

Document 1

Email 19 March 2020

Thu 19/03/2020 11:08

From : [] @gov.scot; on behalf of; Cabinet Secretary for Social Security and Older People CabSecSSOP@gov.scot

To: []@gov.scot>; [] @gov.scot>

CC: []@gov.scot; [] @gov.scot>; [] @gov.scot>; Bird L (Lisa) <Lisa.Bird@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>; Minister for Older People and Equalities <MinisterOPE@gov.scot>; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>

GENDER RECOGNITION ACT

[]/[],

Given the ongoing COVID-19 response, the Minister for Parliamentary Business will be making a statement sometime in the next few weeks explaining that various pieces of legislation will no longer take place in this parliamentary term. GRA may be a part of this.

In preparation, Cab Sec has asked that you:

1. [out of scope]
2. Prepare a letter to LGBT organisations which explains that the bill has been pulled from this term due to COVID-19, and what next steps we'll be looking to take. [out of scope] We would issue this letter immediately following Mr Dey's statement. **Can we have a draft of that as soon as possible after your meeting on Tuesday please?**

Hope this all makes sense. Call [] or I if you need to discuss further. Grateful if you can keep copy list small in the meantime please!

Thanks,

[]

Private Secretary to Minister for Older People and Equalities
T: [] | M: [] | E: MinisterOPE@gov.scot
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

Scottish Ministers, Special Advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016.
See www.lobbying.scot.

Document 2

Email 19 March 2020 12.14

From: []@gov.scot>

Sent: 19 March 2020 12:14

To: Cabinet Secretary for Social Security and Older People

<CabSecSSOP@gov.scot>

Cc: []@gov.scot>; [] @gov.scot>; [] @gov.scot>; Henderson G (Gavin)

<Gavin.Henderson@gov.scot>; Campbell J (Jeanette) (Special Adviser)

<Jeanette.Campbell@gov.scot>; Minister for Older People and Equalities

<MinisterOPE@gov.scot>; [] @gov.scot>; [] @gov.scot>; [] @gov.scot>

Subject: RE: GENDER RECOGNITION ACT

[]

H. We will work with Equality Unit colleagues on these.

[Out of scope]

[]

Document 3

Email 19 March 2020

Thu 19/03/2020 16:07

From: [] @gov.scot>; on behalf of; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>

To: []@gov.scot>

CC: [] @gov.scot>; [] @gov.scot>; Bird L (Lisa) <Lisa.Bird@gov.scot>;
Henderson G (Gavin) <Gavin.Henderson@gov.scot>; Campbell J (Jeanette)
(Special Adviser) <Jeanette.Campbell@gov.scot>; Minister for Older People and
Equalities <MinisterOPE@gov.scot>; [] @gov.scot>; [] @gov.scot>; []
@gov.scot>; Cabinet Secretary for Social Security and Older People
<CabSecSSOP@gov.scot>

RE: GENDER RECOGNITION ACT

Thanks []

Cab Sec is happy for it to be shared as below , yes, on the proviso that it's made clear we are not trying to add to any portfolio's workload at the moment.

Thanks!

[]
Private Secretary to Minister for Older People and Equalities
T: [] | M: [] E: MinisterOPE@gov.scot
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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See www.lobbying.scot.*

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Document 4

Email of 23 March 2020

From: [] @gov.scot>
Sent: 23 March 2020 14:39
To: [] @gov.scot>; [] @gov.scot>
Cc: [] @gov.scot>
Subject: FW: GENDER RECOGNITION ACT

Hi guys

Just wanted to check where things were with the draft letter? I know [] isn't around until tomorrow now but we can get something up in the afternoon presumably.

[]

[] | Violence against Women & Girls and LGBTI Equality Policy | The Equality Unit |
Scottish Government | 3H North | Victoria Quay | Edinburgh | EH6 6QQ
[] |  [] @gov.scot | Twitter []



Document 5

Email of 23 March 2020

Mon 23/03/2020 14:42

From: [] @gov.scot>
To: [] @gov.scot>; [] @gov.scot>
CC: [] @gov.scot>; [] @gov.scot>

RE: GENDER RECOGNITION ACT

Current draft attached.

Yet to finish it off, with general line on personal disappointment and best wishes
during this difficult time.

[]

Document 6

Draft of letter as at 23/3/2020 14:42

Cabinet Secretary for Social Security and
Older People
Shirley-Anne Somerville MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

Our ref:
March 2020

My colleague, the Minister for Parliamentary Business, Graeme Dey MSP, has announced in Parliament that, due to the current COVID-19 pandemic, the Scottish Government has reviewed its legislative priorities in order to allow for the development and delivery of measures to improve our resilience and response arrangements. As a result, a number of planned legislation measures can no longer proceed. Consequently, this Government will not now introduce the Gender Recognition Reform (Scotland) Bill during the current Parliament.

This Government committed to reforming the Gender Recognition Act 2004 (the 2004 Act) in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the current arrangements, including the intrusive nature of the medical requirements. That is why we consulted. We know that there is clear support for our proposals for arrangements based on an applicant's statutory declaration, demonstrated in the outcomes of our earlier consultation on the principles of reform. Some respondents expressed concerns and our consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to alleviate these and build greater consensus.

I appreciate that this decision will be a great disappointment to you and to all the individuals for whom you so tirelessly advocate for and support, as it necessarily means that reform of the 2004 Act will now be for the next Government.

In the meantime, I want to offer some measure of reassurance about our commitment as a Government to improving the lives of trans and non-binary people more generally.

We will consider points raised in consultation responses, as well as whether there are non-legislative measures that we can take in this area.

[Out of scope]

Other non-legislative work in this area to which I committed in my Parliamentary statement last year will continue, the non-binary working group and delivering guidance on improving and enhancing trans rights and women's rights. The Chief Statistician's data working group will continue also. Work on identifying the

SHIRLEY-ANNE SOMERVILLE

Document 7

Email of 23 March 2020

Mon 23/03/2020 15:53

From: []@gov.scot>
To: []@gov.scot>
CC: []@gov.scot>; []@gov.scot>; [] @gov.scot>

Gender Recognition- letter CabSec LGBT groups



Gander



Gander

~~Recognition Bill...~~ ~~Recognition Bill...~~

[]

I attach a completed first draft on which I'd be grateful for your views, or changes. There may be other lines to use from the core LGBT Brief? Flow taken from []'s suggestion for lines in the statement in his email of 19 March (11.27).

Others

[] wondered about sending up tomorrow afternoon after the meeting in his email. Not sure this allows for a further circulation for views. Grateful then for views on whether this needs a wider circulation after tomorrow's meeting before it goes up?

Thanks

[]

Document 8

Draft of letter as at 23/3/2020 15:53

Cabinet Secretary for Social Security and
Older People
Shirley-Anne Somerville MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

Our ref:
March 2020

The Minister for Parliamentary Business, Graeme Dey MSP, has announced in Parliament that, due to the current COVID-19 pandemic, the Scottish Government has revised its legislative priorities to allow for the development and delivery of measures to improve our resilience and response arrangements. As a result, some legislation to which we had committed will no longer proceed. Consequently, this Government will not now introduce the Gender Recognition Reform (Scotland) Bill during the current Parliament.

We committed to reviewing and reforming the Gender Recognition Act 2004 (the 2004 Act) in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements. That is why we consulted. We know that there is clear support for our proposals for arrangements based on an applicant's statutory declaration, demonstrated in the outcomes of our earlier consultation on the principles of reform. Some respondents expressed concerns and our subsequent consultation on the draft Gender Recognition Reform (Scotland) Bill which closed this month was intended to alleviate these and build greater consensus.

I fully appreciate that this decision will be a great disappointment to you and to all the individuals that you [so tirelessly] advocate for and support, as it necessarily means that reform of the 2004 Act will now be for the next Government.

In the meantime, I want to offer a measure of reassurance about this Government's commitment to improving the lives of trans and non-binary people more generally.

The analysis of the consultation responses will proceed and we will consider points raised in consultation responses, as well as whether there are non-legislative measures that we can take in this area.

[Out of scope]

Other non-legislative work in this area to which I committed in my Parliamentary statement last year will continue, the non-binary working group and delivering guidance on improving and enhancing trans rights and women's rights. The Chief Statistician's data working group will continue also. Work on identifying the additional support that children and young people may need will continue.

For the immediate future addressing the COVID-19 pandemic is this Government's priority. Ultimately, it is also a collective national endeavour. I wish all of you well, along with the communities and individuals that you serve, at this difficult and challenging time. I look forward to helping to deliver improvements for them when we have overcome this current situation.

SHIRLEY-ANNE SOMERVILLE

Document 9

Email of 24 March

From: []@gov.scot>
Sent: 24 March 2020 10:55
To: [] @gov.scot; []@gov.scot>
Cc: []@gov.scot>; []@gov.scot>
Subject: RE: Gender Recognition- letter CabSec LGBT groups

[] is off today – will look at this and give you comments. I think we need to get up this afternoon as Cab Sec asked for it asap after this call.

Violence against Women & Girls and LGBTI Equality Policy | The Equality Unit | Scottish Government | 3H North | Victoria Quay | Edinburgh | EH6 6QQ
[] | []@gov.scot | Twitter []



Document 10

Email of 24 March 2020

Tue 24/03/2020 14:04

From: []@gov.scot

To: []@gov.scot>

CC: []@gov.scot>

Subject: [Out of scope]

[Out of scope]

I will contact [] re the letter. No word from him on the earlier draft I sent. [Out of scope]

[]

Document 11

Email of 24 March

Tue 24/03/2020 14:40

From: []@gov.scot>
To: [] @gov.scot>; [] @gov.scot>
CC: [] @gov.scot>; [] @gov.scot

RE: Gender Recognition- letter CabSec LGBT groups



[]

Many thanks. I have suggested some amendments, building on comments by [].
Latest draft above.

[]

Document 12

Draft letter as at 24 March 2020 at 14:40

Cabinet Secretary for Social Security and
Older People
Shirley-Anne Somerville MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

March 2020

The Minister for Parliamentary Business, Graeme Dey MSP, has announced today that, due to the current Covid-19 pandemic, the Scottish Government has revised its legislative priorities to allow for the development and delivery of measures to improve our resilience and response arrangements.

As a result, some legislation to which we had committed will no longer proceed as planned. Consequently, the Scottish Government will not now introduce the Gender Recognition Reform (Scotland) Bill in year 5 of this Parliament.

As you know, we committed to reviewing and reforming the Gender Recognition Act 2004 in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements. There is clear support for our proposals for arrangements based on an applicant's statutory declaration. This was demonstrated in the outcomes of our earlier consultation on the principles of reform.

Our subsequent consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to build consensus. We will be working on analysing the consultation responses over the next few months. We remain committed to improving the system for gender recognition reform and will discuss further with you the outcomes of the consultation.

In communicating the position on the legislative programme to you, I want to be very clear on a number of points.

The Scottish Government continues to have a strong commitment to LGBTI equality, and to improving the lives of trans and non-binary people more generally. I recognise that trans people in particular continue to suffer poorer outcomes relative to the wider population, and this needs to change. You have raised a number of issues around the inequalities trans people continue to experience. I have asked that once the Covid-19 pandemic has passed officials work with you to develop proposals that deliver meaningful improvement to the lives of trans people in Scotland.

[Out of scope]

The focus of the Scottish Government at present is the response to the Covid-19 pandemic. In due course, other non-legislative work to which I committed in my Parliamentary statement last year on gender recognition will continue including the non-binary working group; delivering guidance on improving and enhancing trans rights and women's rights; and work on identifying the additional support that trans children and young people may need.

Finally, let me assure you that both I and my officials – in the Equality Unit, in the Family Law Team and elsewhere – will remain fully accessible during the current emergency. Please do not hesitate to contact us if there is anything we can do in these difficult times.

SHIRLEY-ANNE SOMERVILLE

Document 13

Email of 24 March

From:[]@gov.scot
Sent: 24 March 2020 16:10
To: []@gov.scot>
Cc: []@gov.scot>
Subject: Gender Recognition

[] seems to be offline but I contacted [] in her PO, and he has said we need pack up by 5pm at latest.

I'm happy with the amended letter.

[]

Document 14

Email of 24 March 2020

From: []@gov.scot
Sent: 24 March 2020 16:29
To: Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>
Cc: Minister for Older People and Equalities <MinisterOPE@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; []@gov.scot>; Communications CSSE <CommunicationsCSSE@gov.scot>; [] @gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>
Subject: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

PS/Cabinet Secretary

1. The Cabinet Secretary requested a draft letter for her to consider sending to LGBT groups to follow any statement by the Minister for Parliamentary Business referring to the Gender Recognition Bill not proceeding as a Year 5 Bill, given the current situation.
2. We attach a draft letter in ERDM and word.

[Out of scope]

[]
Family Law
[]

Document 15

Draft letter as at 24 March

Cabinet Secretary for Social Security and
Older People
Shirley-Anne Somerville MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

March 2020

The Minister for Parliamentary Business, Graeme Dey MSP, has announced today that, due to the current Covid-19 pandemic, the Scottish Government has revised its legislative priorities to allow for the development and delivery of measures to improve our resilience and response arrangements.

As a result, some legislation to which we had committed will no longer proceed as planned. Consequently, the Scottish Government will not now introduce the Gender Recognition Reform (Scotland) Bill in year 5 of this Parliament.

As you know, we committed to reviewing and reforming the Gender Recognition Act 2004 in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements. There is clear support for our proposals for arrangements based on an applicant's statutory declaration. This was demonstrated in the outcomes of our earlier consultation on the principles of reform.

Our subsequent consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to build consensus. We will be working on analysing the consultation responses over the next few months. We remain committed to improving the system for gender recognition reform and will discuss further with you the outcomes of the consultation.

In communicating the position on the legislative programme to you, I want to be very clear on a number of points.

The Scottish Government continues to have a strong commitment to LGBTI equality, and to improving the lives of trans and non-binary people more generally. I recognise that trans people in particular continue to suffer poorer outcomes relative to the wider population, and this needs to change. You have raised a number of issues around the inequalities trans people continue to experience. I have asked that once the Covid-19 pandemic has passed officials work with you to develop proposals that deliver meaningful improvement to the lives of trans people in Scotland.

[Out of scope]

The focus of the Scottish Government at present is the response to the Covid-19 pandemic. In due course, other non-legislative work to which I committed in my Parliamentary statement last year on gender recognition will continue including the non-binary working group; delivering guidance on improving and enhancing trans rights and women's rights; and work on identifying the additional support that trans children and young people may need.

Finally, let me assure you that both I and my officials – in the Equality Unit, in the Family Law Team and elsewhere – will remain fully accessible during the current emergency. Please do not hesitate to contact us if there is anything we can do in these difficult times.

SHIRLEY-ANNE SOMERVILLE

Document 16

Email of 26 March 2020

Thu 26/03/2020 16:49

From: []@gov.scot
To: []@gov.scot>; []@gov.scot>; []@gov.scot
CC: [] @gov.scot>[]@gov.scot>; [] @gov.scot>

[Out of scope]

- The Cabinet Secretary has not yet cleared or commented on a draft letter to those groups intended to be issued following the announcement which went up on Tuesday night so lines may be affected by that process.

[Out of scope]

Thanks

[]

Document 17

Email of 31 March 2020

From: []@gov.scot
Sent: 31 March 2020 10:55
To: [] @gov.scot>; []@gov.scot>
Cc: []@gov.scot>; [] @gov.scot>; []@gov.scot>; []@gov.scot>; []gov.scot>
Subject: RE: IMMEDIATE- Gender Recognition draft submission- alternative actions

Thanks [] We are waiting to hear from Ms Somerville on the content of the letter that she wants to issue to LGBT groups once the statement is made tomorrow -

[Out of scope]

[]

Scottish Government | Justice Directorate | Civil Law and Legal System | Family Law
GW-15 | St Andrew's House | Edinburgh | EH1 3DG



Document 18

Email of 31 March

From: []@gov.scot
Sent: 31 March 2020 16:55
To: Minister for Older People and Equalities <MinisterOPE@gov.scot>
Cc: Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>; []@gov.scot>; []@gov.scot>
Subject: Gender Recognition- draft letter to LGBT groups

[]

We spoke a short time ago about the draft letter. I attach contact details for the groups that we think the letter should be issued to, once finalised.

[]

Scottish Government | Justice Directorate | Civil Law and Legal System | Family Law
GW-15 | St Andrew's House | Edinburgh | EH1 3DG



Document 19

Content of attachment to email of 31 March 2020

Contact emails etc for letter:

1. Equality Network and Scottish Trans Alliance:

Tim Hopkins, Director, Equality Network

James Morton, Manager, Scottish Trans Alliance

[\[\]@equality-network.org](mailto:[]@equality-network.org)

[\[\]@equality-network.org](mailto:[]@equality-network.org)

2. LGBT Health and Wellbeing

Maruska Greenwood, Chief Executive

[\[\]@lgbthealth.org.uk](mailto:[]@lgbthealth.org.uk)

3. Stonewall Scotland:

Colin Macfarlane, Director

[\[\]@stonewallscotland.org.uk](mailto:[]@stonewallscotland.org.uk)

4. LGBT Youth Scotland

Mhairi Crawford, Chief Executive

Cara Spence, Head of Programmes

[\[\]@lgbtyouth.org.uk](mailto:[]@lgbtyouth.org.uk)

Document 20

Email of 1 April 2020

From: [] @gov.scot > **On Behalf Of** Cabinet Secretary for Social Security and Older People
Sent: 01 April 2020 08:19
To: []@gov.scot
Cc: Minister for Older People and Equalities <MinisterOPE@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; []@gov.scot>; Communications CSSE <CommunicationsCSSE@gov.scot>; []@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>
Subject: RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups
Importance: High

Morning [],

Sorry for the delay in getting back to you.

Cab Sec has considered and asked for the attached changes.

[out of scope]

Any questions, just call!

Thanks,

[]
Private Secretary to Minister for Older People and Equalities
T: [] | M: [] | E: MinisterOPE@gov.scot
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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See www.lobbying.scot.*

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Private Offices do not keep official records of such e-mails or attachments.*

Document 21

Draft letter as at 1 April

Cabinet Secretary for Social Security and Older People
Shirley-Anne Somerville MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot



Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

March 2020

The Minister for Parliamentary Business, Graeme Dey MSP, has announced yesterday that, due to the current Covid-19 pandemic, the Scottish Government has revised its legislative priorities to allow for the development and delivery of measures to improve our resilience and response arrangements.

As a result, some legislation to which we had committed will no longer proceed as planned. Consequently, the Scottish Government will not now introduce the Gender Recognition Reform (Scotland) Bill in year 5 of this Parliament.

As you know, we committed to reviewing and reforming the Gender Recognition Act 2004 in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements.

The consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to build consensus. We will be working on analysing the consultation responses although I cannot give a timetable at this point as the government's focus on dealing with the COVID-19 pandemic. We will discuss further with you the outcomes of the consultation in due course.

In communicating the position on the legislative programme to you, I want to be very clear on a number of points.

Commented [SS(1): Can this section be updated now that we have Mr Dey's statement and can we use the wording in his paras when the GRA is mentioned and also include some of the info on the other Bills impacted too.

The Scottish Government continues to have a strong commitment to LGBTI equality, and to improving the lives of trans and non-binary people more generally. I recognise that trans people in particular continue to suffer poorer outcomes relative to the wider population, and this needs to change. You have raised a number of issues around the inequalities trans people continue to experience. I have asked that once the Covid-19 pandemic has passed officials work with you to develop proposals that deliver meaningful improvement to the lives of trans people in Scotland.

The focus of the Scottish Government at present is the response to the Covid-19 pandemic. In due course, other non-legislative work to which I committed in my Parliamentary statement last year on gender recognition will continue including the non-binary working group; delivering guidance on improving and enhancing trans rights and women's rights; and work on identifying the additional support that trans children and young people may need.

Finally, let me assure you that both I and my officials – in the Equality Unit, in the Family Law Team and elsewhere – will remain fully accessible during the current emergency. Please do not hesitate to contact us if there is anything we can do in these difficult times.

SHIRLEY-ANNE SOMERVILLE

Document 22

Email of 1 April 2020

Wed 01/04/2020 08:33

From: []@gov.scot
To: Cabinet Secretary for Social Security and Older People
<CabSecSSOP@gov.scot>
CC: Minister for Older People and Equalities <MinisterOPE@gov.scot>;
[]@gov.scot; [] @gov.scot; Campbell J (Jeanette) (Special Adviser)
<Jeanette.Campbell@gov.scot>

RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

[]

Thanks I am working on that now.

[]

Scottish Government | Justice Directorate | Civil Law and Legal System | Family Law
GW-15 | St Andrew's House | Edinburgh | EH1 3DG



Document 23

Email of 1 April 2020

From: []@gov.scot
Sent: 01 April 2020 09:07
To: Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>
Cc: Minister for Older People and Equalities <MinisterOPE@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; []@gov.scot>; Communications CSSE <CommunicationsCSSE@gov.scot>; []@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>
Subject: RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

PS/Cabinet Secretary

I attach as requested a further draft of the letter for consideration.

[Out of scope]

[]

Document 24

Draft of letter attached to email of 1 April 2020 9:07

Cabinet Secretary for Social Security and Older People
Shirley-Anne Somerville MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot



Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email to:

1 April 2020

The Minister for Parliamentary Business, Graeme Dey MSP, today announced the Government's plans for managing its legislative programme in light of the impacts of COVID-19.

He advised that, as an unavoidable consequence of our focussing resource on the efforts to deal with the virus, it is regrettably the case that work within government is being halted for now on the Gender Recognition Act reforms, along with other planned Bills on Moveable Transactions, and Foxhunting. He also noted other affected Bills included the Good Food Nation and Circular Economy Bills which were scheduled to come forward shortly, and that the Transient Visitor Levy would not be progressed at this time.

As you know, we committed to reviewing and reforming the Gender Recognition Act 2004 in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements.

The consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to build consensus. We will be working on analysing the consultation responses although I cannot give a timetable at this point as the government's focus on dealing with the COVID-19 pandemic. We will discuss further with you the outcomes of the consultation in due course.

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The focus of the Scottish Government at present is the response to the COVID-19 pandemic. In due course, other non-legislative work to which I committed in my Parliamentary statement last year on gender recognition will continue including the non-binary working group; delivering guidance on improving and enhancing trans rights and women's rights; and work on identifying the additional support that trans children and young people may need.

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SHIRLEY-ANNE SOMERVILLE

Document 25

Email

From: Rennick NS (Neil) <Neil.Rennick@gov.scot>
Sent: 01 April 2020 10:37
To: []@gov.scot>
Cc: []@gov.scot>
Subject: RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

[]

Thank you, a very good letter.

Neil

Document 26

Email of 1 April

Sent: 01 April 2020 10:37

To: Rennick NS (Neil) <Neil.Rennick@gov.scot>
CC: []@gov.scot>; []@gov.scot>; []@gov.scot>

RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

Neil

Thanks. A group effort with colleagues from the Equality Unit.

I hope all well with you.

[]

Scottish Government | Justice Directorate | Civil Law and Legal System | Family Law
GW-15 | St Andrew's House | Edinburgh | EH1 3DG



Document 27

Email of 1 April

From: []@gov.scot
Sent: 01 April 2020 11:30
To: []@gov.scot>; []@gov.scot>; []@gov.scot>
Cc: []@gov.scot>; []@gov.scot>; []@gov.scot>
Subject: RE: GRA Delay

[]
[]

Thanks.

Mr Dey has just announced:

I can also advise Parliament that, as we focus our energies on responding to the challenges set by the pandemic it is regrettably the case that work within government is being halted, for now, on the planned Bills on Moveable Transactions, Gender Recognition Act Reforms and Foxhunting. I am afraid this is an unavoidable consequence of focusing resource on the efforts to deal with the virus.

We anticipate that Ms Somerville will issue a letter to LGBT groups later today, along the lines of the draft attached.

We have prepared Q & A and defensive lines in anticipation (not cleared) but we may need to adjust to take cognisance of language in the statement should we get any media or other queries.

Hope this is helpful

[]

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Document 28

Email of 1 April

From: []@gov.scot> **On Behalf Of** Cabinet Secretary for Social Security and Older People

Sent: 01 April 2020 11:33

To: []@lgbt youth.org.uk; []@stonewallscotland.org.uk; []@lgbt health.org.uk; []@equality-network.org; []@equality-network.org

Cc: Cabinet Secretary for Social Security and Older People

<CabSecSSOP@gov.scot>; Minister for Older People and Equalities

<MinisterOPE@gov.scot>; []@gov.scot>; []@gov.scot>; []@gov.scot>

Subject: GRA Reform - April 2020

Good morning everyone,

Please find attached letter from Shirley-Anne Somerville regarding the Gender Recognition Bill. If you have any queries on the back of it, please let me know.

Hope you're all well. Take care.

[]

Private Secretary to Minister for Older People and Equalities

T: [] M: [] E: MinisterOPE@gov.scot

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Cabinet Secretary for Social Security and Older People
Shirley-Anne Somerville MSP



T: 0300 244 4000
E: scottish.ministers@gov.scot

Equality Network/Scottish Trans Alliance
LGBT Youth Scotland
LGBT Health and Wellbeing
Stonewall Scotland

By email

1 April 2020

Dear colleagues,

The Minister for Parliamentary Business, Graeme Dey MSP, today announced the Government's plans for managing its legislative programme in light of the impacts of COVID-19.

He advised that, as an unavoidable consequence of the need to focus resource on dealing with the current pandemic, protecting lives and supporting the NHS, it is regrettably the case that work within government is being halted for now on the reform of the Gender Recognition Act, along with other planned bills on Moveable Transactions, and Foxhunting. Mr Dey also noted that the Good Food Nation and Circular Economy Bills, which were scheduled to come forward shortly, will also be affected and that the Transient Visitor Levy would not be progressed at this time.

As you know, we committed to reviewing and reforming the Gender Recognition Act 2004 in the Fairer Scotland Action Plan in 2016 because of the concerns that had been raised about the existing arrangements, including the intrusive nature of the medical requirements.

The consultation on the draft Gender Recognition Reform (Scotland) Bill was intended to build consensus. We will, when resources allow, complete the work of analysing the consultation responses although I cannot give a timetable at this point as the government's focus must be, of course, on dealing with the COVID-19 pandemic. I know you will understand why this decision has been taken and we will discuss further with you the outcomes of the consultation in due course.

In communicating the position on the legislative programme to you, I want to be very clear on a number of points.

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The Scottish Government continues to have a strong commitment to reform the Gender Recognition Act 2004 and improve the current process for trans people. It also remains committed to improving the lives of trans and non-binary people more generally. I recognise that trans people in particular continue to suffer poorer outcomes relative to the wider population, and this needs to change. You have raised a number of issues around the inequalities trans people continue to experience and I have asked that – once the COVID-19 pandemic has passed – officials work with you to develop proposals that deliver meaningful improvement to the lives of trans people in Scotland.

The focus of the Scottish Government at present is the response to the COVID-19 pandemic. In due course, other non-legislative work to which I committed in my parliamentary statement last year on gender recognition will continue including the non-binary working group; delivering guidance on improving and enhancing trans rights and women's rights; and work on identifying the additional support that trans children and young people may need.

Finally, let me assure you that both I and my officials – in the Equality Unit, in the Family Law Team and elsewhere – will remain fully accessible during the current emergency. Please do not hesitate to contact us if there is anything we can do in these difficult times.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

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Document 29

Email of 1 April 2020

From: []@gov.scot> **On Behalf Of** Cabinet Secretary for Social Security and Older People
Sent: 01 April 2020 11:39
To: []@gov.scot>
Cc: Minister for Older People and Equalities <MinisterOPE@gov.scot>; Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Henderson G (Gavin) <Gavin.Henderson@gov.scot>; []@gov.scot>; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>; []@gov.scot>; Communications CSSE <CommunicationsCSSE@gov.scot>; []@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>
Subject: RE: Gender Recognition- consultation on draft Bill- draft letter to LGBT groups

Final version issued and attached.

[]
Private Secretary to Minister for Older People and Equalities
T: [] | M: [] | E: MinisterOPE@gov.scot
The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

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