

Care of Transgender Patients

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This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
05/08/20	4	Tina Daniels	Periodic review

Consultation / Acknowledgements with Stakeholders		
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Staff Side	JNCC	
Lewis Turner	Lancashire LGBT	
Anthony West	Horizon Blackpool	

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1 Introduction / Purpose

- To give clear and relevant guidelines to ensure safe and appropriate care is given to trans people who are patients in hospital.
- To ensure that statutory and locally produced guidelines regarding people whose status is transgender are adhered to.
- To ensure that any necessary advice / information is made available to the patient.
- The Trust is committed to creating an environment where the gender identity of a/any trans person is respected and afforded dignity and equal rights.

2 General Principles / Target Audience

The guidelines apply to all persons working within Blackpool Teaching Hospitals NHS Foundation Trust involved in the care and treatment of transgender patients within the hospital setting.

3 Definitions and Abbreviations

Bi-gendered	One who has a significant gender identity that encompasses both genders male and female Some may feel that one side or the other is stronger, but both sides are there.
Cross-dresser	A term for people who dress in clothing traditionally or stereotypically worn by the other sex, but who generally have no intent to live full-time as the other gender. The older term “transvestite” is considered derogatory by many.
Drag Queen	Used to refer to male performers who dress as women for the purpose of entertaining others at bars, clubs, or other events. It is also sometimes used in a derogatory manner to refer to transgender women.
Drag King	Used to refer to female performers who dress as men for the purposes of entertaining others at bars, clubs, or other events.
FTM	A person who transitions from “female-to-male,” meaning a person who was assigned female at birth, but identifies and lives as a male. Also known as a “transgender man.”
Gender	Gender is expressed in terms of masculinity and femininity. It is largely culturally determined and is assigned at birth based on the sex of the individual. It affects how people perceive themselves and how they expect others to behave.
Gender Expression	How a person represents or expresses one’s gender identity to others, often through behaviour, clothing, hairstyles, voice or body characteristics.
Gender Identity	An individual’s internal sense of being male, female, or something else. Since gender identity is internal, one’s gender identity is not necessarily visible to others.

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Gender Non-conforming	A term for individuals whose gender expression is different from societal expectations related to gender.
Genderqueer	A term used by some individuals who identify as neither entirely male nor entirely female.
Gender Reassignment Surgery	Surgical procedures that change one's body to better reflect a person's gender identity. This may include different procedures, including those sometimes also referred to as "top surgery" (breast augmentation or removal) or "bottom surgery" (altering genitals). Contrary to popular belief, there is not one surgery; in fact there are many different surgeries. These surgeries are medically necessary for some people, however not all people want, need, or can have surgery as part of their transition. "Sex change surgery" is considered a derogatory term by many.
GRC	Gender Recognition Certificate
Intersex	A term used for people who are born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit typical definitions of male or female. Intersex conditions are also known as differences of sex development (DSD).
MTF	A person who transitions from "male-to-female," meaning a person who was assigned male at birth, but identifies and lives as a female. Also known as a "transgender woman."
Physical Sex	To what sex do the organs of the body match, i.e. male or female. Birth with ambiguous genitalia occurs in roughly 1:2000 live births (see Intersex Person)
Queer	A term used to refer to lesbian, gay, bisexual and, often also transgender, people. Some use queer as an alternative to "gay" in an effort to be more inclusive. Depending on the user, the term has either a derogatory or an affirming connotation, as many have sought to reclaim the term that was once widely used in a negative way.
Sexual Orientation	A term describing a person's attraction to members of the same sex and/or a different sex, usually defined as lesbian, gay, bisexual, heterosexual, or asexual.
Transgender	A term for people whose gender identity, expression or behaviour is different from those typically associated with their assigned sex at birth. Transgender is a broad term and is good for non-transgender people to use. "Trans" is shorthand for "transgender." (Note: Transgender is correctly used as an adjective, not a noun, thus "transgender people" is appropriate but "transgenders" is often viewed as disrespectful.)
Transgender Man	A term for a transgender individual who currently identifies as a man (see also "FTM").

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Transgender Woman	A term for a transgender individual who currently identifies as a woman (see also “MTF”).
Transition	The time when a person begins to living as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one’s first name and dressing and grooming differently. Transitioning may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver’s license, Social Security record) to reflect one’s gender identity. Medical and legal steps are often difficult for people to afford.
Transsexual	Transsexual: An older term for people whose gender identity is different from their assigned sex at birth who seeks to transition from male to female or female to male. Many do not prefer this term because it is thought to sound overly clinical.
Two-Spirit	A contemporary term that refers to the historical and current First Nations people whose individuals spirits were a blend of male and female spirits. This term has been reclaimed by some in Native American LGBT communities in order to honour their heritage and provides an alternative to the Western labels of gay, lesbian, bisexual, or transgender.

4 Responsibilities (Ownership and Accountability)

It is imperative that all staff act appropriately and are responsible for the confidentiality of the patient. The Act imposes new responsibilities to maintain client confidentiality. Section 22 of the Gender Recognition Act 2004 (Crown, 2004) makes it a criminal act for any individual who has obtained information in an official capacity to divulge to another that a person has a GRC, or is applying for a GRC, or do anything that would cause such a disclosure. This includes social and health care agencies, or a prospective agency.

Under Section 22 of the GRA trans people have privacy rights. Anyone who acquires knowledge in their professional capacity, of a trans person’s history, and knows or is able to surmise that the person has a new birth certificate, can be prosecuted and fined up to £5,000 and/or be jailed for up to 6 months, if they pass that information onto a third party without the trans persons consent. However, a trans person does not need a GRC for their confidentiality to be breached in this way.

5 Guidelines

6.1 The Law

The Gender Recognition Act 2004 (GRA), now part of the Equality Act 2010 (Crown, 2010), enables trans people to apply for full legal recognition in their **acquired gender** and those born in the UK can obtain a new birth certificate signifying this fact. In order to qualify for a full Gender Recognition Certificate (GRC), a trans person has to show that

- They are at least 18 years of age at the time of application, **and**
- They have or have had a diagnosis of gender dysphoria, **and**

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- They have lived in their acquired gender role for two years; **and**
- They intend to do so permanently for the remainder of their life.

For further information see the Gender Recognition Register (Marriage and Civil Partnerships) Regulations 2015 (Crown, 2015).

Gender recognition means that trans people all must be treated as of their acquired gender (sex) for all legal purposes including health and social care.

Trans people have no obligation to disclose whether they have a Gender Recognition Certificate or not.

Regardless of whether the patient has one, it is best practice to keep what you know about the patient confidential unless they tell you otherwise. It is also good practice to assume that a trans person who has changed their name by statutory declaration or deed poll, is a member of their new gender for all purposes unless you are told otherwise by the individual.

Knowledge about a trans person's history should be on a "need to know basis" and even then if you have obtained the information in your official capacity, the information cannot be passed on, verbally or in writing, unless the patient has given you, preferably in writing, permission that you may tell other certain people.

The Gender Recognition (Exceptions to the Offence of Disclosure) Order 2005 creates an exception to S.22 of the Gender Recognition Act 2004 (Crown, 2004), for healthcare professionals, including nurses, where the person making the disclosure has a reasonable belief that:

- Either consent has been given or that consent cannot be given by that person; and
- The disclosure is made to a health professional for medical purposes.

5.2 Care and Treatment

Trans people use health services for all sorts of reasons, and not just for transgender specific issues. Equal access to healthcare for all is a must, regardless of their ethnicity, sexual orientation, gender etc.

The following are some key areas to note -

- Be aware that many people who are transitioning or who have transitioned do not identify as transgender at all but as men and women.
- Use the name and title (e.g. Mr, Ms, Mrs, Miss) that the person prefers. If unsure ask how they would like to be addressed.
- Use the correct pronoun i.e. for a trans man "he" "Mr" etc. and for a trans woman "she" Ms, Miss or Mrs.

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- Gender neutral language - some nonbinary people prefer to be referred to using [gender neutral language](#) and [pronouns](#). Some choose a [gender neutral title](#) such as Mx or Misc, Ze or Zir for formal communications. Others may opt for no title.
- Allow trans people access to appropriate single-sex facilities which are in line with their gender identity. **Please note** - This may raise issues from other clients / patients but should never result in the denial of access to these facilities by the trans person.
- Be aware that some trans people may have specific personal care needs and handle these sensitively e.g. trans women may still need to shave regularly. Trans people who need assistance going to the toilet or bathing require support from staff who understand that their body may not match their gender identity.
- Trans people may need support if they face prejudice from other people using the service or their family.
- Confidentiality around someone's transgender status is very important. Their wish for other people to know about their status may change over time, particularly if the person is in transition.
- If a patient is seen within the hospital setting and does not disclose transsexual identity but following diagnostic tests or examination it becomes apparent, ensure that appropriate care and respect is given at all times.
- When physical examinations and screening tests are offered to patients be aware that screening tests may be based on birth gender e.g. a trans woman will still require prostate screening.
- Discuss with the Patient possible implications of not passing on relevant gender information to other healthcare professionals.
- Discussions should be had with the patient about the ward they are best suited to be placed on, depending on their treatment. For example a trans man having a hysterectomy may be better placed on a women's ward in a separate private room. If you are unsure about the person's dignity and respect consult them as to what they would like, bearing in mind that some patients may have mixed sex characteristics.
- Be aware of the impact on the person and other people if there are mixed sex characteristics apparent and the sensitivity needed for both the person and other patients.
- If the person is living their everyday life as a specific gender then it is those toilets they should use as this is considered best practice.
- For every day clinical purposes if the patient is in a female role (or vice versa) in their everyday life then that is how they should be treated on admission. Discussions should be had with the patient about the ward they are best suited to be placed on. For example people who are not living full-time as a woman have been on women's wards with no issues at all.
- Do not make assumptions about the sexual orientation of a trans person. The expression of sexual orientation in trans people is as variable as in the wider population.

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Appendix 1: Equality Impact Assessment Form

Department	HR & OD	Service or Policy	Policy	Date Completed:	11 November 2016
GROUPS TO BE CONSIDERED					
Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED					
Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	To develop better understanding of our staff about caring for the Trans community living on the Fylde Coast. Its aim is to promote equal access to services.	Promote the procedure across all departments within the hospital.	Improved understanding by staff on care for transgender patients.		
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	N/A	N/A	N/A	N/A	
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	There is no evidence at this time as collating data on transgender people is difficult, many are fearful of disclosing this information. We will need to consult with this group of people to ensure there is no negative impact.	Consultation with Trans groups on the Fylde Coast.	Positive feedback from the trans community on the Fylde Coast.		
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	There should not be any negative or adverse impact on any geographical or sub groups of the population.	Monitor for any negative or adverse impact on transgender patients.	Improved patient experiences for the transgender community.		
How does the service, leaflet or policy/ development promote equality and diversity?	The policy raises awareness of Trust staff about interaction/communication with trans people and respecting their privacy and dignity.	Promote the policy to all staff across the Trust.	Reduces any stereotypes or biases staff may have about trans people by helping them gain knowledge.		
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The policy development includes a commitment to equality and diversity by meeting the needs of the transgender community when delivering health care. It demonstrates this through raising awareness of staff on the needs of transgender patients.	Improve the training on transgender which will impact on the knowledge and understanding of staff.	Increased knowledge and understanding should help prevent discrimination and victimisation towards this group of people.		
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	The organisation employees are reflective of the local population in respect of BME – see WRES and E&D Monitoring report which includes doctors. Work commencing on WDES in 2017. ONS for the Fylde coast. Data on trans employees is not collected on ESR but is on the TRAC recruitment system. People may not want to disclose they are from a disadvantaged background.	Further work is required clarifying socioeconomic elements.			
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	N/A	N/A	N/A	N/A	
Does the service, leaflet or policy/ development promote equity of lifelong learning?	N/A	N/A	N/A	N/A	
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	N/A	N/A	N/A	N/A	

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Does the service, leaflet or policy/development impact on transport? What are the implications of this?	N/A	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A	N/A	N/A	N/A
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could) exclude disadvantaged or marginalised groups?	This policy should have a positive impact to improve the care and respect in the provision of healthcare for transgender patients. It is hoped that the policy will reduce any disadvantage for the trans community in accessing services.	Identify complaints from the trans community then liaise with trans groups in the Fylde to address any issues which have arisen.		
Does the policy/development promote access to services and facilities for any group in particular?	N/A	N/A	N/A	N/A
Does the service, leaflet or policy/development impact on the environment <ul style="list-style-type: none"> During development At implementation? 	N/A	N/A	N/A	N/A
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis			No	(Please delete as appropriate)
Name of Author:	Tina Daniels		Date Signed:	07/04/2020
Signature of Author:				
Name of Lead Person:	Tina Daniels		Date Signed:	07/04/2020
Signature of Lead Person:				