

20 September 2019

Dear Members of the Culture, Tourism, Europe and External Affairs Committee

We represent a diverse range of researchers, academics, practitioners and data users working in universities, higher education agencies and other organisations across Scotland and the UK. Together we possess a breadth of expertise in the collection and use of data on identity characteristics, equality monitoring, statistical analysis and experience of working with complex datasets, including census data.

We are writing in support of National Records of Scotland's recommendation that trans people continue to answer the sex question in the 2021 census in line with how they live.

In support of this, we wish to note the following:

Data quality

The 2011 census in Scotland advised respondents to answer the sex question in line with how they live. Prior to 2011, it remains unclear how respondents in Scotland were advised to respond (although in 2001, respondents in England and Wales were also advised to answer in line with how they live). However, it can be assumed that, without explicit guidance, people answered the question in the way that they felt best reflected their sex.

In their evidence provided to Committee on 12 September 2019, NRS reaffirmed that, following extensive quality assurance checks of the sex data collected in the 2011 census, they have no reason to believe that the data quality was in any way negatively impacted following the provision of guidance that respondents should answer according to their lived sex.

We believe that departure from this precedent poses a greater threat to data quality, particularly in the case of longitudinal studies (as the 2021 census would explicitly request respondents to answer the question differently from past censuses) and in multivariate analyses of sub-groups (for example, a breakdown of data by age, sexual orientation and sex).

Furthermore, the vast majority of official documents — including passports, driving licenses, bank cards and degree certificates — can be changed without the requirement of a Gender Recognition Certificate or change to a person's birth certificate. To request that respondents answer the census sex question in a way that does not align with how they live, how they are perceived by others and how they are represented on other official documents means that the 2021 census will count trans people incorrectly.

Data harmonisation

It is important that data collected by NRS harmonises with the data collected by the Office for National Statistics (who carry out the census in England and Wales) and the Northern Ireland Statistics and Research Agency. As noted in evidence provided by NRS to the Committee on 12 September 2019, it is the intention of the ONS and NISRA to continue to ask a sex question in 2021 where respondents answer in line with how they live.

Outside of the UK, other national statistical organisations are conducting research to assess the best approach to collect sex data. Although an international one-size-fits-all model is not feasible, as statistical organisations will collect and use their data in different ways, the most recent censuses in Australia, Ireland, New Zealand and Canada did not ask respondents to answer the sex question according to their 'legal sex' or the sex stated on their birth certificate.

Changing the meaning of the sex question in the 2021 census would position Scotland as an outlier, both in terms of data harmonisation within the UK and other comparable English-speaking countries.

Establishing norms

The census does a lot more than populate a national dataset for researchers and policymakers. It is also an exercise in creating norms for equality monitoring and data collection across wider Scottish society.

We wish to express concern that the same arguments used in support of changing the sex question to ask about a person's 'legal' status do not currently apply to most other identity characteristics captured in the census, including ethnicity, religion and sexual orientation. Rightly, the 2021 census will implicitly ask respondents to answer these questions in line with how they live. For these reasons, we ask that the Committee support the proposal from NRS and the Scottish Government to keep the meaning of the sex question in the 2021 unchanged so that trans people can continue to answer in line with how they live.

Yours sincerely (in alphabetical order)

Prof Cathy Abbott - University of Edinburgh and Member of TIGER in STEMM (Science, Technology, Engineering, Maths and Medicine)

Dr S Elizabeth Anderson - University of Aberdeen

Prof Celeste-Marie Bernier - University of Edinburgh

Dr Luke Boulter - MRC Human Genetics Unit, University of Edinburgh and a member of The Royal Society Diversity committee

Dr Maddie Breeze - University of Strathclyde

Dr Ben Britton - Senior Lecturer at Imperial College London, Member of TIGER in STEMM and Trustee of Pride in STEM

Ashlee Christoffersen - University of Edinburgh and equality researcher

Dr Edmund Coleman-Fountain - Northumbria University

Prof Sharon Cowan - Edinburgh Law School, University of Edinburgh

Paul Coxon - University of Cambridge

Julia Crane – University of Chester

Dr Michael Crichton - Heriot-Watt University

Dr Melanie Crofts - De Montfort University

Marion Cromb - University of Glasgow

Dr Elizabeth Elliott - University of Aberdeen

Kirstie English – PhD Researcher, Sociology, University of Glasgow

Samantha Finnigan - Research Fellow, Northumbria University

Dr Anna Fisk - University of Glasgow

Dr Sue Fletcher-Watson - University of Edinburgh

Dr Gavin Gray - University of Edinburgh

Dr Kevin Guyan - Equality, diversity and inclusion researcher

Dr Penny Haddrill - University of Strathclyde

Dr Lauren Hall-Lew - University of Edinburgh

Mx Avery Hawkins Assoc. CIPD - Centre for Academic, Professional and Organisational Development, The University of St Andrews

Prof Caroline Heycock - University of Edinburgh

Sandra Hopkins – Lecturer, University of Chester

Zuzana Hrabalova, MSc - School Support Coordinator, Edinburgh Napier University

Dr Izzy Jayasinghe - University of Leeds and Member of TIGER in STEMM

Miss Julie M Jebson - Equality, diversity and inclusion PhD researcher, and Member of TIGER in STEMM

Dr Andy Kesson - University of Roehampton

Sam Keyes - Research Fellow, University of Nottingham

Wen Kokke - University of Edinburgh

Dr Matson Lawrence, LGBTQI+ Lives Scotland research project, University of Strathclyde

Prof Anson W. Mackay - Vice-Dean: Equality, Diversity & Inclusion, UCL

Dr Candice Majewski - The University of Sheffield and member of TIGER in STEMM

Dr Peter Matthews - University of Stirling

Dr Ciarán McFadden - Lecturer in Human Resource Management and EDI researcher, Edinburgh Napier University

Dr Carlo Morelli - University of Dundee

Dr Thekla Morgenroth – Research Fellow, University of Exeter

Dr Katie Nicoll Baines - Evidence Base Project Manager and Co-Chair of Staff Pride Network, University of Edinburgh

Dr Jean O'Donoghue - University of Edinburgh

Dr Brian Patton - University of Strathclyde and Member of TIGER in STEMM

Dr Ruth Pearce - School of Sociology and Social Policy, University of Leeds

Prof Alison Phipps - University of Sussex

Beth Pitcher - Equality, Diversity, Inclusivity Advisor, University of Exeter

Dr Emily Porth - University of Edinburgh

Dr Marco Reggiani - University of Strathclyde

Dr Hannah Rohde - University of Edinburgh

Mr Matthew Sinton - PhD student at the University of Edinburgh and founder of The STEM Village

Dr Carlos Soler Montes - University of Edinburgh

Prof A. M. Vincent - University of Chester

Dr Lena Wånggren - University of Edinburgh

Nicholas Younger - PhD researcher, Genetics and Molecular Medicine, University of Edinburgh