

NHS Pensions - Gender Recognition FAQs

Q. When did the Gender Recognition Act come into force?

A. The Act came into force on 4 April 2005.

Q. What does the Gender Recognition Act do?

A. The Act allows transsexuals fitting the criteria laid down in the Act to apply for legal recognition of their chosen gender. Once gender has been agreed an interim or full Gender Recognition Certificate will be issued.

Q. What is the process for achieving Gender Recognition?

A. An application for Gender Recognition has to go before a Gender Recognition Panel. When they are satisfied that the criteria has been met they will issue a Gender Recognition Certificate.

Q. Can a member who is still married or in a civil partnership obtain a Gender Recognition Certificate?

A. Yes. They are awarded an interim Gender Recognition Certificate valid for six months only while they obtain either a divorce or dissolution. Only a single member can be given a full Gender Recognition Certificate.

Q. Can a member with an interim Gender Recognition Certificate request their pension records be amended to their chosen gender?

A. No. Only once a full Gender Recognition Certificate awarded is the new gender legally recognised.

Q. Which members will be affected when their new gender is recognised and NHS Pension records are amended?

A. There may be implications for the following members as some NHS Pension Scheme regulations remain gender specific. They are:

- Members with Special Class status in the 1995 Section
- Members of the 1995 Section who have membership before 25 March 1972

- Members who transfer to and from both sections of the Scheme.

Q. Where the member is a nurse and changes from a female to a male can he take his full pension at age 55 if he meets the conditions?

A. No. When the full Gender Recognition Certificate is granted the female member becomes male. If the full Gender Recognition Certificate has been issued before retirement, the calculation will be for a male nurse where benefits are split at 17 May 1990.

Q. What happens if a full pension is paid to a female nurse who subsequently is granted a full Gender Recognition Certificate?

A. The Act states that historic events cannot be changed. This means that if the full Gender Recognition Certificate is issued after retirement then it cannot affect the pension that is already in payment.

Q. What about a nurse who changes gender from a male to a female?

A. She will be entitled to full benefits at age 55.

Q. What happens if a pension calculation, such as a transfer, is undertaken in the current gender and the member subsequently receives recognition in the other gender?

A. Again as above if it is an historic event then it cannot be changed. Transfers should be calculated on the gender at the time of the calculation.

Q. Can we tell third parties, including employers, if a Gender Recognition Certificate has been received?

A. Personal information about the member cannot be divulged without their express permission, this includes where employers are querying a gender.