

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

SUBMISSION FROM LAW SOCIETY OF SCOTLAND

Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Equalities Law sub-committee welcomes the opportunity to consider and respond to the Culture, Tourism, Europe and External Affairs Committee's call for evidence on the Census (Amendment) (Scotland) Bill. We have the following comments to put forward for consideration.

General principle

We welcome the proposed inclusion of questions in the census concerning sexual orientation and gender identity. We agree with the approach taken in the Bill and the fact that the amendments to the Census Act 1920 will clarify that it will be purely voluntary to provide answers to the questions concerning gender identity and sexual orientation.

Public sector equality duty

The collection of this data is necessary in order to provide employers, policy-makers and service providers with a more representative picture which will in turn help to inform decision-making, policy and practice development and to plan and fund service provision. In our view, organisations that are subject to the Public Sector Equality Duty may struggle to show compliance with the proactive elements of the duty in relation to eliminating discrimination and advancing equality of opportunity without a reliable demographic picture

in relation to sexual orientation and gender reassignment/trans status in their area. The inclusion of the voluntary questions as proposed have the potential to help public sector organisations to comply with the Public Sector Equality Duty.

Further development

Given the proposed nature of the amendments any interference into private life should be minimal and proportionate to the wider aim being sought. However, this is subject to the detail of the actual questions which will be asked which we understand is still to be confirmed. We would urge that this be developed in conjunction with stakeholders and subject to further consultation in order to minimise any unnecessary interference and to maximise the response rate and the quality of the data elicited.