

# **Sex and Gender in data**

## **CRWIA Stage 1 Screening**

**September 2021**

## CRWIA Stage 1 [Screening](#) - key questions

### 1. Name the policy, and describe its overall aims.

Sex and Gender in data - Producing guidance for Scottish Public Bodies to support them to better collect, disaggregate and use data on men and women/sex and gender.

The aim of the work isn't simply guidance for its own sake, but to create the conditions where data on sex and gender is routinely collected and used by Scottish public bodies to design, plan, monitor and evaluate services that are sensitive to the needs of all of Scotland. This includes helping organisations to understand not just the issues on sex and gender, but on the intersectionality between this and other socio-demographic characteristics (including the protected characteristics in the Equality Act 2010). This should most importantly enable them to develop better policy and services which deliver better and more equal outcomes.

### 2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

The guidance will be used to support public bodies to collect data on all service users, which in the majority of bodies will include collecting data on children and young people.

The guidance will set out recommended questions to collect data on a person's sex, and trans status/history to derive gender identity.

Being able to collect this data in an appropriate way from children and young people is important for protecting rights set out in the Articles of the UNCRC, and for developing better policy and services which deliver better outcomes for children and young people.

### **3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

The guidance is not being developed specifically to collect data on children and young people, rather it will set out a set of general recommended questions that should be used to collect data on all service users where needed. Therefore impacts are likely to be indirect, for example, whether the questions asked are written in language/terms that are understood and appropriate for the level of comprehension typical for the spectrum of children and young people.

### **4. Which groups of children and young people will be affected?**

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

Under current proposals the guidance sets out a recommended question to collect data on sex, and trans status/history. The questions on trans status and history are likely to affect whether data can be collected appropriately from children and young people.

For example, the Curriculum for Excellence resources on relationships, sexual health and parenthood ([Home - RSHP](#)) does not introduce the concept of gender identity until P5/P6/P7, and this is further explored in the first half of secondary school (S1/S2/S3).

Therefore, children under the age of 8 or 9 years old may not understand a question that asks about the concept of gender identity, or trans status, because this has not been taught. Instead, at this stage, younger children have been taught about their bodies in terms of physical body parts.

**5. Will this require a CRWIA?**

**Yes.** The guidance given to public bodies when deciding what data to collect should consider the possible impacts of the question they chose to ask, particularly on children and young people and their right for example, to express a view and have that view taken into account (Article 12), and Article 3 - best interests of the child to be a primary consideration.

**CRWIA Declaration****CRWIA required****CRWIA not required**

Yes

**Authorisation****Policy lead**

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**Date**

09/04/2021

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