers put in place by the GP Practice to ensure patients receive appropriate tests.

⁷ It is not possible for the NHAIS Agency to allocate a new number for the patient as the PDS will restrict based on the demographic data being identical to a record that already exists (the patient's original record).

7.3.2 Patient is staying with the same GP

- The Medical Record should remain with the GP.
- A new Medical Record envelope should be provided with the patient's new name, gender and NHS number.
- The GP must not make any changes that conceal or alter the patient's clinical history.
- All references to the previous name, gender and NHS number should be removed, or anything from which this might be derived. The old notes can then be placed in the new envelope.
- The previous identity and gender should be regarded as confidential – disclosure of this information to any person, even to other clinicians involved in the healthcare of the patient, without explicit patient consent is a criminal offence. The GP Practice must ensure that they have robust systems in place to avoid disclosure and/or access to historical information from which this may be implied due to the presence of certain treatments or conditions.
- It is good practice for the GP to place a label on the front of the new Medical Record stating "Confidential Patient Data – take care on disclosure of information" or some other such message, not immediately visible to the patient.
- If possible, electronic Medical Records should be merged on the GP Practice system under the new NHS number showing the new name and gender identity details and all data relating to the previous identity not included in the new record. GP Practice staff should seek guidance from their system supplier on how to manage this.

7.3.3 Patient is changing GP practice and moving area

- Record handling in this scenario is similar to that described above although if there is a change of GP practice and the patient is moving areas, the Medical Record should be forwarded to the new GP in the new area.
- This process will be managed by the NBO who when made aware of such a case will request the medical records from the previous Agency, create a new Lloyd George envelope into which the old records will be placed and pass this on to the new GP via the new NHAIS Agency using a form NBO ID108d.

NOTE: Obviously this may not be possible if the patient presents in their new details and makes no reference to their previous identity when registering.