

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) SCOTLAND BILL

SUBMISSION FROM LOUISE MACLENNAN

The following is a response provided in an individual capacity by Louise MacLennan, Head of Equality and Engagement, NHS National Services Scotland.

1. NHS National Services Scotland is responsible for the Community Health Index (CHI) number database which allows trans people to update their sex on their medical records to reflect their lived identity (whether or not they have a Gender Recognition Certificate or have undergone any hormonal or surgical interventions.)
2. The current census guidance states that trans people should answer the sex question in accordance with the sex that they identify themselves as (rather than the biological or legal sex) which is fully consistent with the way NHS Scotland allows trans people to answer questions asking them their sex and is in keeping with how the NHS CHI number database records people's sex.
3. If the census ceases to allow trans people to self-identify their sex in the census this may impact on trans people and /or on the ability to compare census data with NHS patient data.
4. Allowing trans people to record their sex in accordance with their lived identity on medical records and diversity monitoring forms in health rather than their biological or GRC sex enables better healthcare planning and improved patient experience.
5. In relation to healthcare this also includes access to the national screening programmes. I have included a response to a FOI enquiry from June 2014 which is relevant to the sex question for the census.

Requirements for Processing a Change of Gender and Title:

Related to the NHS Community Health Index (CHI) Number:

FOI Response Published 25 June 2014 | Reference: 2014-000084 | Charge: No Charge

Question

All information regarding the administrative requirements for processing a change of gender and title for a patient. Specifically:

- What evidence is required before a request for change of gender can be processed.
- What process must be followed by the GP in order to change the gender and title of a patient.
- Who can the patient contact if the GP is unwilling to change the gender and title.
- Any information related to the issuing of a new CHI number for patients who have changed gender and how this will be updated throughout the NHS.

Response

This response is based on the based on how the Community Health Index (CHI) is updated and the link to NHS Screening systems which NHS National Services Scotland is responsible.

None of the following information is dependent on the patient changing their gender formally under the Gender Recognition Act 2004.

- No evidence is required; the patient simply needs to advise either their GP practice or Practitioner Services (a business unit within NHS National Services Scotland) that they wish to change their gender. This is often accompanied by a change of name being requested by the patient.
- The GP practice will amend their data held on their practice management computer system which will be received electronically by Practitioner Services. Whilst any name change can be processed automatically by CHI, a change of gender requires manual intervention by one of our trained staff to update CHI. Most of our computer systems do not hold a title field rather it is the gender and marital status which determine title.
- As GP practices are independent primary care contractors any dissatisfaction by a patient may be raised as a complaint and should be referred to the practice in the first instance and then the NHS Board in the area the practice is contracted to, if the complaint is not resolved by the practice.

In order to provide a better understanding of the context, it would be helpful to explain the current challenges within NHS National Services Scotland in relation to change of gender. Many of NHS Scotland's health screening programmes are gender specific e.g. breast and cervical for females and AAA (Abdominal Aortic Aneurysm) screening for male patients. Whilst there is an enhancement to CHI which has been developed to allow for patients' CHI records to be marked to be included for screening if their gender does not match the gender usually associated with that particular programme e.g. a trans male who had previously had cervical screening in their former gender, the CHI record in the future will be able to record that the patient should be included in the screening programmes - the enhancement is not yet ready to be implemented.

When a patient asks Practitioner Services to change their gender we alert them to the current clinical risks if they are undergoing a gender specific

screening programme or follow-up treatment as a result of this we also advise the patient to discuss the clinical risks with their GP practice.

- Practitioner Services will contact the patient to establish if they want a new CHI number and possibly a new NHS number. The new CHI number is communicated electronically to the registered GP practice. All changes to CHI including the issuing of a new CHI number are notified to computer systems within NHS Boards who hold the previous CHI number for that patient to advise them to update - these previous medical records with reference to gender reassignment treatment and subsequent medication cannot be deleted.