

**Guidance on updating name and gender: trans customers over 16’s only.**

As of December 2021

**Guidance**

Updating name and gender: trans customers over 16’s only

Transgender or trans is an umbrella term that covers a number of different ways a person's gender identity or expression may differ from their assigned sex at birth.  This guidance has been developed to support you to update their name and gender as appropriate. It is not intended to give in-depth guidance on supporting a trans customer. For further information on actions you can take to deliver a more inclusive service to trans customers, see the [Scottish Trans Alliance](https://www.scottishtrans.org/) website.

For all trans people, details of their previous name and gender history are sensitive personal data. Where a trans person has a Gender Recognition Certificate under the Gender Recognition Act 2004, it is illegal to disclose their trans history if you have found this out in an official capacity. If a customer discloses this information to you, you must be careful to handle this sensitively and confidentially.

Many trans people are distressed by having their previous name used once they have transitioned. If you happen to know what it was, don't use it and don't share it without the person's explicit permission.

People do not need to undergo medical transition to be considered trans. And you should never ask a trans person if they have undergone, or intend to undergo, a medical transition.

New Start

If you have a new start who has told you that now use a different name than they have done previously then you should always use this name. Their current name should be entered into FIPS.

SDS does not require the participant to provide any evidence of a change of name.

Changing details during apprenticeship

You may be working with a customer who transitions during their apprenticeship and therefore wishes to update their name and gender. You should refer to the individual by their preferred name and pronouns. As above, you should not refer to the individual by their previous name or disclose their trans history to anyone without their explicit permission.

You should update the name on FIPS by typing over the text in the ‘Name’ field. Please follow this link for further [guidance on updating participant personal details on FIPS](https://www.skillsdevelopmentscotland.co.uk/for-training-providers/fips-funding-information-and-processing-system/fips-self-service-guides/). Any change to information given in the original Training Agreement should be recorded as part of the Apprentice Progress Review. SDS does not require the participant to provide any evidence of a change of name.

To update the ‘Gender’ field on FIPS, you should ask the individual which category from the [Equality Monitoring Form](https://www.skillsdevelopmentscotland.co.uk/publications-statistics/publications/?page=1&keyword%5b%5d=equality+monitoring&order=date-desc) they would like recorded to ensure the most appropriate category for them is chosen. When updating equality data on FIPS, providers should retain confirmation from the participant that they consent to a change being made to their equality data (this should include the date of the consent). You should not record details of the question or the response, just confirmation that a change has been made to the equality data. This could be recorded as part of a progress review, confirmed via email or a written update (including signature and date) on Section B of the equality monitoring form. This should be retained for audit purposes in line with the usual process. Further details can be found in the [Equality Monitoring Guidance](http://www.skillsdevelopmentscotland.co.uk/media/45406/ntp-equality-monitoring-form-guidance-2020-21-updated.docx).

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Awarding Bodies/Certification

To If a customer asks you to update their name, you should discuss with them if they would like their name to be updated on their certification from the appropriate awarding body. In many cases, trans people would like to have their qualifications in their current name. However, there may be some instances where the individual would prefer to keep their certification in their previous name.

If the customer is using two different names on FIPS and with their awarding body then this may be highlighted as a discrepancy during some automated processes in FIPS. If this happens, please contact your Skills Investment Adviser who will resolve this for you. If a milestone payment is delayed as the name provided by SQA does not match the name on FIPS and the provider indicates that this is because of the individual requesting that a different name is used, please contact [fips.support@sds.co.uk](mailto:fips.support@sds.co.uk).

If the customer would like their name updated on their certification, you should follow the process of the appropriate awarding body to do this. For example, this link will take you to the [SQA guidance for updating the name of a trans learner](https://www.sqa.org.uk/sqa/75545.html).