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Culture, Tourism, Europe and External Affairs  
Committee  
The Scottish Parliament  
Edinburgh, EH99 1SP

7 August 2019

Dear Joan,

As I mentioned in my response to your letter of 27 June, I am writing to clarify the Scottish Government's position on the sex question for the Census in 2021.

As you are aware, prior to Scotland's 2011 Census, no guidance had been provided on how to answer the sex question. It was up to the respondents to decide the basis for answering the question. Online guidance was developed by the Office for National Statistics (ONS), and introduced in the Scottish census for the first time in 2011, which advised members of the transgender population on how to answer the sex question. This guidance allowed transgender respondents to answer the sex question on a self-identification basis. There is no evidence to suggest that the addition of the guidance in 2011 introduced any discontinuity in the data and ONS are currently proposing to take the approach again for the 2021 Census in England and Wales.

Continuing with the same approach in Scotland as in 2011 would maintain the consistency of the Scottish data over time and also allow for harmonisation across the UK. Such comparability over time, and with the UK, is one of the key concerns of data users to allow population changes to be seen both in a historical context and in relation to other countries.

The Committee is aware that a question on sex, asking whether someone is male or female, has been asked in the census since it began in 1801. Whilst the sex question has always been binary, the way it has been asked has varied over censuses. In response to feedback received in 2011, and from the consultation on census topics, National Records of Scotland has been considering whether the sex question for 2021 should have other response options, therefore making this a non-binary question. There is certainly stakeholder support for this approach, but I recognise that there is also stakeholder support for retaining the binary approach. These sensitive matters regularly attract varying and opposing views.

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After careful consideration, reflecting on the Committee's recommendation, stakeholder evidence during Stage 1 of the Census (Amendment) (Scotland) Bill, and the approach being taken in censuses for the rest of the UK, National Records of Scotland now propose to continue with a binary sex question in Scotland's 2021 Census. The current proposal would also be to continue with the self-identification basis of response.

However, recognising that some concerns have been raised on the self-identification basis of answering the sex question, National Records of Scotland is currently working with a supplier on plans for quantitative testing on the sex question and, over the coming months, will be testing the question and associated guidance, and how the transgender status/history and sexual orientation questions interact with it. There are no plans to test different versions of the transgender status/history or sexual orientation questions but any feedback that arises on them will be considered. In addition, as I mentioned in my previous letter, National Records of Scotland are currently re-considering the terminology used in the transgender status/history question and will be proactively engaging stakeholders on that.

National Records of Scotland will use a variety of channels to encourage people from the transgender community to participate in the testing process for example through Voluntary, Community and Social Enterprise organisations, gender specialist clinics, word of mouth in trans community (snowball sampling) and press releases. National Records of Scotland will be writing to those who provided evidence during Stage 1 of the Bill, or who have been in touch regarding the issues raised, to discuss the questions and guidance to be tested.

I trust you find this letter helpful. I look forward to working with the Committee on what is a sensitive and personal matter for many in Scotland and I hope we can continue to discuss it in a constructive and respectful way.

Kind regards  
Fiona Hyslop

**FIONA HYSLOP**