

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

SUPPLEMENTARY SUBMISSION FROM MURRAY BLACKBURN MACKENZIE

At yesterday's (13 December 2018) oral evidence session on the Bill, there was discussion about the way in which Scottish public authorities represent the protected characteristic of 'sex' under the Equality Act 2010.

We thought that members of the Committee might therefore be interested in a review we carried out of the 32 local authorities in Scotland.

The purpose of this research was to investigate how the 32 Scottish local authorities are representing the provisions of the Equality Act 2010, specifically, whether they are accurately describing the protected characteristic of 'sex'.

All the information reviewed was taken from each council's website (screenshots taken on 9 June, 18 September and 1 October 2018). Wherever a search box was available on the council's website, a search was done for 'equality'. Sometimes that pointed to a page about the council's broad approach to equality and diversity issues. Occasionally, it was necessary to carry out a more refined search for specific council documents relating to equality issues.

In many cases, there were a number of documents available that related to equality and diversity. Wherever possible, the most up to date report or strategy on equality and diversity issues was reviewed. Most often these were 'mainstreaming equality' reports relating to the period 2017 to 2021.

Based on either a broad overview of protected characteristics listed on an equality homepage and/or a more detailed report on equality and diversity, it was possible to note whether there was any consistency in the way that councils described the protected characteristic of 'sex'.

Seven* of the 32 local authorities consistently list 'sex' as the protected characteristic in the documents reviewed. The remainder list 'sex', 'gender' and other variations as the protected characteristic in the documents reviewed.

Full details of the review can be found here: www.equalityaction.blogspot.com

*Edinburgh, Dundee, East Ayrshire, Glasgow, Orkney, Perth and Kinross, Renfrewshire

Local authority	Description of protected characteristic ('sex')
Aberdeen	Sex Gender
Aberdeenshire	Sex Sex (gender) Gender
Angus	Sex Gender
Argyll and Bute	Sex Gender
Edinburgh	Sex
Clackmannanshire	Sex Gender
Comhairle nan Eilean Siar	Gender
Dumfries and Galloway	Sex/gender Gender Sex (gender) Gender (sex)
Dundee	Sex
East Ayrshire	Sex
East Dunbartonshire	Sex Gender
East Lothian	Sex (formerly known as gender) Sex (gender)
East Renfrewshire	Sex Sex and sexual orientation
Falkirk	Sex Sex (gender) Gender
Fife	Sex Gender
Glasgow	Sex

Highland	Sex Gender
Inverclyde	Sex Gender
Midlothian	Sex Gender Sex (formerly/previously known as gender)
Moray	Sex Gender
North Ayrshire	Sex Gender
North Lanarkshire	Sex Gender and transgender identity
Orkney	Sex
Perth and Kinross	Sex
Renfrewshire	Sex
Scottish Borders	Sex Gender Gender (sex)
Shetland	Sex Gender
South Ayrshire	Sex Gender
South Lanarkshire	Gender (sex)
Stirling	Sex Gender
West Dunbartonshire	Sex Gender
West Lothian	Sex (gender) Gender Gender (woman)