

# Desk research - the question of gender: what we know/don't know

<https://blogs.gov.scot/digital/2018/07/05/sex-and-or-gender-working-together-to-get-the-question-right/>

**Please add additional research and resources on this topic here.**

Insights from meeting with [REDACTED], Transgender Alliance Support group:

Slide deck provided by [REDACTED] as follow up to his talk. Please field any contact you wish to have with [REDACTED] through [REDACTED] or me as he has taken on a bit work for us and GDS to help get the right design patterns across government. Just so we are all joined up.

[REDACTED] [REDACTED]

- The fight for 'X' identifier is for passports only and not for application forms. Historically it was because passports were given to refugees during the second world war and the passport office were unable to identify the gender of children due to foreign names.
- Any identity checks where a National Insurance number is drawn upon will come back unfound for trans people therefore all trans people would fail the check in this case. There is issues with National Insurance records and Social Security Benefits being taken off the system – these can't be accessed for any electronic systems. HMRC and DWP use a 'special customer records protocol' for trans people. This protocol is ordinarily used for royals, witness protection, undercover police and MSPs. There is a judicial review against DWP to determine whether the process is lawful or discriminatory. results of this are due in December 2017.
- There is problems with DVLA and vote registration – trans people cannot be found by these organisations and some trans people couldn't vote in the last election.
- Proving identity is a "nightmare" for trans people, in particular people have to wait at least 2 years after they receive their gender recognition certificate to get their birth certificate updated therefore some trans people may not have their current gender on their birth certificate and can struggle to provide ID documents. Trans people often ask NHS to update their details so might have this card available, the community health number is gender specific so therefore a new one is issued.

In terms of data gather on our application forms we have some specific insights:

- If asking for title, preferable to include Mx and an option to add another title with free text box
- If asking individuals if they have been known by previous names, it must be clear where this information goes, if it is shared with any third party etc. and it's a common misunderstanding that trans people don't know to declare this information.
- The gender and sex questions should not be split into two separate questions as this makes it seem like they are two different things and for the majority there will be no difference.
- **When asking the gender question, it was suggested that this could be worded as "How would you describe your gender?". It was made clear that we will never be able to list all the ways that people confirm their gender, Facebook tried this and ended up with 57 variations therefore to make people feel respected it was suggested to have male/female/ and "in another way" with an option to enter what they identify as with a free text box. This is preferred to rather than saying "prefer to self-describe" or "other" as other can come across as very harsh and blunt. People want to feel like they exist.**

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## 1. How DS, DBS and Access NI currently handle transgender applications

### Disclosure Scotland Process

- If you're transgender and applying for a disclosure you can apply using a special process.
- This means you only have to tell Disclosure Scotland your previous gender.

- You don't have to tell the person or organisation asking you for a disclosure – unless you're happy for them to know.
- You should use your present name and gender to fill out the disclosure application form.

## **o Disclosure application process for transgender applicants**

You should use your present name and gender to fill out the disclosure application form.

Do this this for whatever type of disclosure you're applying for.

You don't have to:

- answer 'yes' to the part of the form about previous names unless you had other names that don't relate to your transgender status
- disclose names that you were previously known by
- give your Gender Recognition Certificate (GRC) to your employer
- Notify Disclosure Scotland of your previous names

To complete your disclosure application, you'll need to provide Disclosure Scotland with details of your previous names.

To do this, you should send a letter to Disclosure Scotland including the following information:

- your case reference number
- your contact details
- details of your previous names
- a photocopy of a document which proves your previous names, such as your birth certificate or GRC
- if you want the copies of the documents you've supplied to be returned to you

You should only send Disclosure Scotland photocopies of your documents.

Disclosure Scotland's Vetting Operations Managers will let you know they have received your paperwork so you can be sure your information is handled safely.

**Volume of cases – [REDACTED] has been informed that [REDACTED] cases have been processed from January to now (August)**

Users can currently apply via paper or online.

Users don't have to prove previous names/identity if they have provided the details on an application form whether paper or online. However, if they choose the discreet offline service they have to supply ID documents in the previous name.

## **2. DBS**

## **Brief Summary**

The Disclosure and Barring Service (DBS) provide a sensitive applications process for trans people who do not wish to reveal former names. The DBS checks were formerly known as Criminal Records Bureau (CRB) Checks.

## **Information from Disclosure and Barring Service**

If a Trans person is required to complete a Disclosure and Barring Service (DBS) check, DBS offers a confidential checking process in accordance with the Gender Recognition Act 2004. This gives the Trans person the choice as to whether they are content or not for their previous gender to be disclosed on their DBS Certificate.

If an applicant decides they do not wish for their previous identity to be disclosed to their employer and/or on their DBS Certificate, they should call the dedicated team in Customer Services who are experienced in dealing with these types of sensitive cases. A member of this team will advise the applicant about the process and what they will need to do.

If the applicant does not feel comfortable dealing directly with a member of this dedicated Customer Service team, the applicant should contact the team and give details of a nominated person that the DBS can deal with on their behalf. Alternatively, the applicant can contact the team direct by email, post or telephone.

*Source: <https://uktrans.info/legislation/72-political-documents/180-disclosure-and-barring-service-dbs-checks-for-transgender-persons-formerly-criminal-records-bureau-crb-checks>*

## **3. Access NI**

### **Transgender applicants**

AccessNI has a special application process for transgender people who don't want to reveal their previous gender and names to the organisation requiring the disclosure.

If you are transgender and want advice about job applications where an AccessNI check is required, or you need help completing the AccessNI application, you should contact AccessNI on 0300 200 7888 and ask for the Operations Manager.

*Source: <https://www.nidirect.gov.uk/articles/about-criminal-record-checks>*

## **4. External desk research**

### **a. Stonewall Trans Advisory Group (Stag) – latest position on passports**

**Key finding:** UK passports should allow people who do not identify as male female to define themselves as X. For trans people who identify as non-binary – that is, neither male or female, or

some combination thereof – it would give them an option that wasn't prescriptive, whereas the only options at the moment are prescriptive for them.

“It basically allows them to express their identity, and it's not just trans people it impacts, it's important to illustrate it would have a lot of benefits for intersex people as well.”

Intersex describes a person who may have the biological attributes of both sexes.

**Key finding:** HSBC is offering its transgender community a choice of 10 new gender-neutral titles that will be printed on the person's bank cards and other comms/materials. **Disclosure Scotland are offering many options on the basic online application form, including the gender-neutral title Mx.**

Source: <https://www.theguardian.com/society/2017/apr/05/uk-passports-should-include-transgender-title-says-stonewall>

#### **b. Meet the surgeons – reassignment demand is going through the roof**

**Key finding:** there are more male to female gender operations than female to male. Demand is outstripping the number of doctors who can perform reassignment surgery. Waiting times are high and contributing the stress, anxiety people are already experiencing

Source: <https://www.google.co.uk/amp/s/amp.theguardian.com/society/2016/jul/10/meet-the-gender-reassignment-surgeons-demand-is-going-through-the-roof>

#### **c. Number of British people seeking to change gender soars**

LGBT activists warn that increasingly long waiting times for people seeking gender reassignment can be dangerous, with trans people already reporting much higher rates of suicide and depression.

A Freedom of Information Act undertaken by The Guardian revealed that referrals to all 14 gender identity clinics (GICs) in the UK had increased, with some clinics reporting surges in patient numbers of several hundred per cent.

**At Charing Cross in London, the oldest and largest adult clinic, the number of referrals has almost quadrupled in 10 years, from 498 in 2006-07 to 1,892 in 2015-16.**

Source: <https://www.google.co.uk/amp/www.independent.co.uk/life-style/health-and-families/health-news/number-of-british-people-seeking-to-change-their-gender-soars-a7130006.html%3famp>

#### **d. Getting Equalities Monitoring Right**

A survey has taken place in SG Lynn McMinn will summarise the issues for us

*Source:* [http://www.scottishtrans.org/wp-content/uploads/2017/06/getting\\_equalities\\_monitoring\\_right.pdf](http://www.scottishtrans.org/wp-content/uploads/2017/06/getting_equalities_monitoring_right.pdf)

### **e. East leads West in a question of gender**

Around the World there is a slow but steady increase in recognition of a 3rd gender option, and countries in Asia and Oceania are taking the lead.

In Australia, a 3rd gender of “X” has been included as an option in passports since 2011, and this has now been extended to all federal documents, including the 2016 National Census which included a gender option of “other”.

In the last 20 years, a gender perspective has been incorporated into International Human Rights Laws and gender equality has been restated in many UN resolutions. More recently there has been movement to broaden the focus from binary gender to gender identity. The United Nations Human Rights Council, adopted a resolution in 2016, on “Protection against violence and discrimination based on sexual orientation, and gender identity” which has been celebrated as a major step in recognising and respecting gender diverse people.

*Source:* <http://www.jigsaw-research.co.uk/Talking/Blogs/Article/129/East-leads-West-in-a-Question-of-Gender>

## **6. Defra - learning's from across government**

**Make sure you know if you are collecting data about gender or sex. These are two very different things. Don't get them confused or you will cause confusion and potentially distress for your trans and non-binary users.**

- **Male / Female / Other, did not go down well. Non-binary users were more aware of equality issues, around gender, and felt that 'Female' should come first alphabetically.**
- **'Other' was also considered inappropriate and felt exclusionary. 'Another gender' was felt to be a more appropriate term.**

**Other things to bear in mind:**

- **The process of legally changing your gender, in the UK, is a long protracted and an unpleasant experience that takes a minimum of two years, involves getting a medical diagnosis of gender dysphoria, and submitting evidence to a gender recognition panel. At which point the panel will decide if they agree with you.**

- Not all people who have transitioned, identify as trans. Some people identify as trans before changing their gender, some whilst transitioning, and some after.

I would also recommend reading through some of the evidence submitted to the Women and Equalities Committee: Transgender equality inquiry from 2016.

<https://publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/39014.htm#idTextAnchor005>

I would also recommend speaking to the non-binary inclusion project <http://nonbinary.co.uk/>. They are a small organisation.

## 6. Home Office

### National Policy: Identity

tells you how to consider applications for naturalisation or registration where the applicant has changed their gender. (may not be relevant)

## 7. An internal perspective – [REDACTED].

[REDACTED] met with [REDACTED] this morning. [REDACTED] has read about our work on Yammer and is keen to get involved in our work to get this right.

**1. Gender Recognition Certificate (GRC)** – it’s my understanding that this is issued mainly for the purpose of being able to legally change gender on birth certificate; it should not be used by organisations as “proof” of being transgender so are Disclosure Scotland allowed to require it?

This is a final step in a long process and not every transgender person has a GRC – they may not feel they need it or want to go through the stress of the process or there are financial barriers as it is expensive to get. Concerned that by relying on this, Disclosure Scotland is not offering the privacy of not disclosing other names to employers to people who may be at different stages of transitioning and I’m not sure this adheres to the Equality Act. Implication that we may be saying to people who do not have this that we do not consider them to be “trans enough” – highly offensive and discriminatory.

Also non-binary identity does not necessarily mean any physical “transitioning” takes place (although this varies and is not always the case), other than sometimes a name and/or gender identity change, so these people may not wish to obtain a GRC. Circumstances will vary between individuals and there is no “single” way of being either transgender or non-binary. Also, non-binary gender identity does not always mean the individual identifies as transgender; some do, others don’t. Non-binary gender identity is not currently covered under the Equality Act or recognised in law, meaning such individuals already face stigma and potential distress when filling out official forms.

**2. In terms of asking about gender on the form,** I think it would be confusing to ask about both gender and sex, as there is not widespread recognition that they may mean different things or sufficient education amongst the general public. Although it is not as blunt as asking about “gender at birth”, which I find to be an offensive and insensitive way of asking anyway, it is still asking someone to mark a box with something that they do not identify with and could cause distress and confusion.

The response an applicant gives to this field is not required for vetting purposes; it would be an inaccurate piece of information to use to identify an individual’s criminal record in any case, as police may not update records if gender identity has changed. It is based on assumptions that we should not be making and could well be wrong. As such, whatever option an applicant selects it should not require any different branch of the form to have to be filled out. My opinion would be that we give options of “Female”, “Male”, “Non-binary/no gender” and “Prefer to self-describe” with a blank field. I would suggest having either a further question “do you identify as transgender?” with a Yes/No option that would either then have perhaps a pop-up with information about our process if they don’t wish their employer to know or provides an explanation about how we safeguard their information and advice on how to fill out any previous names

**OR**

We provide a small blurb before the field where we ask for other names that explains this includes names that have been changed because the applicant is transgender – I think asking about transgender status in terms of previous names is more sensitive, as long as there is a good explanation given that this is required for vetting purposes and will be protected information, as asking for previous names can also be distressing but

we do have a legal requirement and good reason to do so. Best to ask transgender organisations about appropriate wording for this.

### **3. Gender - neutral passports passed in Canada**

Canadians will soon be able to identify a gender-neutral on their passports. As well as the 'M' for male and 'F' for female boxes, citizens will also have the option of o"X". The "X" will indicate the individual's gender is unspecified and will apply for passports and other documents issued by the IRCC. (Info provided via [REDACTED] from a paper cutting).



### **4. Gender neutral title welcomed by customer - twitter post (provided by [REDACTED])**

[IMAGE REDACTED]

**4. Regarding title** – I would suggest this as either a blank field or adding Mx to the list if there are to be set options ([REDACTED] - this has been added)

### **Digital Design Questions**

**Outstanding questions for digital service team is:**

- Can the whole process be moved online?
- How do we design in the same levels of privacy?
- What is the experience like for those going through the service. An early conversation [REDACTED] has had with a Transgender Support group has indicated it is causing

many problems for people in this situation and in particular the volunteers working with the support group.

- What are the needs of our transgender new and future users – discovery research is planned and will involve help/guidance from Transgender Support Groups + [REDACTED] and [REDACTED] talking to DBS and other orgs. A shout out has also been put out on the cross government user research group.
- Further research needed into ‘prefer not to say’ which we have discussed as a potential option as evidence currently pointing to the transgender community fighting for a recognised identity – X
- [REDACTED] organising a workshop with the digital design team, policy, staff and [REDACTED]
- The process is currently not on the Agent roadmap
- Does the IDV solution draw on sex/gender data field when performing the ID check and how will this work in this process?
- Should we compare our titles against HSBC's 10 gender-neutral titles to check if we are missing anything?

[REDACTED]

## **8. Government Digital Service (and design community discussion)**

<https://www.gov.uk/service-manual/design/gender-or-sex>

### **Asking about sex: "biological sex" and "legal sex"**

Biological sex is not clear cut. It is made up of a huge variety of factors.

- Biological sex can change as time goes on. Don't assume that sex and gender will necessarily agree or disagree. Many trans women consider their sex to be female.
- For some people, biological sex is not obvious at birth and may be intersex. How and when biological sex is determined can be a controversial matter.

Some legal teams will argue that sex is more stable than gender, and therefore we can use a person's "sex" more easily for legislative purposes. In the UK, the concept of "legal sex" exists solely as a contrast to "illegal sex" and has nothing to do with identifying people as female, male or anything else.

#### **NHS and clinical records of gender and sex**

NHS medical records don't currently record sex. The NHS will update a patient's gender marker on request, with no requirement for any medical intervention. Once changed, it can cause difficulties: for example, trans women being called for smear tests but trans men not being called.

HSCIC (Health and Social Care Information Centre) have produced a [standards document for the clinical structure and content of patient records](http://www.aomrc.org.uk/doc_download/9702-standards-for-the-clinical-records)[http://www.aomrc.org.uk/doc\\_download/9702-standards-for-the-clinical-](http://www.aomrc.org.uk/doc_download/9702-standards-for-the-clinical-records)

[structure-and-content-of-patient-records\(.pdf\)](#), which includes these descriptions for the actual records:

1. Patient sex    Sex at birth. Determines how the individual will be treated clinically.

1. Gender        As the patient wishes to portray themselves.  
The standards do not specify the questions to be asked to gather the information, nor whether it is appropriate to do so.

### **Changing title**

The article currently implies changing your title requires a deed poll. It doesn't; see, for example, <http://uktrans.info/namechange#2>

(In a form,) ask male or female first? In the pattern, we asked people to test with the 'female' option first. [REDACTED] tried this and reported: We

tried this with horizontal options and saw one occurrence of a user getting the answer wrong (a male participant who clicked the first option). After that we moved the options so they're each on their own line. I've not seen any issues since.

- If you do ask for gender, display the options stacked one above the other.
- Preference for 'other' over 'unspecified' as an option

## **Further reading**

[Sex and Gender](#) — article from Formulate Information Design, including statistics and a whole lot of references

[It's Time For People to Stop Using the Social Construct of Biological Sex to Defend Their Transmisogyny](http://www.autostraddle.com/its-time-for-people-to-stop-using-the-social-construct-of-biological-sex-to-defend-their-transmisogyny-240284/)

Buzzfeed article: [This teenager can't get a bank account because they are female](#)

Article in the Guardian with stories of parents of intersex children and from intersex adults: [Male and female: what it is like to be intersex](#)

<https://consult.gov.scot/family-law/review-of-the-gender-recognition-act-2004/> [REDACTED]

<http://www.stonewall.org.uk/>

[http://www.scottishtrans.org/wp-content/uploads/2017/06/getting\\_equalities\\_monitoring\\_right.pdf](http://www.scottishtrans.org/wp-content/uploads/2017/06/getting_equalities_monitoring_right.pdf), including...

<https://uxdesign.cc/designing-forms-for-gender-diversity-and-inclusion-d8194cf1f51>

### 1. Gender

Which one of the following best describes your gender?

- Male
- Female
- In another way
- Prefer not to say
- If you describe your gender with another term, please provide this here

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### 9. MyGov Scot blog on diversity

<https://blogs.gov.scot/digital/2017/01/17/diversity-myths-debunked/>

8

AWAN  
MOLE

**From:** [REDACTED]  
**Sent:** 05 February 2018 10:30  
**To:** [REDACTED]  
**Subject:** Re: Cross gov research project on gender question  
**Attachments:** Name and Gender Changes technical guide (V0 2) Highlighted GY-1.doc

Hi [REDACTED]  
Hope all is well your end and you had a nice weekend.  
We've recently encountered sex as a question, that was up until recently phrased 'what is your gender?'

This was our response to the team doing the form- so forgive me its a bit simplistic.  
We haven't yet come across a service where we require both sex and gender- but its not to say we won't in the future.  
I've also enclosed our technical guidenace on gender (for the pensions project- which is very legally worded)- it is currently in review by Government Legal Department at the Department of Health and Social Care.

#### **Current best practice**

The current best practice within the service design community is to not ask for the 'sex' of a customer unless absolutley necessary.  
It is sometimes necessary within current government services to ask for this, because of older legislation that impacted the sexes differently. eg. calculation of state retirement age, and pensionable contributions.

'Gender' is very rarely needed at all, other than maybe services dealing directly with this issue e.g GP practices.

Legally registered sex is a minefield if a service is not UK only specific- simply because the UK does not legally regognise a third sex- 'intersex'; where as Germany, USA, Austraila, India and China (and several other countries) do.

So if you have users from any of those countries they may have a third gender on their birth certificate- and not fit into the binary 'male' and 'female' categories the UK currently legally holds.

If 'sex' is needed in a service because it impacts the service user differently (as with pensions) It is best practice to explain why it is needed in plain English, with the possibility of linking out to further guidance.

Example:

**"What is your legally recognised sex?**

We need to know this to calculate your pension, as your sex can have an affect on how much pension you can get."

<link to further help/info>

#### **Further information**

Here's a nice blog from [REDACTED] the Head of Design for Government, about talking about gender. It's specific to events, but has lot of things that can be taken away in the wider design context.

[REDACTED]

Hopefully this brain dump is okay, but i'd be really interested in the work you're doing.

I'm hoping to firm up a design/ research guide addressing issues like this across the whole of the BSA, as we have a lot of service specific guidance rather than one uniform direction.

Thanks again

From: [REDACTED]  
Sent: 30 January 2018 13:22  
To: [REDACTED]  
Subject: Cross gov research project on gender question

Dear [REDACTED]

Here's some background to what we are doing. We'd really love NHS to get involved from the health aspect and they may well be the only organisation who need to ask both the sex and gender question but that will come out in the sense-making. I'm around from 3.30pm to 4.15pm or we could chat Friday.

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Disclosure Scotland has been conducting user research to improve how we design forms and, as part of that, have been looking at how we ask about sex and/ or gender. The research to date has shown existing design patterns across government services do not fully meet the needs of trans and non-binary people and there's a lot of bias about how to improve question patterns.

From this work, it has become clear that in order to get consistency across government services in the UK in how to ask about sex and /or gender, Scottish Government and Disclosure Scotland have set up a cross-government working group which will include GDS, Office for National Statistics (ONS), Scottish Census, NHS and trans and non-binary support groups. They have agreed to take part in a sense-making workshop to look at all of the evidence, conduct joint analysis and make recommendations on how to best ask the question when it is needed. Sense-making removes the bias from analysis.

I am therefore writing to ask if you would like to be involved in the work either directly by attending a sense-making workshop on 20 March 2017 or by providing input remotely.

Thanks,

[REDACTED]  
Lead User Researcher  
Disclosure Scotland  
Tel: [REDACTED]

**From:** [REDACTED]  
**Sent:** 09 February 2018 13:36  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Invite to join cross gov working group - topic: sex and/or gender

[REDACTED]

Thanks. A location in Scotland would definitely be most convenient from our perspective.

[REDACTED]

National Records of Scotland | Ladywell House | Edinburgh | EH12 7TF

[www.nrscotland.gov.uk](http://www.nrscotland.gov.uk) | [www.scotlandscensus.gov.uk](http://www.scotlandscensus.gov.uk)

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**From:** [REDACTED]  
**Sent:** 08 February 2018 15:02  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Invite to join cross gov working group - topic: sex and/or gender

Fab it may well be Edinburgh I'll let you know.

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**From:** [REDACTED]  
**Sent:** 08 February 2018 14:37  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Invite to join cross gov working group - topic: sex and/or gender

[REDACTED]

[REDACTED] or myself would like to attend. We are willing to travel but a location with direct flights/rail connections from Edinburgh would be preferred.

Kind regards

[REDACTED]

National Records of Scotland | Ladywell House | Ladywell Road Edinburgh EH12 7TF  
[REDACTED] | [www.nrscotland.gov.uk](http://www.nrscotland.gov.uk)

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*Stonewall*

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**From:** [REDACTED]  
**Sent:** 08 February 2018 14:27  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Invite to join cross gov working group - topic: sex and/or gender

Great news [REDACTED]

We have on board;

- GDS (you may have seen gov.uk have changed their question pattern and guidance yesterday but have assured us they are up for changing it again based on the outcome of our work)
- ONS (Census team England)
- NHS (for the health aspect)
- Reps from service design team in Wales and Northern Ireland
- Stonewall
- Trans Alliance Scotland

We are looking at Stonewall facilitating the sense-making rather than government officials, and will hold the event in a neutral location. They will also help us recruit trans and non-binary people to take part in the work and test any recommendations for new question patterns. So it's absolutely fantastic that you are also doing research into this that we can take into the sense-making. ONS have told from their perspective they want to get it right too and collect equality data in the right. Working together we will get there. I'll now send you over some more background and suggested timelines.

Numbers wise for the sense-making it's likely we can only have one of you in the workshop but others can feed in in different ways. We are also taking a steer from the supports on whether to have users in sense-making too or have a separate one. Are you willing/able to travel to take part if it's held in England (location not decided yet) but I'll just seeking views on that.

Many thanks,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 February 2018 14:15  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Invite to join cross gov working group - topic: sex and/or gender

*NRS  
update  
↓*

[REDACTED]

Thank you for the invite. NRS would welcome being part of this project. We are currently in a programme of development on potential Census questions, which for 2021 questions on sex,

gender identity, trans status, and sexual orientation are under consideration for inclusion, so this is very timely from our perspective. We are in the middle of a programme of development for these questions, including public acceptability testing, cognitive and quantitative testing to understand from a Census perspective if and how questions could be included to meet both respondent need and user need. Input from stakeholders in Scotland has been valuable in the development of this topic.

I have copied in my colleague [REDACTED] who is the NRS Census Topic lead relevant to this. [REDACTED] and I would both be interested in attending a meeting.

Thanks,

[REDACTED]

[REDACTED]  
National Records of Scotland | Ladywell House | Edinburgh | EH12 7TF  
[REDACTED] | [contact@scotland-bsl.gov.uk](mailto:contact@scotland-bsl.gov.uk) | [REDACTED]  
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**From:** [REDACTED]  
**Sent:** 08 February 2018 13:57  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Invite to join cross gov working group - topic: sex and/or gender

[REDACTED]

My colleague [REDACTED] in Scottish Government passed your name to be as the best person to contact about getting involved in a cross government working group.

Disclosure Scotland has been conducting user research to improve how we design forms and, as part of that, have been looking at how we ask about sex and/ or gender. The research to date has shown existing design patterns across government services do not fully meet the needs of trans and non-binary people and there's a lot of bias about how to improve question patterns.

From this work, it has become clear that in order to get consistency across government services in the UK in how to ask about sex and /or gender, Scottish Government and Disclosure Scotland have set up a cross-government working group which will include GDS, Office for National Statistics (ONS), Scottish Census, NHS and trans and non-binary support groups. They have agreed to take part in a sense-making workshop to look at all of the evidence, conduct joint analysis and make recommendations on how to best ask the question when it is needed. Sense-making removes the bias from analysis. [REDACTED]

I am therefore writing to ask if you would like to be involved in the work either directly by attending a sense-making workshop on 20 March 2017 or by providing input remotely.

Please give me a call on [REDACTED] if you'd like to speak to me in person.

Thanks,

# Sex and gender sense-making

[REDACTED] – Lead User Researcher

[REDACTED] – Senior Content Designer

Disclosure Scotland

16 April 2018

# Evidence-based design

- improves service for the user
- maximises consistency of user experience across government
- creates efficiencies across business
- saves time and resources
- reduces chance of reputational damage
- essential for service assessments

“By only asking male or female, my granddaughter wouldn't exist in your eyes.”

[REDACTED]

# What is your gender?

## ▼ [Transgender and non-binary people](#)

Enter the gender you identify as. If you're transgender or non-binary and are concerned about completing this form, [read the advice on this page](#).

Female

Male

[← BACK](#)

[NEXT](#)

## Example

Here's an example of how to ask about gender:

### What is your gender?

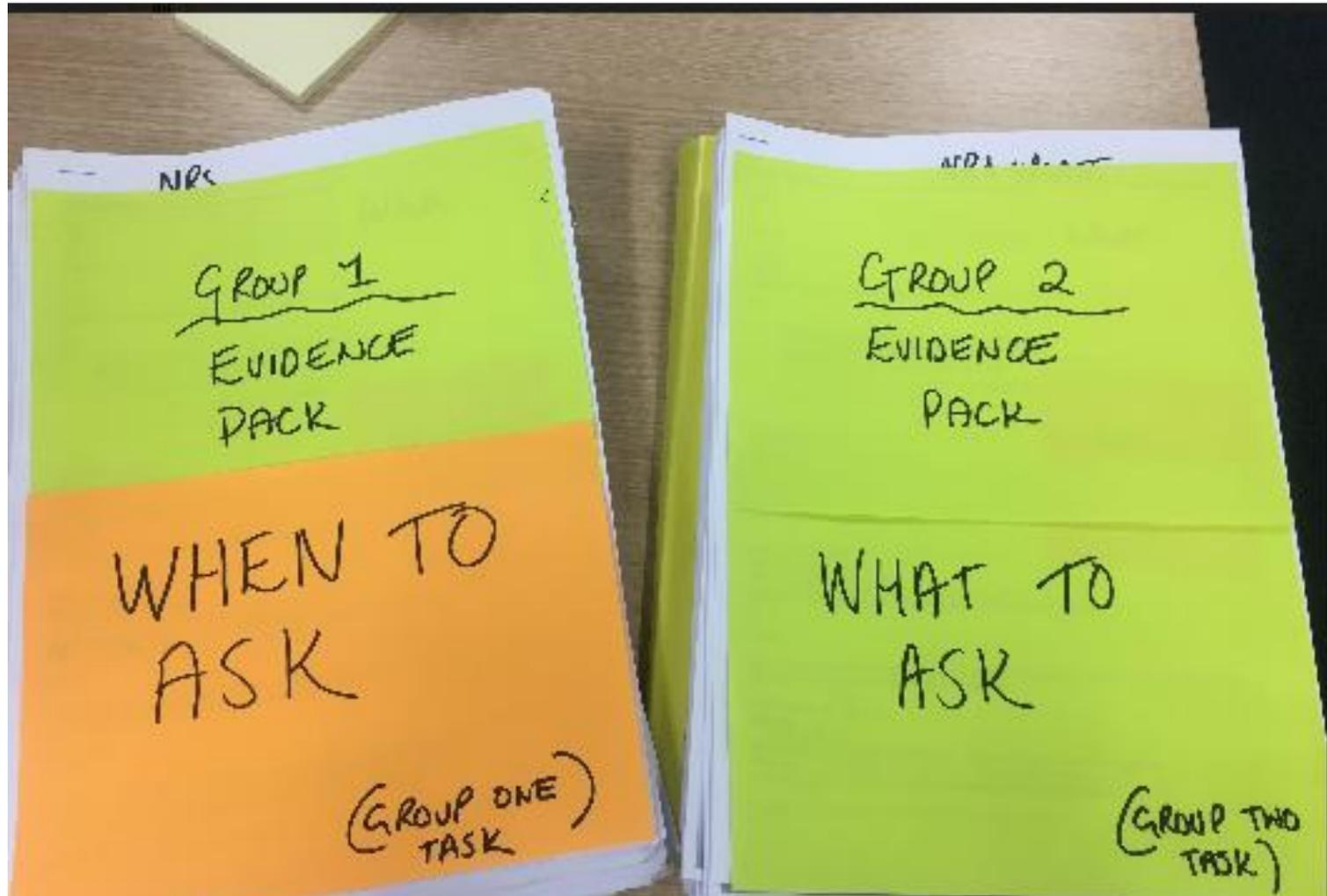
- Female
- Male
- Unspecified

- Disclosure Scotland
- Office for National Statistics
- National Records for Scotland
- Government Digital Service
- Stonewall
- Scottish Trans
- Engender
- NI Gov
- Government Equality Office
- NHS UK

[REDACTED IMAGE]

\* **PLEASE DON'T TWEET IMAGE**

Understanding the bigger  
picture



Working together to solve a common problem

## Implications on data collection

- Sex/gender *and* transgender questions?
- Office for National Statistics (ONS) need to sort out question before 2019 for the 2021 census.

## Implications on data collection

- ONS might also collect data on trans which might have a freetext box, possibly asking 'does your gender match the gender assigned at birth?' Concerns about freetext because of Jedi campaign.
- National Records of Scotland = separate Scottish census. Respondent need and data usage need.

# Census 2011 data on religion reveals Jedi Knights are in decline

Pagans rank highly with 56,620 adherents, but high-profile Scientology is followed by only 2,418, and 14m have no religion

● **Chart: how many Jedis are there?**



176,632 (2011) down from 330,00 (2001)  
Despite the drop, it's the biggest single category after leading faiths of Christianity, Islam, Hinduism, Sikhism, Judaism and Buddhism.

**REDACTED IMAGE**

# Girl Guides: How to radicalise hate against trans children in 10 easy steps

APRIL 14, 2018 / GROWINGUPTRANSGENDER



Tomorrow, following a short but successful propaganda campaign, a UK Newspaper will publish an open letter asking Girl Guiding UK to suspend their policy of inclusion for All Girls, including those who are transgender. Guides has always, quietly, been inclusive of trans children. While there was a small

This recent news creates cause for further worry.

# Findings

- general acceptance of complexity
- when/why to ask = data collection need/service need/legal need
- how to ask depends on when/why it's asked
- cultural/political differences in appetite of accommodating third option in Scotland to UK
- legal (and cultural?) differences re recognition of third option in Scotland and UK

# Findings

- There may be situations where it's better to ask transgender question in addition to gender (f/m/other).
- Formal input is needed from NHS.
- Scottish Trans feel that it doesn't matter if the question is worded as sex or gender – people will put what they identify as now.
- **Services shouldn't rush into solutions without understanding the political context – this will avoid backlash.**

## Findings

There's not enough evidence to recommend a new, more inclusive way of asking about sex and/or gender.

## Next steps

- commission literature review (via Scottish Government?)
- commission specific research if necessary (via Scottish Government?)
- revisit all of our products/services to determine the reasons for and implications of us asking for about sex and/or gender

“Any time we’re asking a user to define themselves, our design choices can either make them feel welcome or push them away. **It takes time to get right and sometimes we screw it up.**”

Eric Myer and Sara Watcher-Boettcher:

*Design for Real Life* (A Book Apart, New York, 2016)