

## **Annex A**

### **Item 1 – Caledonian MacBrayne**

**From:** [Redacted]

**Sent:** 22 November 2021 09:34

**To:** Chief Statistician

**Cc:** Duncan Mackison

**Subject:** Public Bodies - Caledonian MacBrayne - Guidance for public bodies on collecting data on sex and gender

### **Response from David MacBrayne Ltd, send on behalf of Duncan Mackison, CEO**

As a publicly owned organisation, we welcome the guidance provided regarding the collection of data on sex, gender identity and trans status.

Following a review in 2019 of our practices in relation to GDPR legislation, our data collection on sex and gender has been restricted to information with the clear purposes of Gender Pay Gap Reporting, monthly employment reports required by the ONS and internal monitoring of Talent and Succession Management.

Our current HR system allows for only rudimentary reporting on the basis of “male” or “female”. This data is collected by recruiting managers and the HR function as part of our recruitment and selection processes. We are aware that this limits the accuracy of our external and internal reporting. Our plans to improve on this include the following:

#### **Electronic Data Capture**

We are in the process of implementing a new HR system which will allow more refined data capture and reporting. This system will go live in April 2022 and has the facility to capture a broader categorisation of sex and gender.

Phase 1: On implementation of the new system, we will introduce a field in our New Start documentation and internal vacancy applications based on the wording suggested on pages 15 and 17 of the Guidance. This will then be input to our electronic system where it will be used for the purposes of Gender Pay Gap reporting, Employment statistics provided to the ONS, and internal Talent and Succession management. Access to such data will be in line with GDPR requirements.

Phase 2: Existing staff will be asked to verify their personal data via the Employee Self Service function of the new system by the end of 2022. This will again be based on the wording suggested on pages 15 and 17 of the guidance.

This more refined categorisation will enable improved accuracy in our internal and external reporting, with the caveat that self reporting will be on a voluntary basis and existing staff may not comply.

The data gathered will be used to enhance policies, procedures and best practice initiatives driven by our Inclusive CalMac Group.

Regards

[Redacted]

## **Item 2 – Drinking Water Quality Regulator**

**From:** DWQR

**Sent:** 27 September 2021 09:16

**To:** Public Bodies Unit Mailbox

**Cc:** [Redacted]

**Subject:** Re: [sent to gsi address] ACTION: Guidance for public bodies on collecting data on sex and gender

Dear Mr. Halliday,

Thank you for your letter concerning the collection of data on sex and gender. I can confirm that the Drinking Water Quality Regulator does not collect such data, nor do we have any plans to do so.

Kind regards,

[Redacted]

## **Item 3 – Highlands and Islands Enterprise**

**From:** [Redacted]

**Sent:** 02 December 2021 17:05

**To:** Chief Statistician

**Subject:** Public bodies - Highlands and Islands Enterprise - Feedback from HIE on collection of data on Sex and Gender

Good afternoon

Further to your recent request I write to feedback from HIE. My role involves the management of E&D issues from an internal employment perspective, our plan and challenges around Sex and Gender are:

Plan:

- To continue to encourage disclosure of data
- To review our methods of recording and use the guidance to ensure we are gathering as much data as possible – i.e. look to give the option of recording both gender and sex across our systems and ensure Trans Status is available on all systems

Challenges:

- Adapting systems takes time and does come at a cost as you need system consultant support for developments
- Low numbers remain an issue – if our numbers are below 5 does that tell us much from a reporting perspective? It's hard to then make meaningful analysis. Just because we have low numbers do not necessarily mean we are doing anything wrong – so drawing conclusions from the data becomes a challenge.
- While the concepts behind definitions are important, so too is having data that is high quality, and can be used to drive changes and improvements – getting that recognition and balance is a challenge in both developing and applying the guidance for data collection.

HIE, as an organisation, also gathers data in relation to the work we do with clients and for projects we support. The feedback from that perspective is that there is a requirement for very clear guidance on the data to be collected. Also, what data could be captured at a higher level (SG?) rather than public bodies having to do this themselves and therefore increasing interpretation of the requirements? We have seen different views emerging across the public sector for example in relation to the capture of gender data from businesses to inform and improve delivery. Previously some organisations have done this, others have not, any guidance would improve consistency and clarity of requirements.

I hope this helps and please let me know if you require any further information on any of the above.

Kind regards

[Redacted]

#### **Item 4 – HM Inspectorate of Prisons for Scotland**

**From:** [Redacted]

**Sent:** 13 December 2021 18:08

**To:** Chief Statistician

**Cc:** Sinclair-Gieben W (Wendy); [Redacted]

**Subject:** Public bodies - HM Inspectorate of Prisons for Scotland - Guidance for public bodies on collecting data on sex and gender

Dear Roger

I am replying on behalf of Wendy Sinclair-Gieben, the Chief Inspector of Prisons for Scotland, to your letter of 22 September in which you sought a response by 30 November to the new guidance you attached on the collection and publication of data on sex and gender. I lead within HMIPS on Equality and Diversity issues.

I apologise for missing your deadline, but I can confirm that HMIPS will be pleased to apply the helpful guidance you have produced.

I should point out that our own data sets are quite limited at present, and we are often highly dependent on the quality of the data produced by the Scottish Prison Service, but where we collect data ourselves we will seek to do so in line with the new guidance.

As an example, we are planning to introduce a new system of pre-inspection surveys, where we will gather information on prisoner attitudes to a range of issues related to their treatment, care and conditions before we commence our prison inspections, and we will be delighted to take account of this new guidance when collecting and publishing information obtained from these surveys.

I am grateful for the new guidance and HMIPS will of course be happy to take part in any future events you may decide to arrange with other public sector bodies to support implementation of the new guidance.

[Redacted]

#### **Item 5 – Loch Lomond and the Trossachs National Park (Attachment included in Annex B)**

**From:** [Redacted]

**Sent:** 01 December 2021 09:00

**To:** Chief Statistician

**Cc:** [Redacted]

**Subject:** Public bodies - Loch Lomond & The Trossachs National Park - Adoption plan; Guidance for public bodies on collecting data on sex and gender

Dear Roger,

I hope this email finds you well.

Please find attached our plan for the adoption of the Sex and Gender Data Collection guidance. As part of the implementation of this work, it is imperative that we establish a lawful reason for processing this data, taking into consideration how it will be used to enact changes across the breadth of work our organisation undertakes. We will also need to ensure that this embeds within our current systems and processes to ensure that it does not feel like an “add on”.

Should you have any questions, please do reach out to me.

Kind regards,

[Redacted]

#### **Item 6 – Mental Welfare Commission Scotland**

**From:** Suzanne McGuinness (MENTAL WELFARE COMMISSION FOR SCOTLAND)

**Sent:** 30 November 2021 11:04

**To:** Chief Statistician

**Subject:** Public bodies - Mental Welfare Commission for Scotland - Sex and Gender in Data

Good Morning,

Thank you for the guidance in respect of 'sex and gender in data', which we at the Mental Welfare Commission have found most helpful. To that end, we are in the process of updating our equalities recording materials to reflect the changes and will discuss/inform staff across the Commission.

We are currently refreshing our Equalities group internally and would welcome a meeting to discuss ways in which we can continually improve with our equalities data capture, recording and reporting.

I look forward to hearing from you.

Kind regards  
Suzanne

Suzanne McGuinness  
Executive Director (Social Work)  
Mental Welfare Commission for Scotland  
Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

## **Item 7 – National Galleries of Scotland**

**From:** [Redacted]

**Sent:** 30 November 2021 10:42

**To:** Chief Statistician

**Subject:** Public bodies - National Galleries of Scotland - Guidance for public bodies on collecting data on sex and gender

Dear Public Bodies Unit

In response to your email and request of 24 September, I can confirm that we (the National Galleries of Scotland) plan to use the underpinning statistical principles, data standards and the definitions used in the guidance as the basis for us to review our data collection purposes within the organisation. We have already started to consider what we need to collect and why to meet our equality, diversity and inclusion commitments. Based on our current data collection, the main issue we foresee is with regard to our audience research where there is a strict limit on the number of questions we can ask and so we currently ask one broad, inclusive gender question. We will look out for further information on the sessions your team plans to run.

Kind regards

[Redacted]

### **Item 8 – Quality Meat Scotland**

**From:** [Redacted]

**Sent:** 30 September 2021 14:04

**To:** Public Bodies Unit Mailbox

**Subject:** RE: [sent to gsi address] ACTION: Guidance for public bodies on collecting data on sex and gender

Afternoon,

In response to the email below, our organisation does not collect and report on this data.

Regards

[Redacted]

### **Item 9 – Scottish Fire and Rescue Service**

**From:** [Redacted]

**Sent:** 01 December 2021 17:06

**To:** Chief Statistician

**Cc:** [Redacted]

**Subject:** Public bodies - Scottish Fire and Rescue Service - Summary of Plans - Guidance for public bodies on collecting data on sex and gender

Good Afternoon,

I am the Statistical Analyst at the Scottish Fire and Rescue Service. Following the guidance for public bodies on collecting data on sex and gender, I have detailed below how the Service plans to adopt this guidance.

Having high quality data that is inclusive of the needs of all people in Scotland is of great importance to the Scottish Fire and Rescue Service. We plan to adapt our data collection process, and how we present and publish our data in aggregate statistics to comply with best practice as stated in the guidance. We will apply this also to research projects and future consultations. We will also begin to look at the implications of this guidance for service delivery and the need for stakeholder engagement.

We anticipated that there would be changes in how we collect and present sensitive data and have already set up a working group to address this. Within the next year, we plan to update questions regarding sensitive information in our HR system. This includes updating questions about gender and sex to align with the guidance. The group also aims to be able to provide the Service with a list of 'set questions' that can be referred to and used whenever sensitive data is being gathered. This will ensure that the Service can follow the guidance in any area where this data is collected and that there is a consistent approach applied throughout the Service. We

recognise that the Incident Recording System, which is used to record details about operational incidents attended, captures data on gender and this guidance will be provided to IRS Futures Project who are procuring a new system.

Furthermore, the Service understands the importance of confidentiality and an individual's right to privacy, and we have a strong Information Governance team who will be involved throughout the process. Maintaining confidentiality will be essential when using data surrounding gender and sex, and we will ensure that we protect the individuals providing the data. This will be achieved by following what is outlined within the guidance and Code of Practice for Statistics. This includes, but is not limited to, gaining consent from individuals prior to using data, informing people why they are being asked to disclose certain information and how their data will be used, and presenting data in aggregated forms that cannot be identifiable.

Apologies for the late response to this guidance.

Kind Regards,

[Redacted]

#### **Item 10 – Scottish Human Rights Commission**

**From:** [Redacted]

**Sent:** 30 November 2021 15:20

**To:** Chief Statistician

**Subject:** Public bodies - Scottish Human Rights Commission - Guidance for public bodies on collecting data on sex and gender

Dear Chief Statistician

Thank you for the above guidance. We can confirm that we intend to adopt the suggested language in our collection of equalities data in the context of recruitment. Currently this is the only context in which we collect this type of data, but if that changes we would intend to similarly adopt the guidance in other contexts.

If you have any further questions please do not hesitate to contact me.

Regards

[Redacted]

#### **Item 11 – Social Security Scotland**

**From:** [Redacted]

**Sent:** 02 November 2021 21:08

**To:** Chief Statistician

**Cc:** [Redacted]

**Subject:** Public bodies - Social Security Scotland - Guidance for public bodies on

collecting data on sex and gender

**Importance:** High

Hi Roger

As requested I'm working to consider how we adopt your guidance in Social Security Scotland and pull together a summary for you by end of November.

For clients our approach in the main has been to collect such data as part of equalities data, held separately from operational data, and only brought together for the purposes of analysis. There are exceptions where 'sex' may have a bearing on a determination, in that case we gather it in applications forms. We conduct social research which may also gather these characteristics.

These are areas we have a control over. There will likely be considerations on when we adopt changes, to ensure consistency across channels for example and we'll have to navigate the competing demands on finite development resources as we continue to develop and deliver devolved benefits.

One area I wanted to ask about is Human Resources data. Like other SG areas we conduct workforce analysis in the Agency, publishing statistics. Data is almost exclusively drawn from SG Human Resources (eHR) for this. Am I safe to assume SG Human Resources will be considering your guidance already? If so I don't plan to reach out to them or include HR data in our own summary of plans other than possibly our approach to ensure our own internal People research is informed by the guidance.

Thanks

[Redacted]

Social Security Scotland

## **Item 12 – Scottish Water**

**From:** [Redacted]

**Sent:** 25 November 2021 09:53

**To:** Chief Statistician

**Subject:** Public bodies - Scottish Water - Collection of data on Sex and Gender

Thank you for the information and guidance document you provided in your correspondence dated 22<sup>nd</sup> September 2021. We have reviewed this guidance in full and compared the suggested question wording with the current data collection we have in place at Scottish Water.

Data on sex and gender identity is collected and stored securely, along with other personal information, through our people management system: Workday. At present the data we collect that is relevant to the scope of your guidance document is

collected through two questions: one on gender and the other on gender identity. The gender question is a mandatory field while the gender identity question is not.

Working within the parameters of the Workday system presents a challenge when implementing changes to the way we collect data. The system is integrated with other systems and data captured as part of personal information is sometimes pulled through as part of other processes. For example in the case of our payroll system where sex data is a determining factor in pension processes. This prevents us from offering a 'prefer not to say' response to the gender question. We do display a note alongside this question explaining the context. The system itself is designed to cater to global organisations but defaults to an Americanised style. This system is still fairly new to the business and we continue to review and refine the way it is used.

In response to your guidance we intend to reframe our questions to better reflect a UK audience, and will investigate what is possible in Workday with regards to changing the wording of our gender question to the more accurate term, sex. We will also realign our gender identity question around trans status.

Kind regards.

[Redacted]

### **Item 13 – Skills Development Scotland**

**From:** Corporate Affairs

**Sent:** 01 December 2021 10:01

**To:** Chief Statistician

**Cc:** Public Bodies Unit Mailbox; [Redacted]

**Subject:** Public bodies - Skills Development Scotland - Guidance for public bodies on collecting data on sex and gender

**Importance:** High

Dear Roger

Please accept our apologies for lateness of response.

Thank you for providing the guidance on collecting data on sex and gender. The guidance is straightforward and will require a broader discussion within SDS to ensure we can adopt consistency in approach to collection/reporting of both employee and customer diversity information.

SDS currently captures binary sex, gender re-assignment and gender identity information for colleagues. This varies slightly when recording information for customers. We have worked with Stonewall and the Scottish Trans Alliance to make this area of data collection as inclusive as possible.

Challenges around adopting the guidance would include a loss of information of gender identity which includes 'non-binary' as an option. As we require colleagues to update their diversity information through self-service, this could pose a challenge in relation to maintaining good data quality in the future and it would be harder to

analyse data which is in an open text format. In terms of non-binary monitoring for us in service delivery, this may be a challenge, particularly when a funding stream demands binary gender data collection.

We will convene a working group to review the guidance and ensure a consistent SDS approach to data collection and reporting employee and customer diversity information. We'll potentially require to alter the questions we currently ask individuals in relation to trans status. One of the proposals in our Equality Strategy is to establish a Community of Practice on equality data collection across SDS. That should serve the purpose of the working group and this topic is a good starting point for the group.

We'd be very interested in picking up the briefing/training opportunity you refer to in the attached letter '*my team will run some sessions for those in your organisations responsible for collecting, managing, publishing and sharing data.*' Is this something you can provide more information on please?

I hope this is helpful and apologies again for late response.

Kind regards  
[Redacted]

#### **Item 14 – Transport Scotland**

**From:** Irvine A (Alison)  
**Sent:** 01 December 2021 08:55  
**To:** Halliday R (Roger)  
**Cc:** [Redacted]  
**Subject:** Public bodies - Transport Scotland - Collection of data on sex and gender in Transport

Roger,

Thank you for your letter of 22<sup>nd</sup> September regarding the collection of data on sex and gender.

Transport Scotland collects and uses a range of data relating to transport. However, the nature of this data (typically focusing on infrastructure, vehicles, traffic, tickets) is that it generally does not include demographic information about individuals. In light of this, there is relatively limited opportunity to apply this guidance for much of the data we currently collect.

The main tool we have for monitoring equalities issues across transport is the Scottish Household Survey (SHS). The SHS has a significant transport component including questions which cover individuals' experience of public transport, barriers to public and active travel, as well as incorporating a travel diary for respondents. Transport Scotland statistics colleagues work closely with the Scottish Government's Community Analytical Division in determining the transport contents of the SHS. Community Analytical Division have ownership of the demographic questions within

the survey and I understand that in future the SHS will include questions on biological sex and trans status - and that these are in line with your guidance.

We will explore whether and how to incorporate analysis of these new questions in our Transport and Travel in Scotland National Statistics publication using the principles set out in the guidance you have produced.

Beyond the SHS, the other main Transport Scotland dataset which includes data on sex or gender is the 'Stats19' data collection, which relates to road casualties and feeds our National Statistics publications on this topic. Any changes to this data collection may have implications for a number of partner organisations: the data is collected by Police Scotland, is used for operational purposes by the police and Local Authorities, and is collected on a consistent basis across the nations of Great Britain. I have asked colleagues in our statistics team to raise the issue of recording sex and gender with our partner organisations.

In addition to the above I will share the guidance you have produced with our analytical teams and ask that it be strongly considered in any development of new survey instruments, research, or evaluation.

I would highlight that there may be a particular challenge relating to circumstances where sex or gender is 'determined' by a data collector through observation, rather than being self-reported. This may already occur within the Stats19 data collection in certain situations, and in future I can foresee the use of video surveys of pedestrians or cyclists which we may wish to analyse by sex or gender. This type of scenario would not seem to be covered in the guidance you shared but may be worthy of further consideration.

I hope this is helpful

Yours sincerely,

**Alison Irvine**

Director of Transport Strategy and Analysis