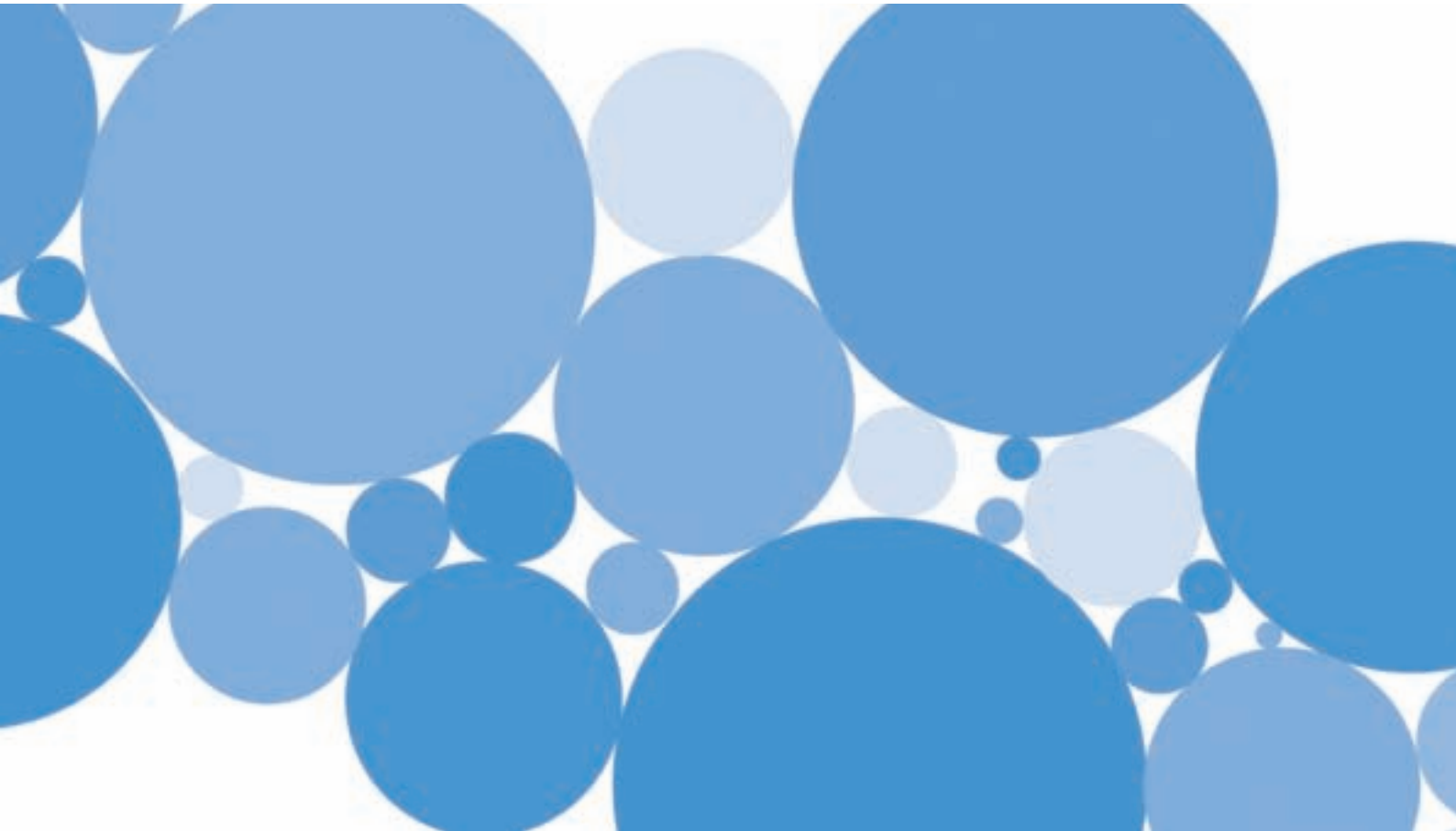


Bereavement: A guide for Transsexual, Transgender people and their loved ones



Acknowledgements:

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Why this booklet?

This booklet has been produced to assist bereaved trans people or friends, or the family of a trans person who has died. It will also inform professionals such as coroners, pathologists, mortuary staff and undertakers to understand the particular needs of trans people in the circumstances of death.

There have been recent legal changes regarding gender recognition for legal purposes as well as obligations to protect the privacy of trans people. These impact on the obtaining and security of details of trans people in the circumstances where either they have died, or when dealing with the death of a family member.

Trans people have particular needs regarding privacy. Some for example, live only part-time in their preferred gender as they fear that transitioning to their acquired gender may put their career at risk. Some who transitioned many years ago 'pass' in public life as non-trans people and some living permanently in their new gender are clearly trans people to those they interact with.

Trans people are aware of the prejudices which exist – and the popularity of 'sex swap' stories in the media and keep a low profile in their local communities. For many, the death of a trans person brings the additional anxiety of dealing with the appropriate authorities and maintaining the status of the deceased as trans, private. There will also be particular concerns for the relatives or partner of a deceased trans person regarding the treatment of the body by funeral directors and mortuary staff, particularly if the trans person has not undergone genital surgery.

We hope that this booklet will help bereaved people cope with the difficulties of the event of a death and clarify the legal situation for all.

Simple advice for the bereaved trans person

A bereavement is a difficult process for anyone, but as a trans person it may bring up particular issues. If you have been estranged from your family for example, it may be very difficult to have contact with them again – particularly if they do not accept you in your acquired gender. The member of your family who died may have never known you in your preferred gender. This may cause added distress and feelings of regret or anger.

It may be a good idea to ask a friend to act as an intermediary between you and a family member, or contact one of the organisations in the Appendix to this booklet for support and advice. If all members of your family refuse to cooperate you need to consider how involved you wish to be.

For some trans people, the event of a death could be an opportunity to regain contact with the family again. Sometimes under exceptional circumstances, people gain a sense of perspective of what is important in life and may realise the importance of keeping a family together.

In the circumstances of bereavement it is important to remember that people respond to the situation in different and sometimes unpredictable ways. They may say or do things that are said when they are grieving, which they regret later. This also applies to you. There are different stages for bereavement and they do not happen in the same order for everyone.

You may find that you might feel short – tempered or stressed; tasks that you would routinely undertake during a day might feel like climbing a mountain. You may feel shock, disbelief, anger, sadness, anguish and pining, guilt or relief. These feelings may appear over time or all in one day. The most important thing is to give yourself time out to process the news of someone's death. It would be sensible not to put yourself under any pressure for a few weeks and if possible have some time off work. Getting over a death is a process that we are not given the tools to deal with in Western culture and you need to trust what and how you feel. There is no right or wrong way to feel about someone's death.

Friends are very important in times like this, but you may find that some have difficulty dealing with your bereavement as well. Try not to feel let down by them. They may feel completely helpless in knowing how to support you, and don't want to intrude upon your grieving. Other friends may completely surprise you and be supportive in ways you would never imagine. It is important to remember that people respond to a death in different ways which may be beyond their control. The most important thing for you is to make sure that if you know where you can get support and from whom, you should take it.

Simple advice for the bereaved relatives of a trans person

If a member of your family who has died was a trans person you may feel a range of emotions depending on the circumstances of the death. You may have been the only family member who knew that they were trans, or you may have felt unable to deal with their identity and not been in contact with them for many years. You may have only known them in their new gender role for a short period of time or you may have only discovered upon their death that they were trans.

It may be easier if the deceased family member had lived some time as their preferred gender and you had got to know their 'new' selves. You should feel reassured and relieved that they had an opportunity to live some part of their life as the person they always believed themselves to be. But you may also feel regret that you did not spend more time with them in their new role. Or you may feel that when they transitioned you have already been through a bereavement already and now you have to go through another one.

You may feel anger towards your trans family member for what they have put you through in their life – particularly if you were the only member of the family who knew or accepted them. Or you may feel guilt or regret that you could have done more for them. The process of bereavement can bring up a whole range of feelings and none of them are 'right' or 'wrong'.

You may not know how to tell your friends or work colleagues about your bereavement. They may not have known that a member of your family was trans, or you might anticipate that they will be prejudiced. If you do not want to discuss this with friends then you probably will not be coerced into doing so. Many people in Western culture do not know how to deal with bereavement and will not usually pry for information. However it would be helpful for you to find a friend who you can confide in who can support you.

Although there is much prejudice, discrimination and ignorance of trans issues in our society, it might help to know that your family member who was trans was fortunate enough to have lived at a period in time where there was more acceptance of trans people. They will probably have had access to support networks (perhaps through the internet) and social groups to meet other trans people. These networks were not as easy to access even 10 years ago and cannot be underestimated for the help they give trans people. Some people regard trans people as 'pioneers' in gender in the new century and you might even eventually learn to feel proud that you had a member of your family who was part of that.

If you are having difficulty understanding trans issues, it might be a good idea to contact some of the organisations or visit websites in the Appendices. They will be able to advise on some reading material or websites that will be informative.

It also might help to talk to some of the trans friends of the deceased or those who were part of the network of people that they knew. They may have known them differently to how you remember them and it might help you to get an understanding of what their life was like before their death.

For further information on the different stages of bereavement see:

Help is at hand: A resource for people bereaved by suicide and other sudden, traumatic death. Department of Health. <http://www.dh.gov.uk/assetRoot/04/13/90/07/04139007.pdf>

For trans organisations who may help and give support see the Appendices at the end of this brochure.

Background

Transsexual (Trans) People have a deep conviction that their gender identity does not match that of their appearance or anatomy and they wish to present to the world in a different gender to that assigned at birth. The condition is called gender dysphoria (a medical condition recognised by the Chief Medical Officer). The majority will undergo hormone therapy, oestrogens or testosterone depending upon their birth gender and the gender they wish to acquire, Most will also undergo some surgery to bring their bodies in line with their gender identity.

'Transvestite' (Trans) People tend to spend some short periods of time, maybe only an evening out, or even a short holiday, in a different gender role to that assigned at birth, Some are happy to do this all their lives – others would prefer to live full-time, but do not undergo gender reassignment because they fear losing their jobs or family. Some live part-time for many years until the need to undergo permanent gender reassignment becomes too strong – usually later in life – at that point they will then be regarded as a transsexual person.

Some trans people identify as **'transgender'**. Many 'transgender' people will live permanently in their preferred gender, although they will generally choose not to undergo any surgical procedures to change their body. Some will live 'between genders' wearing a mix of clothes, and frequently people do find it very difficult to ascertain what gender they are or might like to be.

The term 'transsexual' is misleading and many assume that it is about sexual orientation but it is not, it is an issue of gender identity – sexual orientation is a separate issue. Because of the sexual connotations of the word, some transsexual people may prefer to call themselves 'transgender'. Others may describe themselves as 'TS' or 'man / woman' with a transsexual background'.

The ways in which people describe themselves say little about whether they live full-time, have undergone or intend to undergo gender reassignment surgery (GRS) or hormone therapy (HRT). Thus 'trans' has become a good all-encompassing term to describe anyone who is intending to, is having or has undergone gender reassignment treatments or has a cross-gender identity.

It is essential to refer to trans people in the gender that they have acquired rather than their birth gender. For example:

- *Male-to-female 'trans' people* are those who were assigned male at birth who identify as female. Many will prefer to be known as *'trans women'* or simply as *'women'*.
- *Female-to-male 'trans' people* are those who were assigned female at birth who identify as male. Many will prefer to be known as *'trans men'* or simply as *'men'*.

When people speak about transsexuals we often think of male-to-female trans women. This may be because there are more trans women than trans men – statistically the ratio of trans women to trans men is approximately 3:1, although the numbers of trans men are increasing. It is estimated that there are between 5000 to 15000 transsexual people in the UK and probably a much larger number of people who identify as transgender or transvestite.

The decision to undergo gender reassignment is not easy – trans people have to undergo psychiatric assessment and then undertake the 'real life experience' where they have to prove that they can live full-time in their preferred gender for about two years before they will be referred for surgery. Some will not be eligible for surgery on health grounds, but they will still choose to live in their preferred gender.

There is now a cohort of 'first generation' trans people in the UK who transitioned to their acquired gender in the 1960s and 70s who are getting older and will die of an age-related illness, as well as a growing number who transitioned from the 1990s to date. Many of these have transitioned later in life and so are now older people. Coroners, pathologists, mortuary workers and funeral directors may well encounter significantly more trans people than ever before.

What we do know, as fact, is that most trans people will experience prejudice and discrimination from some individuals and institutions.

Current Law

The Gender Recognition Act 2004

This provides recognition of a person's acquired gender *for all legal purposes*. This means that they must be regarded as their acquired gender in all aspects of life *and death*.

Gender Recognition Certificates

Trans people who have officially changed their name, have been living full-time in their acquired gender as a man or a woman for over 2 years and intend to do so permanently may go through a formal process of applying for a Gender Recognition Certificate (GRC). This is a legal document issued by the government. It enables those who were born in the UK to have a new birth certificate.

Once a person has their GRC, they **must** be regarded as a member of their new gender/sex for **all** legal purposes. That includes all legal records.

Surgery or any other gender reassignment treatment such as hormone therapy is NOT a pre-requisite for a person to obtain a gender recognition certificate.

In plain terms, health and social care professionals as well as coroners, pathologists, mortuary staff and undertakers will now be in contact with deceased who are legally men without penises and with a vagina, and some people who are legally women with penises.

Not all trans people have Gender Recognition Certificates – those who were married in their old gender, before they underwent gender reassignment (in what is known as a pre-existing marriage) may well have not applied for a GRC because it would require them to have their marriage rendered void. Some of these people may have taken the route to obtaining a GRC, and they will have formally ended their marriage but may have re-registered as same sex civil partners, which retains all the same rights as if they were married.

Of course many trans people will just have walked away from their marriage, and never applied for a divorce or a GRC. Yet on their death, their former wife (who probably now wants nothing more to do with them) will be their next of kin. This can be a very difficult situation to handle as a funeral director.

Gender Recognition Certificates or new birth certificates MUST be regarded as 'proof' of a person's new legal gender or sex whether or not a person has had any gender reassignment surgery (GRS) or not.

New privacy rights

Under section 22 of the Gender Recognition Act 2004, trans people have privacy rights. This means that 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 Gender Recognition Certificate and/or new birth certificate, they may 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 person's consent.

Put simply, in almost every circumstance, if you tell ANYONE, including another colleague or do anything that would let a person know the fact, that the deceased Mrs Brown was a transsexual, or "had a sex change", or the deceased relative is a transsexual or "used to be a man" then you are at risk of a criminal prosecution.

Trans people have **no** obligation to disclose whether they have a Gender Recognition Certificate – the whole purpose of the law is to provide them with privacy. This is not the same as secrecy, but it does mean that it is only common sense to assume that a trans person (unless you know they have only very recently started living permanently in their new gender) has a Gender Recognition Certificate. Doing that will ensure you stay on the right side of the law.

Even if the trans person does not yet have a Gender Recognition Certificate, it is only courteous to keep what you know about them private, unless **they** tell you specifically that you need not.

It is now considered to be 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 sex for all purposes, unless you are told otherwise. Knowledge about a trans person's history should be regarded as being on a 'need to know' basis. Even then, **if you have obtained the information in your official capacity** i.e. in work, the information **cannot be passed on** unless the trans person has formerly told you (preferably in writing) that you may tell certain other people.

The death of any trans person is still newsworthy – especially if their local community has not known of their gender status. Many stories appear in the press – and it is clear that these could only have happened because police, nursing, mortuary, coroners or funeral directing staff have 'leaked' the story to the newspapers.

Therefore you need to judge whether it is relevant or not to disclose to a colleague that a person is trans. If you are not sure, then take the trans person to one side and ask them, privately, whether you are able to make further disclosure. It is a good idea to explain why it is needed, and obtain their consent in writing.

The only exception to the above rule is when a trans person is unable to give consent – and the disclosure is made for medical purposes to another medical professional. In those circumstances the medical professional would be protected from prosecution (see below for the medical exemptions to the privacy rules). Of course in the event of a death of a trans person, they cannot give consent, in which case you should ask their next of kin, relative or partner for permission to disclose when necessary.

In the event of a trans person being deceased, it would be appropriate to ask the next of kin or a relative to consent on the behalf of the deceased trans person – unless there is a written statement in the will which specifies that consent cannot be given on behalf of the deceased. One example might be that if a trans person's body is to be embalmed, it may be necessary for the embalmer to know the biological makeup of the person they are going to embalm.

The Gender Recognition (Disclosure of Information) Order 2005

Disclosure for purpose of obtaining legal advice

3. It is not an offence under section 22 of the Act to disclose protected information for the purpose of obtaining legal advice.

Disclosure for medical purposes

5. It is not an offence under section 22 of the Act to disclose protected information if:

- (a) the disclosure is made to a health professional;
- (b) the disclosure is made for medical purposes; and
- (c) the person making the disclosure reasonably believes that the subject has given consent to the disclosure or cannot give such consent.

Nevertheless, those in receipt of protected information cannot pass it on to everyone in their official capacity – only for the purposes described above.

Guidelines for Professionals – Mortuary staff, Coroners, Pathologists and Undertakers

Special considerations regarding trans people

Trans people experience prejudice and discrimination – transphobia – which takes many forms. Recent research commissioned by the Equalities Review found that despite recent legislation in terms of legal recognition and employment regulations, trans people continue to be discriminated against in the workplace and in other public or domestic settings are potential targets for hate crimes: verbal harassment, hate mail, harassing telephone calls and acts of violence. They also risk losing contact with their family of origin and partner/spouse, as well as their home.

This research found that although trans people are high achievers, the subsequent losses they experience post-gender transition renders them a vulnerable stigmatised group – which can result in poverty and isolation. Although the Gender Recognition Act protects the disclosure of an individual's past identity and transition, being trans is still considered by the press and media a newsworthy story. These special considerations are relevant when dealing with trans people experiencing bereavement and bereaving families of a trans person.

Privacy and confidentiality – family arrangements and relationships

Notwithstanding the Gender Recognition Act regarding privacy and confidentiality, there may also be issues of privacy within the family of a trans person.

As it has only been very recently that transsexual people have been able to marry and construct a *legal* family, it may be the case that the family of the trans person may not be direct legal relatives.

In some cases it may be that extended-family members do not know about the trans person's former gender role. In these circumstances the primary partner, or if there isn't one, any other designated next of kin may wish to ensure that their loved one's trans status is not revealed. **(see Example 1 later in this guide)**

The familial arrangements of some trans people may appear unorthodox. Some trans women for example may have maintained a relationship with the woman they married prior to gender transition. If this is the case a Gender Recognition Certificate will not have been applied for as it would render their marriage void (as the certificate would recognise them as female). As this relationship is now between two women, they may understand it as gay or lesbian, or they may understand it in ways in which there currently is no language. These arrangements require tact and sensitivity when describing the deceased or the bereaved.

Some trans people may be estranged from their legal relatives or family, who may never have known the deceased in their preferred gender. **(see Example 2 later in this guide)**

It could also be the case, if a person who just cross-dresses occasionally and for short periods, dies whilst cross-dressed, that even their most direct family members may not have known of their cross-dressing. If they did not know, the knowledge of this could be as devastating to a family as news of their death. **(see Example 3 later in this guide)**

In all of these circumstances the issue of their trans status needs to be handled with sensitivity on a personal level and on a legal level, paying attention to the rights of the bereaved and the deceased in terms of their right to privacy.

In the Draft Coroner's Bill 2006, there is a proposed new power to impose reporting restrictions on inquests where sensitive information may be revealed.

Under this bill, Coroners will have to balance the rights of the family of the deceased under Article 8 of the ECHR (the right to respect for private and family life) and rights of the press under Article 10 of the ECHR (the right for freedom of expression).

Nevertheless, disclosure of the deceased's status as trans will also be protected under section 22 of the Gender Recognition Act if the deceased has a Gender Recognition Certificate (see Current Law).¹

Maintaining the dignity of trans bodies

Depending on the stage of transition, some bodies of trans people when unclothed may resemble that of a person of their former gender, or it may be a mixed gendered body – all of these are matters that have to be considered carefully when determining how to handle the body, and what information is passed onto third parties.

The use of appropriately gendered pronouns is comparatively easy in most cases. If a person was dressed in male clothing, has a beard, then even with breasts and a vagina they should be referred to as 'he, his, him'. Similarly if a person has small breasts and wears female clothing, they should be referred to as 'she' regardless of the penis present. The documentation of the deceased is also a good indicator of how they identify. **(see below Checklist for identifying the gender of the deceased)**

¹ Section 22 of the Gender Recognition Act states that in the context of court proceeding, disclosure is only permitted under a court order.

There may be some relatives who insist on using inappropriate gender pronouns, or the former name, but generally they should be over-ruled and the guidance of the primary partner or other close friend should take precedence.

The only cases where this might be difficult is in the case of a (usually) male cross-dresser who has died when dressed in female role. They should be referred to using male pronouns unless the relatives request otherwise. **(see Example 3)**

Preparing and presenting the body

Relatives and/or close friends should be given the opportunity to express any particular needs and preferences about the presentation of their relative (for example, how he or she is covered or dressed), and the timing of viewing.

It may be wished that a trans woman is wearing her personal wig (if needed) whenever possible. Similarly they may ask that a trans man's breasts (if not yet removed) are not visible when under a sheet.

It is likely that some may wish the deceased to be dressed or wrapped in something of their choosing. Clothing is a very important issue in trans people's lives (for obvious reasons), and particular materials or colours might have been very objectionable to the deceased in life, e.g. a trans man would probably hate the idea of a satin shroud for him, in his coffin.

Identification of bodies

When establishing the identity of a body consideration must be given to the question of the person's name and gender. It may be the case that the deceased has not applied for a Gender Recognition Certificate and these details may not match those on their birth certificate. It would be advisable to use discretion on deciding how the body should be formally identified –perhaps liaising with the next-of-kin or partner of the deceased and the family doctor. It would be acceptable if the deceased has been living permanently in their acquired gender that the death could be registered as that gender.

In some cases, it will be important to inform the funeral director (or the person to whom the body is being released) about the state of the body, along with any other information that is relevant. Consideration must be given to section 22 of the Gender Recognition Act, and the liabilities of staff if they disclose that the body is that of a trans person. It would be good practice to ask the relatives of the dead person to inform the funeral director, rather than expect staff to incur possible criminal liabilities.

Example 1:

A trans man is one of 6 people to die in a large scale rail accident which receives a lot of media attention. He has a wife and two young children who he and his wife have very recently adopted. He has been disowned by his birth family and only his wife, in his new family, knows that he is a man with a transsexual history. None of her family know his history. His wife is naturally concerned that they should not find out during the inquest or from any other means.

The coroner asks a pathologist to examine the body advising them that the wife of the deceased wishes their family doctor to be present at the post-mortem. The deceased has not had genital surgery and the family doctor informs the pathologist that he has lived in male role for 10 years and has a Gender Recognition Certificate. The pathologist records the deceased as male.

At the subsequent inquest, the coroner needs to consider how the inquiry will serve the public interest as well as the interests of the relatives. He/she decides that the fact that the deceased has a transsexual history is not relevant to his death in the circumstances and is not in the public interest. The deceased is identified as male.

A journalist covering the case suspects that the deceased was trans and contacts the coroner's office. The coroner is aware that the deceased is covered under section 22 of the Gender Recognition Act and that disclosing their trans status in their professional capacity is a criminal offence. The coroner's office reminds the journalist that any information regarding any of the deceased is confidential and all information in the public interest was recorded at the inquest.

Example 2:

A trans woman who has been estranged from her family dies alone in her flat under what appears to be suspicious circumstances. The police seek the whereabouts of her next-of-kin who have not seen her for 15 years. A close friend is found to identify the body and states that the deceased had not applied for a Gender Recognition Certificate yet but has been living permanently in her acquired gender for many years (evidenced by all documentation being female). At the mortuary, the next-of-kin arrive and refer to the deceased in her former gender and former name. The close friend insists that this is against the wishes of the deceased.

During the post-mortem, the coroner's office liaises with the doctor of the deceased, who states that she was living permanently as female and her medical records state that she is female. It is decided that taking this into consideration, it would be acceptable to register her death in her acquired gender. The post-mortem reveals that she died of natural causes. The close friend of the deceased arranges with the funeral director about how the body will be presented, making sure the deceased is wearing her wig and appropriate clothing for the funeral. The funeral director agrees to ignore any requests to the contrary from the deceased's next of kin, as a matter of respect and dignity for the deceased.

Example 3:

A trans woman who is a part-time cross dresser, dies in a road traffic accident while dressed in female role. The police at the scene establish that none of her documentation on her person reflects the gender in which she was presenting. At the hospital mortuary, it is decided that as the documents of the deceased state that they are male, they will be referred to with male pronouns.

This is a sensible assumption to make as members of her family may not know that she was a cross dresser. When the wife of the deceased comes to view the body, all evidence of the gender in which the deceased was found is removed (for example a wig, make-up, female clothing). When asked about what happened to the clothes the deceased was wearing, the wife is told that the clothing was badly damaged in the incident.

Checklist for Identifying the Gender of the Deceased on Sudden Death

- Is there evidence of medical body modification (gender reassignment surgeries) such as breast removal in a trans man or a neo-vagina in a trans woman.
 - Then the person is almost certainly living permanently in their new gender
- What gender is the documentation they are carrying? (driving licence, staff card, credit card, store card, medical card, passport)?
 - their birth gender? – assume that they were not living full-time in role and it would be wise to treat them as if of their birth gender.
 - their acquired gender?- If their documentation shows their acquired gender, then assume that they are living full time and permanently in role, and treat for all purposes as if they had a Gender Recognition Certificate.
- Do you know if they have a Gender Recognition Certificate and/or new birth certificate?
 - Yes, then they are to be regarded as their acquired gender for *all legal purposes*.
 - No, they do not have a Gender Recognition Certificate. In that case they are not their acquired gender for all legal purposes, but if their other documentation, as above, shows their new name and sex, treat as if living permanently in their new gender unless:
 - No, you are certain they are only a part-time cross dresser. In that case, treat as if of their birth gender
- If the deceased has died suddenly, and you think they might just be a temporary cross-dresser;
 - ask the police to contact the DVLO or the Passport office to check what name the person's documentation is in.
 - If documentation is in the birth name, whenever possible do not disclose the deceased's cross gender behavior to their family. They might know of it, and disclosure could be extremely distressing.
 - Alternatively, they may know and may even arrange for the person to be dressed in the acquired gender for their funeral, but that is a private family matter. Never be surprised.

- If you have no documentation as yet to go by, and they have not undergone gender reassignment surgery, you need to do a bit of detective work;
 - Assess what gender the deceased is presenting themselves as. What clothes are they wearing? Are they normal clothes for the time and place in which they died?
 - For these purposes, clothing and other clues might need to be carefully assessed e.g. a good quality wig, prosthetic breast forms, facial hair removal could indicate permanently living in their new gender role in the case of a trans woman.
 - And breast binding, some male pattern baldness, body hair, beard, growth or prosthetic penis could indicate permanently living in their new gender role for a trans man.
 - if you conclude they are permanently presenting as female – then regard as female
 - if you conclude they are permanently presenting as male – then regard as male

Procedures After a Death

There are different procedures to follow depending on the circumstances of the death and where it occurred. These have to be adhered to and specific documentation allowing burial or cremation is not issued until these have been completed.

If the death occurred in hospital

The staff at the hospital will contact the next of kin named by the deceased. The body of the deceased will remain at the hospital mortuary until the executor arranges for it to be removed.

A Medical Certificate of Death will be issued to you. Once you have this, you can register the death (see Registering a Death). In the meantime, you may begin making funeral arrangements.

If the death occurred at home or in a nursing home

The doctor of the deceased needs to be contacted. If they are satisfied with the cause of death, they will issue you with a Medical Certificate of Death. Once you have this you can register the death (see Registering a Death). In the meantime, you may begin making funeral arrangements.

If the death is sudden and unexpected

This will involve a **CORONER** to establish the cause of death.

The coroner

The coroner is an independent judicial officer in England and Wales (and a Procurator Fiscal in Scotland). They may be lawyers or doctors and are employed by the local authority. The coroner investigates deaths for the following situations:

- the death was violent or occurred under suspicious circumstances
- the cause of death is uncertain
- the death was caused by industrial disease
- the death was caused by accident or injury
- the death occurred while the patient was undergoing an operation or did not recover from the anaesthetic

- the deceased was not attended by a doctor during the last illness or the doctor had not seen the deceased within the 14 days before death or after death
- the death occurred in prison or police custody.

Under these circumstances, the coroner will arrange for a post-mortem examination of the body.

Post-mortem

This is an examination of the body carried out by a pathologist of the coroner's choice. The coroner does not need the consent of the next of kin or relatives to carry out a post-mortem but the next-of-kin are entitled to be represented at the examination by a doctor of their choice.

If the post-mortem reveals that the death was due to natural causes, a notification known as **Pink Form B/Form 100** is usually sent direct to the registrar.

If the body is to be cremated, the coroner will also issue the relatives or next of kin with a **Certificate of Cremation Form/Form E** which is necessary for cremation to take place.

If there is to be an **inquest**, an Interim Certificate of Fact of Death can be issued to assist in the administration of the estate. When the inquest is complete, the coroner will notify the registrar and a Death Certificate can be issued.

Inquest

This is an inquiry into the medical cause and circumstances of death. It is to establish the identity of the dead person and when and where the death occurred. Inquests do not determine blame.

Coroners must inform relatives of the deceased, the civil partner or spouse of the deceased or any personal representative if an inquest is to be held. Inquests can be open to the public and journalists are usually present.

You should talk with the coroner of any concerns that you have regarding disclosure of the status of the deceased or bereaved relative as this being made public.

Under the draft Coroner's Reform Bill (announced June 2006), Coroners will have a new power to impose reporting restrictions on inquests normally held in private, to be held in public without sensitive details being revealed.

The status of the deceased as trans may be protected under Clause 30 of this Bill which covers Article 8 of the European Court of Human Rights (the right to respect for private and family life). If the deceased or bereaved has a Gender Recognition Certificate, disclosure of their trans status will be protected under section 22 of the Gender Recognition Act (see Current Law).

For further information on the inquest system and the coroner see the leaflets below either from the coroners office or from the Home Office or online

When sudden death occurs: http://www.dca.gov.uk/corbur/sudden_death.pdf

The work of the coroner: <http://www.dca.gov.uk/corbur/coronfr.htm>

Organ donation

If it was the wish of the deceased or nearest relative to donate the organs you will have to act quickly. The usual procedure is to get the permission of the next of kin to make sure they do not object.

If the death occurred in hospital or similar institution, the head of that institution is lawfully in possession of the body. They may grant permission in writing or orally before two witnesses for the body to be given for medical research.

If the death is reported to the coroner, their consent may be necessary before the organs or body may be donated. A medical certificate must be issued before any organs or the body can be removed.

If the whole body is to be donated contact: HM Inspector of Anatomy, Department of Health, Room 630 Wellington House, 133-155 Waterloo Rd, London, SE1 8YG
Tel: 020 7972 4551/4342

For more information these websites may be useful: <http://www.uktransplant.org.uk/ukt/>
British Organ Donor Society: <http://www.bodyuk.org/BODY.html>, Body, Balsham, Cambridge, CB1 6DL, tel: 01223 893636

Registering a death in England and Wales

Once you have a Medical Certificate of the cause of death you need to register the death. This has to be done within 5 days of the death at the register office in the district in which the death occurred. You can go to a different office if it is more convenient, but the process will take a day or two longer because the registrar will need to forward your information to the original district where the registrar will issue and send out the death certificate and other paperwork. The address of the local office will be in your phone book, doctor's surgery, local council, police station or post office. Or you can visit the local council website.

You must phone and make an appointment to register the death. The process usually takes about 30 minutes.

If the person died in a house or hospital, the death can be registered by:

- a relative
- someone present at the death
- an occupant of the house/official from the hospital, if that is where the death occurred
- the person making the arrangements with the funeral directors

Deaths taking place anywhere else can be registered by:

- a relative
- someone present at the death
- the person who found the body
- the person in charge of the body
- the person making the arrangements with the funeral directors

The majority of deaths are registered by a relative of the deceased. The registrar would normally allow one of the other people listed above to register the death only if there are no relatives available to do it.

You will need to take the following with you:

- Medical Certificate of cause of death
- The medical card of the deceased
- Passport of the deceased

Some register offices **may** ask for the

- birth certificate of the deceased and
- marriage certificate of the deceased

These are **not** required to register a death providing you know the date and place of birth and occupation of the deceased and their last (usual) address (**see Example 4**)².

Some registrars **may** ask you to provide formal identification. This is **not** technically necessary. When you register a death, you are under caution and you sign to confirm that the details you have given are correct (**see Example 5**).

If you or the deceased have a Gender Recognition Certificate, it means that you or they are regarded as your acquired gender for *all legal purposes*. This applies to death as well as life.

Once the death is registered, you will be given a Certificate for Burial or Cremation **Green Form** and a Certificate of Registration of death **Form BD8**.

It is usually a good idea to have 2 copies of the Death Certificate for a nominal fee (usually around £3.50 each) as duplicates cost twice as much if you need to order at a later date. You will need one copy for the funeral director and another for the will, pension claims, insurance policies and to close down bank and savings accounts.

The registrar will also give you documentation to send off to prevent unwanted mail addressed to the deceased and a form to send off to the Department for Work and Pensions.

For more information on registering a death there is a booklet available from your local Register Office or online: <http://www.gro.gov.uk/gro/content/deaths>

Example 4

A trans man has died and his sister has to register his death. His medical card and passport identify him as male but he does not have a Gender Recognition Certificate – so his birth certificate identifies him as male.

She decides that she will use his medical card and passport to identify him as he has been living permanently in his acquired gender role for many years.

² Phone conversation with a registrar Friday 5th January 2007.

Example 5

A trans woman has to register the death of her father, documenting herself as his daughter. When she goes to the registrar's office, she is asked to provide her birth certificate to prove who she is.

She knows that this is not technically necessary to register a death and reminds the registrar that she is aware that she is under caution in signing the registration that the details are correct.

Removing the body out of England or Wales

You need to notify the coroner for the district in which the body is lying if you want to move the deceased to Scotland, Northern Ireland, the Isle of Man or the Channel Islands, or overseas. Names and telephone numbers of coroners are listed in your local phone book.

To do this you will need a **Form 104** (A removal notice form) which can be obtained from any registrar or a coroner. You will also need to give the form 104 to the coroner and enclose any certificate for burial or cremation already issued.

The coroner will acknowledge receipt of your notice and let you know when the body can be moved – this is usually four clear days from when your notice was received. In urgent situations, it may be possible to bring this forward.

If the death occurred abroad

A local death certificate will be issued and you will need to register the death in the country where the death occurs. You can also often register the death at the British Consulate as well. You don't have to do this, but if you do you'll be given a UK death certificate and a record will be kept at the General Registry Office's Overseas Registration section in the UK. You will need yours and the deceased passport numbers, details of where and when they were issued and the full name and date of birth of the deceased.

Bringing the body home

If you wish to bring the body back to the UK, British Consular staff will help by putting you in touch with an international funeral director. The body will need to be embalmed and placed in a zinc-lined coffin before it can be removed from the country. It may take some time to bring the body home, especially if a post-mortem examination is held.

Before you can bring the body home, you'll need the following documents:

- a certified English translation of the foreign death certificate from the country in which the person died
- authorisation to remove the deceased's body from the country
- a certificate of embalming

The British Consul can help to arrange the above documentation.

The websites below give more details:

<http://www.direct.gov.uk/RightsAndResponsibilities/Death/>

<http://www.gro.gov.uk/gro/content/deaths/registeringanoverseasdeath/>

Most airlines provide sympathetic and high quality services when transporting a body home for burial.

Further information

For a death in England and Wales see:

What to do after a death in England and Wales, Department for Work and Pensions

http://www.dwp.gov.uk/publications/dwp/2006/d49_april06.pdf

For a death in Scotland see

What to do after a death in Scotland, Scottish Executive

www.scotland.gov.uk/Resource/Doc/111815/0027240.pdf

Arranging a funeral

Taking the deceased's wishes into account

It is important to check the will of the deceased or other written instructions for special wishes about their funeral or what should happen to their body. The executor does not have to follow the instructions about the funeral left in the will. If you are not sure, it might be a good idea to ask close friends of the deceased what they think their wishes might have been.

If there is a will

You may have concerns if you are named as a beneficiary in a will in your former name or as your former gender – for example a mother may state in her will 'I leave all my jewelry to my daughter' – but you are now a man. Even if you have a Gender Recognition Certificate and new birth certificate, providing you have a copy of the gender recognition certificate or your original statutory declaration or deed poll documents for your change of name, there should not be a problem as they document the change from your former name to your new one.

If there is no will

You need to get the help of a solicitor. Usually a close relative like a spouse, child or parent will have the legal right to sort out the estate of the person who has died.

In order to be able to administer the estate of the deceased you normally need to apply to the Probate Registry for a 'Grant of Letters of Administration'. You can ask your solicitor to help you with applying for a grant or you can make a personal application.

On receipt of the grant you become the 'administrator' of the estate. The grant provides proof to banks, building societies and other organisations that you have authority to access and distribute funds that were held in the name of the deceased. The process is often referred to as 'obtaining probate', though technically this term applies where there was a will.

If the deceased's estate is below £5,000, and does not contain any land, property or shares, then it may be possible to deal with it without obtaining a grant. Also, a grant might not be needed if the whole of the estate is held in joint names and passes automatically to the surviving joint owner

A good website for help with legal rights and responsibilities:

<http://www.direct.gov.uk/RightsAndResponsibilities/Death/fs/en>

Funeral options

There are very few legal controls governing the disposal of a body in the United Kingdom. The only requirement is that the death is certified and registered and the body properly taken care of, by either burial or cremation.

Costs

If you arrange a funeral you're responsible for paying the bill, so first check where the money will come from and if there will be enough.

Funeral costs can be paid in different ways including:

- from the deceased's estate
- the deceased may have been paying into a funeral scheme or have a prepaid funeral plan – you'll need to check paperwork to see if a plan exists
- money from a life insurance policy or pension scheme

In some cases the deceased's bank or building society may agree to release funds to pay for funeral costs. In other cases you or the executor may need to pay and then recover the money from the estate later.

For advice on different ways to pay for a funeral

http://www.ifishoulddie.co.uk/paying_for_a_funeral.php

Help with funeral costs if you're on a low income

You may be able to get a one-off Funeral Payment to help pay funeral costs if you're the deceased's spouse, civil partner or partner and are receiving benefits because you are on a low income.

For a factsheet visit:

http://www.direct.gov.uk/Bfsl1/BenefitsAndFinancialSupport/Bereaved_/fs/en

and

http://www.direct.gov.uk/Bfsl1/BenefitsAndFinancialSupport/BenefitsAndFinancialSupport/Articles/fs/en?CONTENT_ID=10018660&chk=KqCZdM

Choosing a funeral director

Friends, family, clergy or your doctor may be able to recommend local funeral directors. Most local companies are also listed in the telephone directory.

Most funeral directors are members of one of two trade associations:

National Association of Funeral Directors (NAFD), 618 Warwick Road, Solihull, West Midlands, B91 1AA, tel: 0845 230 1343 <http://www.nafd.org.uk/>

Society of Allied and Independent Funeral Directors (SAIF), Sawbridgeworth, Herts CM21 9DB tel: 0845 230 6777 <http://www.saif.org.uk/website/index.html>

Further help can be obtained from the **Funeral Standards Council**, 30 North Road, Cardiff, CF10 3DY www.funeral-standards-council.co.uk

Arranging a funeral without a funeral director

You can arrange a funeral without the help of a funeral director. If you wish to do this, contact the Cemeteries and Crematorium Department of your Local Authority for advice and guidance: <http://www.direct.gov.uk/D11/Directories/LocalCouncils/fs/en>

You can also get help and information from The Natural Death Centre – a charitable project to help people arrange inexpensive, family-organised, and environmentally-friendly funerals.

You can order a handbook from their website: <http://www.ac026.dial.pipex.com/naturaldeath> or from the Natural Death Centre, 12a Blackstock Mews, Blackstock Rd, London N4 2BT tel: 020 7354 3831

Arranging a funeral yourself

BBC WEBSITE WITH TIPS

http://www.bbc.co.uk/relationships/coping_with_grief/practicalissues_diyfuneral.shtml

GREEN FUNERALS AND WOODLAND BURIALS

<http://www.uk-funerals.co.uk/green-funerals.html> or: Freepost Lon 7609, London, SE26 5BR

NON-RELIGIOUS FUNERALS

<http://www.humanism.org.uk/site/cms/contentviewarticle.asp?article=1176>

or: British Humanist Association, 1 Gower Street, London, WC1E 6HD tel: 020 7079 3580

or Email: info@humanism.org.uk

Appendix 1: National Trans Support Organisations

BEAUMONT SOCIETY

27 Old Gloucester St, London WC1N 3XX

Tel: 01582 412220.

Email: jscott5426@aol.com

Provides advice and support for transvestite people, but also has some transsexual members. Runs local groups and produces a newsletter and publications.

www.beaumontsociety.org.uk

DEPEND

BM Depend, London WC1N 3XX

Email: info@depend.org.uk

An organisation offering free, confidential and non-judgmental advice, information and support to all family members, partners, spouses and friends of transsexual people.

www.depend.org.uk

GENDER TRUST

PO Box 3192 Brighton BN1 3WR.

Tel: 01273 424024 (office hours), Helpline: 07000 790347

Email: info@gendertrust.org.uk

Offers advice and support for transsexual and transgendered people, especially “male-to-female”, and to partners, families, carers and allied professionals. Has a membership society and produces a quarterly magazine: “GT News”.

www.gendertrust.org.uk

GIRES

Melverly, The Warren, Ashted, Surrey KT21 2SP

Tel: 01372 801554 Fax: 01372 272297

The Gender Identity Research and Education Society (GIRES) exist to promote and communicate research that improves the lives of people affected by gender identity and intersex issues.

www.gires.org.uk

FTM NETWORK

BM Network London WC1N 3XX

Helpline: 0161-432 1915 (Wednesdays 8pm – 10.30pm only)

Email: membership@ftm.org.uk

Offers advice and support to “female-to-male” transsexual and transgender people, and to families and professionals. Also a “buddying” scheme, newsletter: “Boys Own” and an annual national meeting.

www.ftm.org.uk

MERMAIDS

BM Mermaids London WC1N 3XX

Helpline: 07020 935066 (12 noon – 9pm when staffed).

Email: memaids@freeuk.com

Support and information for children and teenagers who are trying to cope with gender identity issues and for their families and carers. Please send SAE for further information.

www.mermaids.freeuk.com

PRESS FOR CHANGE

BM Network London WC1N 3XX

In emergencies ONLY ring 0161-247 6444

Email: letters@pfc.org.uk

Campaign for equal civil rights for transsexual and transgendered people. Also provides legal help and advice for individuals, information and training for professionals, speakers for groups. Produces a newsletter and publications. Please send SAE for further details.

www.pfc.org.uk

SAFRA PROJECT

P.O. Box 35929, London, N17 OWB, England

Email: info@safraproject.org

A resource project working on issues relating to lesbian, bisexual and/or transr women who identify as Muslim religiously and/or culturally (Muslim LBT women).

www.safraproject.org

TRANSGENDER-UK

a self-help group for Transgender identified people living in the United Kingdom

www.transgender.freeserve.co.uk/tg

UK ANGELS

Email: mail@joannasdiary.co.uk

An internet-based support group providing a support network for all trans women as well as providing opportunities to meet up and party! Includes an excellent calendar of events taking place all over the UK.

www.theangels.co.uk

SEAHORSE SOCIETY OF GREAT BRITAIN

BM Seahorse, London, WC1N 3XX

A society which organizes social events for cross dressers and non-operative transsexual women

www.btinternet.com/~seahorse.society

SIBYLS

BM Sibyls, London, WC1N 3XX

Tel: Jay on 020 8763 0146

UK base Christian group for trans people

WOBS (Women of The Beaumont Society)

BM WOBS, London, WC1N 3XX.

Tel: Diane Aitcheson on 01223 441246

Email: wobsuk@aol.com

An organisation providing support for the wives and female partners of cross dressers and trans women

www.gender.org.uk/wobsuk

Appendix 2: Local Trans Support and Social Organisations

ENGLAND

BIRMINGHAM: OUTSKIRTS

Email: claire@outskirts.org.uk

Social support groups for trans people (mostly trans women), meets fortnightly in the centre of Birmingham

www.outskirts.org.uk

BLACKPOOL: RENAISSANCE

email suzanne@renaissanceblackpool.org

regular meetings and social events

www.renaissanceblackpool.org

BRIGHTON: THE CLARE PROJECT

Tel: 0870 225 6401 (evenings only before 10pm)

e-mail: suzi.james1@virgin.net

a support and social group for 'anyone with gender issues' – based in Brighton. They hold regular monthly meetings on the first Friday of the month, 7:30 – 10:00pm at Hove Town Hall, Church Road, Hove.

www.clareproject.org.uk

COLCHESTER: OUTHOUSE TRANS GROUP

Tel: OUTHOUSE on 01206 869191

Email: samftm2001@yahoo.com

FULLY wheelchair accessible meets at the Outhouse, mixed trans group

www.gayessex.org.uk

ESSEX: TRANSLIVING

TransLiving, PO Box 3, Basildon, Essex, SS14 1PT

email: stacy@transliving.co.uk

A voluntary support organisation encouraging self-help for cross dressers and trans women, as well as help and understanding for wives and partners.

Tel: Stacy on 01268 583761

www.transliving.co.uk

LONDON: FTM LONDON

Email: info@ftmlondon.org

An FTM Support group. Meets monthly. Partners and significant others are welcome to attend from 8.15 pm for social time only.

www.ftmlondon.org.uk

LONDON: TISS

TEL 020 8355 7413

Email: londontsinfo@ntlworld.com

A mixed mtf and ftm transsexual group, meeting monthly

www.geocities.com/londontsinfo/INDEXLONDONTSINFO/index.htm

LONDON: WAY OUT CLUB

WayOut Publishing Co Ltd., P.O.Box 70, Enfield EN1 2AE

Tel :07958 473 599 , Fax: 0208 366 0517

A social club and publishing house for all trans people, club event weekly, focuses on cross dressers and trans women. One of London's most popular venues

www.wayout-publishing.com

LONDON: PHILBEACH HOTEL

30-31 Philbeach Gardens, Earl's Court, London, SW5 9EB

Tel: 020 7373 1244. Fax: 020 7244 0149

Included because it is one of London's most popular venues for older cross dressers who want a 'day away' whilst dressed. The hotel even provides a wig room as well as changing facilities

www.philbeachhotel.freeserve.co.uk

LEEDS: TRANS-YOUTH

tel: 07903 319435

Email: cpr.lgbtqyouth@leeds.gov.uk

For young trans people aged 13-25.

MANCHESTER: NORTHERN CONCORD

P.O. Box 258, Manchester, M60 1LN, England

Email: JennyB@northernconcord.org.uk

A social support group for cross dressers and trans people, meets weekly

www.northernconcord.org.uk

MANCHESTER: INNER ENIGMA

Mixed trans support group meeting monthly

www.innerenigma.org.uk

NEWCASTLE: NEWCASTLE TG & FRIENDS

Email: michelle_collins@hotmail.com

A local support network for cross dressers and trans women

www.angelfire.com/folk/newcastletg

NEWCASTLE: CROSSROADS

Tel /fax 01388 607925 or 01207 582167

Email: paula@crossroads-gid-support.org.uk

Mixed group, meets fortnightly

OXFORD: TRANSACT!

Email: gemstone64@hotmail.com placing 'queery' in the heading

Monthly social for FTM's, transfolk, femmes, butches, queer girls, leatherfolk and allies.

SHEFFIELD & LEEDS: T BOYS

Tel:0702 11 22 99 8 or 0845 331 6104

Email: tboys@lycos.co.uk

Monthly meetings for trans men, alternates Leeds and Sheffield,

SHROPSHIRE: TRANS- SHROPSHIRE

tel: 01952 240 099 (Mon-Fri 10am—1pm) or 01952 246 995 (Wed 7.30-9.30pm)

Email: info@trans-shropshire.org uk

Regular meetings, counselling, phone line

www.trans-shropshire.org.uk

WIRRAL / MERSEYSIDE: TRANSWIRRAL

Jigsaw Centre, 32 Hamilton Street, Birkenhead, Wirral. Weekly meetings for all trans people.,

Tel: 0151 649 8128

Email: transitions_1@yahoo.co.uk

Mixed group, meets regularly

www.geocities.com/transitions_1

WEST OF ENGLAND: WESTERN BOYS

Tel or Text: 07811 814302

Email: info@westernboys.co.uk

Support and social group for FTM identified people living in south west England. Meet: monthly except December

www.westernboys.co.uk

WALES

NORTH WALES: FTM WALES

Tel: Dave on 07720 784283

Email: 2daerowntree@ukonline.co.uk

TRANSGENDER WALES

PO Box 304, Cardiff, CF11 9XA

Tel: 07967 426558

A welsh based advice and support service.

transgenderwales.bravepages.com

SCOTLAND

EDINBURGH: TRANSALBA

Tel: 07961 574880 Mon-Fri, 6pm to 10pm

Email: transalba03@aol.com

Support and advice for trans people, partners friends and families; meets monthly.

www.transalba.org

EDINBURGH: TRANSGENDER YOUTH SUPPORT GROUP

Tel: 0845 113 0005 (tues. 7.30-9pm).

Email: info@lgbtyouth.org.uk

For 13-25 year old of all sexualities and genders. Meets fortnightly. Significant others also very welcome. For more information contact LGBT Youth Scotland.

www.lgbtyouth.org.uk

GLASGOW: TRANS SUPPORT GROUP

6 Sandyford Place, Sauchiehall Street, Glasgow, G3 7NB

Tel: 0141 211 8135

Support group for trans people. Meets monthly at The Sandyford Initiative

GLASGOW: CROSSLYNX

Email: caroltaylor@gtesco.net

Glasgow and West of Scotlands Support Group for trans people. Meets monthly

www.crosslynx.org

WEST LOTHIAN: TRANSGENDER SUPPORT GROUP

Tel: 07808 564626 between 7.00 p.m. – 10.00 p.m. Monday to Saturday

Support group for trans people, meets monthly

www.westlothiantsg.co.uk

IRELAND and NORTHERN IRELAND

BELFAST: Belfast Butterfly Club
PO Box 210, Belfast BT1 1BG
Social and support group for trans people

IRELAND: Si
Email: si@transgender.org
National support group for trans people. Mainly online though occasional social meetings in Dublin
www.transgender.org/si

CORK: COUNSELLING GROUP
tel: 026 40229 or 086 3440131, no later than 22-00hrs
Email: canygwynt@eircom.net,
Glanmire trans support group meets regularly



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281087 1p 2k Apr07

Produced by COI for the Department of Health

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