

18th December 2019

Dear Convener,

I am writing to draw your attention to the attached letter from quantitative social scientists about guidance proposed for the 2021 census, which was sent to the directors of the three UK census authorities, as well as the Prime Minister and First Minister of Scotland. I also attach a briefing note which accompanies the letter.

A shortened version of this letter¹ was published in The Sunday Times² on 15 December 2019.

Given that the census orders will be laid in parliament in early 2020, we thought you should have sight of the full version of the letter.

I would be pleased to provide you with any further information regarding our concerns, as set out in the letter below.

The signatories are happy for the letter to be published on the committee's webpages.

Professor Alice Sullivan, UCL

We are writing to express our concern about the proposed online guidance to accompany the sex question in the 2021 census, which advises respondents that they may respond in terms of their self-identified gender. The guidance acts to conflate two distinct characteristics—sex and gender reassignment, both protected categories under the Equality Act 2010—and will effectively transform the longstanding sex question into a question about gender identity. We are concerned that this will actively undermine data reliability on a key demographic variable, and damage our ability to both capture and remedy sex-based discrimination

1. Background

The census has collected data on sex since its inception in 1801. As a key demographic variable, robust data on the number of male and female citizens is of vital importance to the planning and delivery of public services. Data on sex is also used by statisticians and researchers working with population level data, for example, to explain different health and socio-economic outcomes between men and women. This type of research and analysis is dependent on clearly distinguishing who is male and female, as a key explanatory variable. Equalities monitoring of the protected characteristic of sex also requires sex-disaggregated data.

2. Question on gender identity

We welcome the decision to include a new, voluntary question on gender identity in the 2021 census in England, Wales, and Scotland. This will assist public authorities in planning services and provide a baseline against which to measure discrimination on the grounds of 'gender

¹ <https://www.thetimes.co.uk/article/census-fears-over-gender-identity-rmx0gmzxq>

² <https://www.thetimes.co.uk/article/sex-question-catapults-census-into-trans-war-vq29nfvsq>

reassignment’, which is another protected characteristic under the Equality Act 2010. The introduction of a new, separate question on gender identity means that there is no justification for advising respondents to give inaccurate answers to the sex question.

3. Guidance in the 2011 census and consistency over time

We are aware that guidance was issued to accompany the sex question in the 2011 census, advising transsexual and transgender individuals to respond to the sex question based on their self-declared gender identity. This should not however, be regarded as a precedent. The introduction of guidance in 2011 was not subjected to a full consultation with data users, nor was an equality impact assessment undertaken. As recently admitted by the former Head of Census Statistics in Scotland, the census authorities still do not know how the 2011 guidance affected the data collected (Wilson, CTEEA Committee, 12 September 2019).

The shift to a ‘digital-first’ census in 2021 means that any proposed guidance will be much more visible and accessible, compared to the 2011 census (which was predominantly paper based, with separate online guidance). It is also likely the number of respondents who might seek to answer the sex question in terms of their gender identity will be higher in 2021. Taken together, these factors introduce the potential for significant discontinuity with the 2011 and previous censuses.

4. Data reliability

The proposed guidance assumes that the number of respondents who self-identify as members of the opposite sex will be small, and that the measurement errors will therefore be small compared to other sources of misclassification. There is however no systematic evidence on the size and distribution of the trans population to support this assumption. It is unlikely that the trans population will be evenly distributed across the population, for example by age, sex and geography. This means that the effects on data reliability are likely to be greater at the sub-group level. This can have extreme consequences for particular subgroups, e.g. 1 in 50 male prisoners in England and Wales identify as transgender³. The Tavistock and Portman NHS Trust claims that between 1.2% and 2.7% of children and young people are ‘gender-diverse’.⁴

5. Impact on other data collection exercises

As the UK’s most high-profile population survey, changes to the census are likely to influence other data collection exercises. If the decision to reframe the sex question in terms of self-declared gender identity is replicated in other surveys, we are likely to lose data on sex more widely, with detrimental implications for policy-making, research and analysis.

6. Differences of Sex Development/Intersex

We are also concerned that the current iteration of the guidance proposed by both ONS and NISRA makes reference to those with intersex conditions or DSDs. We note evidence⁵

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814689/hmip-annual-report-2018-19.pdf

⁴ ‘Outcomes and Predictors of Outcome for Children and Young People Referred to UK Gender Identity Development Services: A longitudinal Investigation’, National Institute for Health Research, award 17/51/19.

⁵ https://www.parliament.scot/S5_European/Inquiries/CensusBill_DSDFamilies_CTEEAS518CB33.pdf

submitted to the Scottish Parliament's Culture, Tourism, Europe and External Affairs (CTEEA) Committee during the passage of the Census (Amendment) (Scotland) Act 2019 from charity DSD Families which expressed concern about the conflation of a medical condition with an identity characteristic.

As experts in social statistics and users of population level data, we call on the UK's census authorities to retain the integrity of the category of sex, and not to conflate this with gender identity.

Signatories:

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2. Professor Nick Bailey, FRSA, Professor of Urban Studies, University of Glasgow
3. Dr David Bann, Associate Professor in Population Health, UCL
4. Christopher Barrie, Postdoctoral Prize Research Fellow in Sociology, Nuffield College, University of Oxford
5. Professor Mel Bartley, FBA, Professor Emerita of Medical Sociology, UCL
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7. Professor Vikki Boliver, Professor of Sociology, University of Durham
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72. Professor Malcolm Williams, Professor of Social Research Methodology, Cardiff University

[Eight additional signatories who preferred their names not to be public have been omitted]