

ABDO Gender Recognition Advice and Guidance: January 2020



The Association of British Dispensing Opticians (ABDO) has provided this advice and guidance to raise awareness of the various genders/sexual orientations and the laws around gender recognition. We thought it would be helpful to clarify the legal requirements of patients who wish to be officially known and referred to differently from the gender they were assigned at birth and therefore registered as within the practice.

Regardless of age, a patient's preferences in which he/she/they wish to be referred to should be respected by all practice staff. Notes can be made on the patient's record of their preference and all staff who care for the patient should be made aware of this and consider/conduct themselves accordingly when communicating with the patient, from presenting at the reception desk, to the test room and dispensing clinic. There are various gender specifications and anyone who wishes to be identified differently to the gender they were assigned at birth, should be so, respectfully, in line with the 2010 Equality Act.¹

There are a number of genders/sexual orientations, some of which you may not be immediately familiar with.²

In 2004 the Gender Recognition Act was established and from then on permitted gender changes to be recognised lawfully/formally using a Gender Recognition Certificate (GRC).³ Official records, including medical records, cannot be changed without the patient presenting a GRC, where they have had their change in gender lawfully recognised. Only from then on, the new gender can be referred to legally in the records, from the date on the GRC.

The Government webpage to apply for a Gender Recognition Certificate, has full details of the requirements to obtain a GRC.⁴ A summary of the standard route for this is sign off, by a medical practitioner and/or medical psychologist, and the patient:

- Is 18 or over.
- Has been diagnosed with gender dysphoria (discomfort with your birth gender) - this is also

called gender identity disorder, gender incongruence or transgenderism.

- Has lived in acquired gender for at least two years
- Intends to live in acquired gender for the rest of life.

Patients wishing to have their eye care records amended must present a GRC in order to process this change. No historical/current records should be deleted or amended after the update to records re gender is processed.

Under the General Data Protection Regulation (GDPR) legal obligation all records must be kept in line with NHS requirements. All records must reflect the patient's legal identity on the dates recorded within. All GOS forms/ formal paperwork should be signed to reflect the records held, for example if the transition process is not formally recognised with a GRC the patient must sign forms in relation to their current legal identity.

If a patient is not aware of the GRC requirement they should be signposted to their GP for further advice/guidance. It is important that staff members managing and explaining the requirements are comfortable in doing so and we hope that this advice/ guidance will help support our members on this subject. The NHS offers more information on gender dysphoria.⁵

If you require any further guidance please contact Debbie McGill, Head of Policy and Public Affairs, on dmcgill@abdolondon.org.uk

References

1. UK Government – Equality Act <https://www.gov.uk/guidance/equality-act-2010-guidance>
2. Unite UK <https://uniteuk1.com>
3. UK Government – Legislation – Gender Recognition Act 2004 (Page 2)
www.legislation.gov.uk/ukpga/2004
4. UK Government – How to apply for a Gender Recognition Certificate -
<https://www.gov.uk/apply-gender-recognition-certificate>
5. NHS - Overview Gender Dysphoria www.nhs.uk/conditions/gender-dysphoria