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4 August 2020

Joan McAlpine, MSP,
Convener, Culture, Tourism, Europe and External Affairs Committee,
Scottish Parliament.

Dear Joan,

Guidance on sex and gender questions in 2021 census

We thought the Culture, Tourism, Europe and External Affairs Committee might be interested in the attached correspondence which we have had on this matter with the Registrar General, Paul Lowe.

The background is that, with several colleagues in Scotland and England, we have been involved in discussions with the Office for National Statistics about the guidance to be offered in connection with the question about sex in the forthcoming census of population. We would emphasise that this is about the planned sex question, not the planned gender-identity question. The current interim outcome of these discussions is that ONS is carrying out extensive piloting of four versions of the guidance for the sex question:

- Self reported sex (as used in 2019 rehearsal)
- Sex on birth certificate
- Sex at birth
- No guidance

The results of this piloting should be available in the early autumn.

Following one of these meetings, on 24 June, we wrote to Mr Lowe asking about the plans which the National Records of Scotland had to review the Scottish guidance in the light of the ONS discussions. This letter from us to Mr Lowe is the first attachment.

Mr Lowe replied on 21 July stating that no further revisions of the Scottish guidance could take place because the CTEEA committee had approved the guidance. This letter is the second attachment. The key sentence in it is:

‘As set out in Ms Hyslop’s letter to the CTEEA on the 26th February the agreement by the Scottish Parliament to the Census Order (12th March 2020) and Census Regulations (16th June 2020) confirms that the sex question and associated guidance has been agreed.’

Mr Lowe's claim took us by surprise, because, to the best of our knowledge, the CTEEA has not approved the guidance that would accompany the sex question. This is why we thought to bring this correspondence to the Committee's attention. We would be very grateful for your clarification on this matter and details of how, when and on what basis this agreement was reached.

Yours sincerely,

Professor Lindsay Paterson

Professor Susan McVie

cc: Stephen Herbert, Clerk to the Culture, Tourism, Europe and External Affairs Committee.

Attached:

Letter to Paul Lowe, Registrar General, 26 June 2020

Reply from Paul Lowe, 21 July 2020



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26 June 2020

Paul Lowe,
Registrar General for Scotland,
National Records of Scotland.

Dear Mr Lowe,

Guidance on sex and gender questions in 2021 census

Earlier this week, a meeting on this matter was convened by Iain Bell, Deputy National Statistician for Population and Public Policy at ONS. We were invited to the meeting, as co-signatories of a letter from 80 quantitative social scientists who wrote last December to the directors of all three UK census authorities, expressing concern that the guidance proposed to accompany the long-standing sex question in the census advises respondents to answer in accordance with their self-declared gender identity.

To be clear, we welcome the addition of the question on gender self-identification. However, moving from a question about sex to one about gender identity would lose valuable information about the demographic characteristics of the population – information that is protected in law by the Equalities Act 2010 – and would mean trend information on sex would be lost.

This raises many concerns, particularly around the potential effects on sub-populations, because it is unlikely that the transgender population will be evenly distributed. Swedish data shows that over 6.3% of 22 to 29 year olds want to be treated as members of the opposite sex compared to only 1.0% of those aged 67 or over. The study is available here and is open access:

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0204606>

An Australian Sex Survey study has also shown that the rate of identification with the opposite sex among higher-education graduates may be twice the average. This, too, is open access:

<https://link.springer.com/article/10.1007/s10508-018-1307-3>

There are strong grounds for assuming that these effects will be larger than they were a decade ago. For example, in 2018-19 the Gender Identity Service for England and Wales reported 15.6 times the number of referrals for young people it described as 'assigned male at birth', compared to 2009-10, and 54.4 times the number of referrals for those it described as 'assigned female at birth':

<https://tavistockandportman.nhs.uk/about-us/news/stories/referrals-gender-identity-development-service-gids-level-2018-19/>

Analogous data are not available for Scotland, but there is no reason to believe that there has not been a similar rise here.

The meeting this week was attended by six of the signatories of the original letter and 15 others, including representatives from the Government Equalities Office, Equality and Human Rights Commission and several LGBT lobbying groups. Although we were grateful for the opportunity to engage with ONS, we found the meeting to be deeply unsatisfactory insofar as the discussion was mainly about ideology rather than about statistical matters, whether of design or of measurement. Thus we have requested a separate meeting where we can discuss our statistical concerns in more detail. ONS have indicated that they intend to undertake further testing of the guidance, although we have yet to receive any details about this.

May we ask if you would be willing to provide an update on the development of the Scottish guidance, and on the timetable for finalising that guidance? May we ask also whether you are coordinating the Scottish plans with those of ONS and NISRA?

To our knowledge, the last meeting that was held between NRS and statistical data users was in October last year (involving Professor Susan McVie, Professor Nick Bailey and Dr Jo Ferrie), and we are not aware of any similar meetings that have taken place since then. We would be happy to be part of any further meeting that might be arranged, if you would find that to be helpful.

Yours sincerely

Professor Lindsay Paterson

Professor Susan McVie

cc. Professor Nick Bailey

Dr Jo Ferrie

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cc. Nick.Bailey@glasgow.ac.uk

cc. Jo.Ferrie@glasgow.ac.uk

21 July 2020

Dear Professor Paterson and Professor McVie

Guidance on sex and gender questions in 2021 census

Thank you for your letter of 26th June 2020, in which you asked for an update on the guidance which will accompany Scotland's Census.

As set out in Ms Hyslop's letter to the CTEEA on the 26th February the agreement by the Scottish Parliament to the Census Order (12th March 2020) and Census Regulations (16th June 2020) confirms that the sex question and associated guidance has been agreed.

The Cabinet Secretary's letter is published on the Parliament's website, but for convenience I have pulled out the relevant section:

I can confirm that, subject to the Census Order and Census Regulations being in force, the Registrar General will conduct a census that has a binary sex question with guidance that provides for a self-identification basis of response if required and I support this approach for Scotland's Census 2021.

I trust you find this helpful.

Yours sincerely

PAUL LOWE

Chief Executive and Registrar General for Scotland

Email: RG-Keeper@nrscotland.gov.uk