

## **Feedback on Draft Guidance Sex and Gender in Data - Collection and Publication**

I am happy for my response to be published – Nicola MacPherson, Glasgow

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Yesterday Feb 11<sup>th</sup>, an open letter from eight quantitative social scientists was published in The Times, explaining their grave concerns with the approach being taken regarding “sex” and “gender” in both the UK and Scottish census and concluding:

*“It is our strong view that the burden of proof remains with the respective Chief Statisticians to articulate why data on biological sex is no longer salient to our ability to measure and remedy phenomena that we expect public policy to address. Both have singularly failed to do so. We therefore feel it our duty to put on the public record our deep-seated alarm that we are on the brink of losing robust, high quality data on sex in the UK, and that the public servants leading this process have failed to engage in a serious and timely way with those outside government who have substantial expertise on the collection and use of population data in the social sciences.”*

<https://ukdataexperts.files.wordpress.com/2021/02/open-letter-on-sex-data-11-february-2021-1.pdf>

The Women and Equalities Committee of the UK Parliament recommend that all government departments should be required to collect and publish data disaggregated by sex after publishing their report “*Unequal impact? Coronavirus and the gendered economic impact*”. It states:

*“Improving evidence—better data*

*Disaggregated data from Government*

*127. The need for data disaggregated by sex and indeed other protected characteristics, has been made strongly and repeatedly to us.<sup>176</sup> We note that there is a disparity not just between departments as to what data is disaggregated and when, but indeed within individual departments.<sup>177</sup> We heard from the Office for National Statistics (ONS) that they were committed to providing disaggregated data.<sup>178</sup> Other witnesses also stressed how fortunate we were to have robust and reliable data sets, at least in part as a result of the commitment of the ONS.<sup>179</sup> Government ministers and officials also pointed to the availability of ONS statistics.<sup>180</sup>*

*128. Whilst we are grateful for the work the ONS has done, and note the recent establishment of the Inclusive Data Taskforce,<sup>181</sup> this is not a substitute for action by the Government to make data from administrative sources available. ONS data inevitably suffers from a time lag, and we note with concern that the publication of UK labour market statistics is significantly slower than in other countries.<sup>182</sup> The covid-19 pandemic is the clearest possible example of real-time policy making requiring real time data. Further, administrative data is not affected by the same sampling concerns that have affected survey results over the pandemic.<sup>183</sup>*

129. *Robust equalities data is crucial to effective policy responses. We have been frustrated by the lack of data disaggregated by sex and other protected characteristics. The lack of intersectional data in large government data sets continues to frustrate meaningful analysis.*

130. *We recommend the Government require all departments to collect and publish data disaggregated by sex and protected characteristics in a way that facilitates reporting and analysis on how, for example, gender, ethnicity, disability, age and socio-economic status interact, and can compound disadvantage.”*

<https://publications.parliament.uk/pa/cm5801/cmselect/cmwomeq/385/385.pdf>

### Sex not Gender

“Sex” is a protected characteristic in the Equality Act 2010, “gender” and “gender identity” are not. It is imperative that the census records the same biological information on a population basis as it always has in order to, amongst other things:

- protect continuity in the longest running population data source,
- set a high-quality precedent which is likely to be copied in other surveys;
- provide accurate information for health care provision; and
- provide accurate information on which to monitor sex inequalities.

Women have been a historically marginalised group facing structural inequalities across all time and cultures. The roots of the historic and systemic oppression of females as a class is their shared sex not their gender. Women as a distinct group still face many inequalities in this country and unless we have fundamental information about this group it is impossible to address sex discrimination – if there is no sex there can be no sexism.

### Ideological/Policy Capture and Lobbying

*“We see this as an example of policy capture. Policy capture has serious social and political consequences. In relation to data collection, there has been a clear failure to recognise the full range of interests affected by the profound redefinition of sex as a matter of subjective feeling.*

*In framing the sex question in the 2021 census in terms of self-declared gender identity, the UK census authorities are clearly signalling that they no longer view sex as a key determinant from birth onwards of a vast range of outcomes relevant to the formulation of public policy.*

*Widely considered to be the ‘gold standard’ of population surveys, the UK census’ flagship status also means that the census authorities are giving implicit licence to other data collection surveys to follow suit, and that the elision of sex and gender identity is even more likely to be replicated elsewhere.*

*As a result, the UK is now at a serious risk of losing the capacity to gather data that, for decades, has provided the building blocks for policy-makers and researchers to monitor and tackle discrimination based on sex.”*

<https://murrayblackburnmackenzie.org/2020/06/20/domino-effects-the-implications-of-the-framing-the-sex-question-in-the-2021-census/>

The proposed change from “sex” to “gender” in the collection of information for the national census is an example of “*ideological capture*”.

It has been driven by unaccountable and unelected vested interest lobby groups with almost zero consultation with stakeholders including women’s groups, other than those endorsed and funded by Scottish Government.

It would also appear to be an example of “*astroturfing*” as detailed in the definition below:

*“organized activity that is intended to create a false impression of a widespread, spontaneously arising, grassroots movement in support of or in opposition to something (such as a political policy) but that is in reality initiated and controlled by a concealed group or organization (such as a corporation)”*

<https://www.merriam-webster.com/dictionary/astroturfing>

None of this should be acceptable in a modern democracy such as Scotland.

*“This shift in data collection practices has come about principally as a result of lobbying by some LGBT groups which advocate collecting data on self-declared gender identity instead of data on sex. For example the Stonewall/Scottish Trans Alliance ‘[Getting Equalities Monitoring Right](#)’ guide explicitly advises organisations against collecting data on sex:”*

<https://murrayblackburnmackenzie.org/2020/06/20/domino-effects-the-implications-of-the-framing-the-sex-question-in-the-2021-census/>

It should be noted that many of the lobby groups mentioned above such as Stonewall have among their stated aims, to replace “sex” with “*gender identity*” in the Equality Act 2010, and to get rid of the current sex-based exemptions which form the core of the sex based rights of women and girls.

*“The main failing, however, lies with those organisations, including the census authorities, who have neglected to consult more widely on their policies, particularly with data users and statisticians working with population level data. Instead, policy development has been influenced by a specific set of interests, without due regard for other affected groups, data users, the wider population or, where monitoring under Equality Act is relevant, the law.”*

<https://murrayblackburnmackenzie.org/2020/06/20/domino-effects-the-implications-of-the-framing-the-sex-question-in-the-2021-census/>

In allowing itself to become a victim of “*ideological capture*” by those vested interests pushing “*gender identity*” ideology and facilitated by government departments and institutions steeped in what Trevor Phillips, the former chair of the Equality and Human Rights Commission, called “*liberal narcissism*” the Scottish Government is failing the Scottish electorate. We deserve better than this, and Scottish women most certainly do.

I am a woman; an adult human female.

I do not “*identify*” as a woman, but neither am I “*trans*” or “*non-binary*”. Like the vast majority of the electorate, I do not subscribe/believe in the concept of “*gender identity*” which is a particular ideological way of viewing the world, a contested metaphysical concept that cannot be scientifically proved, that appears to have taken over our government and institutions, silently and without mandate.

“*Gender identity*” therefore, should not be the basis for recording information in a nationally important undertaking such as the census which should be based on facts and objective reality not feelings. It is not the job of the census nor should it be, to “*validate*” identities or to be “*kind*” to participants’ feelings – only factual material reality should matter.

Having said this, however, I would absolutely support the inclusion of a voluntary question on gender identity as it is also important to gain accurate information about this section of our population so they may be afforded the same rights and consideration to which we are all entitled.

It is however, futile to turn the sex question into an additional gender identity question and lose important information about sex in the process.