



10 Old Tolbooth Wynd  
Edinburgh  
EH8 8EQ  
+44 (0) 131 558 9596

info@engender.org.uk  
www.engender.org.uk

Michael Marra MSP  
Deputy Convener of the Finance and Public Administration Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

17<sup>th</sup> May 2023

Dear Deputy Convener,

Engender appreciated the opportunity to speak to the Finance and Public Administration Committee about our joint response with Close the Gap and Scottish Women's Aid on the inquiry into Scottish Government decision-making on 2<sup>nd</sup> May 2023.

During the session, I was asked several questions by the Member Michelle Thomson MSP about the Equality Impact Assessment (EQIA) process for the Gender Recognition Reform (Scotland) Bill (GRRB). This included a question on whether our three organisations were discouraged from asking certain questions to be included within the EQIA carried out by the Scottish Government throughout the period of the Bill's development. In addition, the member asked if there was a power dynamic at play, whereby our organisations were dissuaded from asking certain questions by the Scottish Government. In answering the questions on the day, I offered to send further detail to the Committee.

As I explained during the session, Engender were not at any point dissuaded from asking specific questions during the development of the GRRB. Our organisation did not experience any power dynamic with the team in the Scottish Government carrying out the EQIA and Bill development process more broadly, that either compelled or dissuaded us to intervene in any way. It is important for us to stress to the Committee that it is the Scottish Government who are responsible for carrying out EQIAs, including deciding on which content to include in their analysis and approach. A copy of the Scottish Government's EQIA for the Gender Recognition Reform (Scotland) Bill is available here: <https://www.gov.scot/publications/gender-recognition-reform-scotland-bill-equality-impact-assessment/>

Engender is Scotland's feminist organisation. We work for women's economic, political, and social equality with men. Engender is a Scottish charity (SC029053) and a company limited by guarantee (SC 286639).



Generally speaking, Engender does not undertake or closely participate in shaping the content of specific EQIA's for the Scottish Government. We also do not routinely feed into EQIA processes in detail – especially given the limited capacity of our organisation and the volume of these processes that occur across government policymaking. Ultimately, an EQIA and how it is carried out is the responsibility of the civil service team working on a policy area and it is crucial that intersectional gender competency is built across government to carry these out effectively. We frequently make the case for this capacity building in Scottish Government.

As part of our advocacy for improving gender and equalities mainstreaming in Scottish Government decision-making and building competencies, we have shaped recommendations on the best practice for carrying out EQIAs. This is included in Engender's response to the Scottish Government's consultation on the operation of the Public Sector Equality Duty in Scotland in 2022. Our response includes the proposal that listed authorities should be required to follow a prescribed set of criteria that must be met when undertaking an EQIA. It is important to note that this does not include any guidance on questions relating to specific policy areas such as the GRRB, as the Member asked.

Further detail on our recommended steps for carrying out effective EQIAs is available in our response here: <https://www.engender.org.uk/content/publications/Engender-response-to-PSED-consultation.pdf>

Engender also regularly undertakes our own independent, detailed gender analysis of policies and legislation to feed into Scottish Government consultation processes and into briefings for parliamentarians to ensure debates and scrutiny are informed by gender expertise.

We created several outputs as part of the Gender Recognition Reform (Scotland) Bill development in liaison with expert service provider partners including Rape Crisis Scotland, Scottish Women's Aid and other leading equalities experts.

We draw the Committee's attention to the following publications linked below:

1. [ON THE BASIS OF SEX: Protection against discrimination on the grounds of sex and gender reassignment under the Equality Act 2010](#)
2. [Scottish Women's Sector Response to the Scottish Government Consultation on Proposed Changes to the Gender Recognition Act](#)





10 Old Tolbooth Wynd  
Edinburgh  
EH8 8EQ  
+44 (0) 131 558 9596

info@engender.org.uk  
www.engender.org.uk

3. [Engender response to the Scottish Government consultation on the Gender Recognition Reform \(Scotland\) Bill](#)
4. [Engender Response to Committee inquiry into the Gender Recognition Reform \(Scotland\) Bill](#)
5. [Engender Parliamentary Briefing: Stage 1 Debate: Gender Recognition Reform \(Scotland\) Bill](#)
6. [Engender Parliamentary Briefing: Stage 3 Debate: Gender Recognition Reform \(Scotland\) Bill](#)

If you would like to discuss any of the points we have raised in this response, we would be happy to discuss our work further.

We look forward to seeing the Committee's findings from the inquiry in due course.

Yours sincerely,

Lucy Hughes

**Policy and Parliamentary Manager**

Engender is Scotland's feminist organisation. We work for women's economic, political, and social equality with men. Engender is a Scottish charity (SC029053) and a company limited by guarantee (SC 286639).

