

Engender response to “Sex and Gender in Data: Collection and publication”; guidance from the Chief Statistician to Scottish Public Bodies

February 2021

1. INTRODUCTION

Engender is Scotland’s feminist policy and advocacy organisation, working to secure women’s political, economic and social equality with men. Our aspiration is for a Scotland where women and men have equal access to rights, resources, decision-making and safety.

We welcome the opportunity to respond to this consultation by the Office of the Chief Statistician. A year ago, we submitted “Sex/gender: Gathering and using data to advance women’s equality and rights in Scotland”¹ to the evidence-gathering phase of this work. In it, we outlined the urgent need for public bodies to collect, analyse, and use data to advance women’s equality and rights.

This need for better gender-sensitive² sex-disaggregated data³ has only been further highlighted by Covid-19. In the early phases of the pandemic, which foreshadowed profoundly negative effects for women’s health, careers, and volume of unpaid care, Engender published our own calls to Scottish Government officials on using data about men’s and women’s distinct experiences in shaping its response to Covid-19.⁴

¹ Engender (2020) Sex/gender: Gathering and using data to advance women’s equality and rights in Scotland. Available at: engender.org.uk/content/publications/EgenderSubmission-GatheringandusingdatatoadvancewomensequalityandrightsinScotland-Feb2020-1.pdf

² Gender-sensitive data are statistics and other information that adequately reflect gendered differences and inequalities in the situation of women and men in all areas of life.

³ Sex-disaggregated data are data that is broken down by sex, so that it is possible to compare and contrast differences between men and women.

⁴ Engender (2020) Covid-19: Gathering and using data to ensure that the response integrates women’s equality and rights. Available at: engender.org.uk/content/publications/Covid-19-Gathering-and-using-data-to-ensure-that-the-response-integrates-womens-equality-and-rights.pdf

1.1 Response and overarching recommendations

In this submission we rearticulate some of the key information we outlined in our original submission to the Working Group. We comment on the guidance and make recommendations for how it might be stronger and clearer.

Overarching recommendations are:

- **That the guidance should refocus on its initial aim to enhance the gathering and use of sex-disaggregated gender-sensitive data to advance women’s equality and rights.** It would be helpful for the guidance to set out how the principles for gender data, including those enumerated by the UN and European Institute of Gender Equality, be operationalised in Scotland. This should include the precept that gathering and using gender-sensitive sex-disaggregated data be the default and not an exception.
- **That the guidance includes more rigorous and clear definitions of sex, gender, and gender identity.** It is very important that ‘gender’ is consistently communicated as a set of social roles, mores, and stereotypes and not an attribution of individuals themselves. Engender’s submission to the initial consultation contains more information about the definitions that are commonly used in women’s equality and rights contexts⁵ and we repeat some key definitions in section 2 below.
- **That the guidance be mindful of the need to ensure consistency and coherence across data sets,** while needing to be responsive to flexes in best practice of how to gather data about specific protected groups, including trans people. The section on intersectionality needs considerable strengthening and expansion.

1.2 TERMINOLOGY

The nomenclature around sex and gender is currently experiencing a moment of considerable contestation within the public discourse. Some of this conversation is a reflection of work, spanning many decades, within a whole range of feminist academic disciplines and activist spaces that has explored the question of how we should define ‘woman’.

⁵ Engender (2020) Sex/gender: Gathering and using data to advance women’s equality and rights in Scotland. Available at: <https://www.engender.org.uk/content/publications/EgenderSubmission-GatheringandusingdatatoadvancewomensequalityandrightsinScotland-Feb2020-1.pdf>

Other parts of this conversation reflect the differences of meaning that have been attached to the word 'gender' in different contexts. A detailed history of these differences is beyond the scope of this submission, but it has been used to mean:

- The social imposed division of the sexes (in use from the 1940s);
- An internal sense of whether you are a man or a woman (in use from the 1940s);
- A synonym for sex (in use from the 1500s).⁶

To avoid confusion, we offer the following working definitions within the scope of this paper.

Sex

Whether you are a man or a woman.⁷

Gender

Gender is a socially constructed set of norms, roles, and relationships that is constituted in our social mores, laws, processes and policies. It is time and culture specific and functions as a hierarchy.

Gender identity

Whether an individual's internal sense of themselves aligns with their sex as assigned or observed at birth.

Gender-sensitive data

Statistics and other information that adequately reflect gendered differences and inequalities in the situation of women and men in all areas of life.

Sex-disaggregated data

Data that is broken down by sex, so that it is possible to compare and contrast differences between men and women.

Gender-disaggregated data

This is a widely used, if literally inaccurate, synonym for data that is both gender-sensitive and sex-disaggregated.

(To) gender (e.g. policy or data)

⁶ Cameron D (2016) A brief history of 'gender.' language: a feminist guide Available at: <https://debuk.wordpress.com/2016/12/15/a-brief-history-of-gender/> [Accessed August 12, 2019].

⁷ In this definition, 'man' includes trans men. 'Women' includes trans women. In terms of equality data collection, sex could also include an 'other' option, in which individuals may describe themselves as e.g. non-binary.

To make gender-sensitive, i.e. to ensure gendered differences and inequalities in the situation of women and men are reflected.

Gender-competence

This refers to the skills, knowledge and analytical capability to develop statistics, data, policy, or programmes that are well-gendered; that take account of the socially constructed difference between men's and women's lives and experiences.

Gender mainstreaming

This involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of statistics, policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination.

2. SEX AND GENDER IN DATA: ADVANCING WOMEN'S RIGHTS

2.1 Why gather and use gender-sensitive sex-disaggregated data?

Inequalities persist between the sexes, and the unequal distribution of power, resources, and safety fundamentally negatively shapes the lives of women and girls. There are emblematic issues for women's equality and rights, including: women's representation in political and public life, anti-discrimination law and access to justice, violence against women, participation in the labour market and the gender pay gap, publicly-funded childcare, maternity and parental leave, abortion and reproductive justice, and divorce and family law. However, gender justice concerns do not stop there. Policy within transport, planning and public space, social and unpaid care, women's health, employability, social security, and economic development must also be gender-sensitive if women and girls are to enjoy equal access to public goods and services.⁸

In every policy area we work across, without exception, a lack of gender-sensitive data undermines the capacity of policy and legislation to meet women's needs, to treat women fairly, and to bring about women's equality and rights. It is rare for calls for gender-sensitive data to be produced to be missing from any given research report, parliamentary briefing, or consultation response that we publish. As an indicator, recommendations for substantive programmes of gender-sensitive data development

⁸ Engender (2017) Gender Matters Roadmap: Towards Women's Equality in Scotland. Available at: <https://gendermatters.engender.org.uk/>

can be found in our reports on such diverse topics as hate crime⁹, disabled women's health¹⁰, employability¹¹, and social security¹² and in all of the advocacy with policymakers and parliamentarians that has followed. These are not wish-lists peripheral to the central issue: it is clear to us that a failure to gather, analyse, and use gender-sensitive data has been a serious impediment to gender mainstreaming within policy and programme development.

2.2 What does good practice look like?

Reading the UN Gender Statistics Manual¹³ and the European Institute of Gender Equality Gender Statistics Database¹⁴ together gives us a list of the features of competent gender-sensitive sex-disaggregated data. These are:

- a) Data are collected and presented by sex as a primary and overall classification;
- b) Data reflect gender issues, such as childcare spending and provision;
- c) Data are based on concepts and definitions that adequately reflect the diversity of women and men and capture all aspects of their lives; and
- d) Data collection methods take into account stereotypes and social and cultural factors that may induce gender bias in the data.

Producing gender statistics requires statisticians and analysts to move beyond simply counting women, and to fundamentally reconsider some of their assumptions about the world. In doing so, those responsible for the production of these data must acquire sufficient gender competence to wrestle with these considerations. In an evaluation of EU member state production of gender-sensitive labour market statistics, Nicot and Houtman write:

“The shift from sex-disaggregated data collection to genuine gender statistics requires a profound evolution in some of the concepts used in the field concerned by the study or survey, along with a questioning of the pertinent boundaries of investigation. For instance,

⁹ Engender (2019) Making women safer in Scotland: The case for a standalone misogyny offence. Available at: <https://www.engender.org.uk/content/publications/Making-Women-Safer-in-Scotland---the-case-for-a-standalone-misogyny-offence.pdf>

¹⁰ Engender (2018) Our Bodies, Our Rights: Identifying and removing barriers to disabled women's reproductive rights in Scotland. Available at: [engender.org.uk/content/publications/Our-bodies-our-rights---Identifying-and-removing-barriers-to-disabled-womens-reproductive-rights-in-Scotland.pdf](https://www.engender.org.uk/content/publications/Our-bodies-our-rights---Identifying-and-removing-barriers-to-disabled-womens-reproductive-rights-in-Scotland.pdf)

¹¹ Engender (2016) Unblocking the Pipeline: Gender and Employability in Scotland. Available at [engender.org.uk/content/publications/Unblocking-the-Pipeline---Gender-and-Employability-in-Scotland.pdf](https://www.engender.org.uk/content/publications/Unblocking-the-Pipeline---Gender-and-Employability-in-Scotland.pdf)

¹² Engender (2016) Securing women's futures: Using Scotland's new social security powers to close the gender equality gap. Available here: [engender.org.uk/content/publications/Securing-Womens-Futures---using-Scotlands-new-social-security-powers-to-close-the-gender-equality-gap.pdf](https://www.engender.org.uk/content/publications/Securing-Womens-Futures---using-Scotlands-new-social-security-powers-to-close-the-gender-equality-gap.pdf)

¹³ UN Statistic Division (n.d.) UN Gender Statistics Manual. Available at: unstats.un.org/unsd/genderstatmanual/Default.aspx [Accessed February 17, 2020].

¹⁴ European Institute of Gender Equality (n.d.) Gender Statistics Database. European Institute for Gender Equality Available at: eige.europa.eu/gender-statistics/dgs [Accessed February 17, 2020].

the assessment of the actual contribution of women to society systematically stumbles over the concept of work as defined by economists, which only includes remunerated work. Questioning this definition challenges the bases of modern economics for which market value and solvable demand are core concepts. As this definition is used for the calculation of gross domestic product (GDP) - which plays a central role in national policies - it can be easily understood why unremunerated work becomes a blind spot in decision making most if not all of the time.”¹⁵

2.3 How does Scotland measure up?

There is limited evidence that much gender-sensitive sex-disaggregated data is gathered and published in Scotland. Failure to do this means that Scottish Government and other public bodies are in breach of their obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The UN’s CEDAW Committee expressed its concern in 2019, during its examination of the UK:

“regarding the lack of systematic collection of data, disaggregated by sex, gender, ethnicity, disability and age, in particular with regard to intersecting forms of discrimination, to identify areas in which women lack substantive equality with men, **inform policymaking** and assess the impact of measures taken.”¹⁶ [our emphasis]

Public bodies that fail to gather and use gender-sensitive sex-disaggregated data may also be in breach of the public sector equality duty, which mandates the collection and publication of employment data by listed public authorities and necessitates that all public authorities use equality evidence when making decisions¹⁷.

Sex-disaggregated data that lacks gender-sensitivity is more frequently gathered, although it is often not published. Of significant concern is that even this sex-disaggregated data is not analysed and used in policy formulation.

We outlined significant data gaps and the impact of these on policymaking in our original submission to the Working Group.

2.4 Response to the guidance

2.4.1 Principles for gathering gender-sensitive sex-disaggregated data

¹⁵ Nicot, Anne-Marie, and Irene Houtman. 2007. “Gender Mainstreaming in Surveys.” Eurofound. <https://www.eurofound.europa.eu/publications/report/2006/gender-mainstreaming-in-surveys>.

¹⁶ UN Committee on the Elimination of Discrimination against Women. 2019. “Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland.” United Nations. Available at: tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En.

¹⁷ EHRC Scotland. 2016. “Technical Guidance on the Public Sector Equality Duty: Scotland.” Available at: equalityhumanrights.com/sites/default/files/redraft_of_psd_tech_guidance_-_v6sc.pdf.

It is welcome to see the principles for good practice generated by the UN and European Institute of Gender Equality (EIGE) outlined in this guidance. We recommended in our original evidence that these be used in Scotland to provide a framework for good quality data on women and girls' lives. In our view, these principles should form the structure and basis for the guidance.

However, the guidance alone currently does not provide sufficient information to enable analysts across the public sector to understand and implement these principles. Nor does the guidance explain how the official statistics code of practice should be explicitly applied to the gathering and use of data about sex, gender, and gender identity. These issues may have been surfaced had the Equality Impact Assessment for this piece of guidance been carried out in parallel with its development, as required by the public sector equality duty.

Recommendation: We recommend that the guidance be restructured around the principles for good practice produced by the UN and EIGE.

2.4.2 Focus guidance on gathering, analysing, and using data about women and girls to improve policymaking and programme design and delivery

The guidance focuses disproportionately on the narrow questions around how to ask individuals about their sex and gender identity.¹⁸ While it is important to provide a clear schema for decision-making in respect of these questions, the guidance risks losing sight of the principal issue: how and why public bodies should be gathering and using data to advance women's equality and rights.

Some of the content of the guidance suggests that gathering and using data should be the exception and not the rule. For example, the question on p.26 that asks "Are you clear how [collecting data] is going to be used to improve wellbeing?" appears incompatible with the direction of travel on equality data more broadly, which is to expand the quantity and quality of sex-disaggregated gender-sensitive data. The notion that those responsible for gathering data might decide that sex is not important undermines Scottish Government's ambitions on gender mainstreaming¹⁹ and gender competence²⁰ within policymaking. As the UN and EIGE principles additionally set out,

¹⁸ Engender does not consider 'gender' to be an individual attribute, but a socially constructed set of norms, roles, and relationships that is constituted in our social mores, laws, processes, and policies. An individual person does not have a gender.

¹⁹ Gender mainstreaming involves the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of statistics, policies, regulatory measures and spending programmes, with a view to promoting equality between women and men, and combating discrimination.

²⁰ Gender competence refers to the skills, knowledge and analytical capability to develop statistics, data, policy, or programmes that are well-gendered; that take account of the socially constructed difference between men's and women's lives and experiences.

the production and use of gender-sensitive sex-disaggregated data should be the default. Gender statistics are always relevant to policymaking.

3. GATHERING AND USING DATA

3.1 How should we best gather gender-sensitive sex-disaggregated data?

In our view it is optimal to produce gender-sensitive statistics on sex that are disaggregated by ethnicity, disability, age, sexual orientation, religion and belief, trans status and other characteristics. This will provide the richest evidence on the experiences of different groups of women and men, girls and boys.

Sex is one of several characteristics that most surveys and data-collection instruments ask about. The list of these characteristics varies, but they usually map roughly on to those enumerated as protected in the Equality Act 2010.²¹ There is inconsistency in the way that questions are asked about sex and gender identity within surveys and forms that are in use in Scotland. A plurality of data collection instruments within public bodies in Scotland, in our experience, ask one question about sex and one question about gender identity or trans status. These are sometimes collapsed together, conflating gender identity (often mislabelled – in our view – as ‘gender’) and sex. Only in rare instances are multiple questions asked that may allow a more finely-grained analysis.

In common with questions about disability, ethnicity, and sexual orientation, individuals completing surveys are generally asked to decide what ‘sex’ or ‘gender identity’ means for themselves.

In most instances where trans women answer a ‘sex’ question with ‘woman’, this will accurately reflect how the public body or provider of goods, facilities, and services will understand and treat them; individual agencies have developed ways of managing exceptions. It is self-evidently the case that trans women may have a range of different experiences that non-trans women do not have. However, women are not a homogenous group, and women who share another protected characteristic(s) such as young women, Black and minority ethnic women, disabled women, and lesbian and bisexual women, will all experience sexism and oppressive social structures in different ways. So too will women whose life experiences are inflected with caring roles, who are experiencing the menopause, or those who live in remote and rural areas.

²¹ These are sex, age, ‘race’ or ethnicity, disability, pregnancy and maternity, marital or civil partnership status, religion or belief, sexual orientation, gender reassignment (or trans status).

Data can usefully highlight women's common experiences across other protected groups, as well as surfacing differences. For example, 19% of women born in 1973 did not have children at their 45th birthday.²² Over the same period, the number of same-sex headed households with children has increased, reaching 212,000 by 2019.²³ The presence of these childless or child-free women in surveys, along with same-sex couple households with children, has not compromised the production of gender-sensitive statistics that clearly describe childcare as unequally distributed between men and women.²⁴

Although the first trans status question will be asked in the Scottish Census in 2021, a US meta-analysis estimates that approximately 0.6% of the US adult population is trans.²⁵ The Conference of European Statisticians guidance on national census collection notes that "a small proportional error occurs in reporting or coding large response categories (such as 'male' or 'female') but that these can nevertheless be larger than the number of correctly captured responses for a rare category (such as a 'third' sex)."²⁶ The presence of this small population in the data will not undermine the production of sex-disaggregated or gender-sensitive statistics. If we are to know more about the different experiences of trans women and non-trans women, though, careful analysis will be required.

Adopting a general principle of asking individuals to describe their sex based on questions asking for their lived sex, or on the basis of individuals interpreting what is being asked by sex, will support the production of gender-sensitive sex-disaggregated data because:

- **It will help to ensure data quality.** ScotCen testing of different models of 'sex' question for the 2021 Census identified that trans people respond in a variety of ways to being asked for their 'sex at birth', including providing their lived sex instead.²⁷ This means that comparing data about sex with data about trans history

²² ONS (2019) Childbearing for women born in different years, England and Wales: 2018. Available at: ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/conceptionandfertilityrates/bulletins/childbearingforwomenbornindifferentyearsenglandandwales/2018 [Accessed February 24, 2020].

²³ ONS (2020) Families and households in the UK: 2019. Available at: ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2019#same-sex-married-couples-are-the-fastest-growing-type-of-same-sex-family [Accessed February 24, 2020].

²⁴ ONS (2016) Women shoulder the responsibility of 'unpaid work'. Available at: ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/womenshouldtheresponsibilityofunpaidwork/2016-11-10 [Accessed February 24, 2020].

²⁵ Flores AR, Herman JL, Gates GJ, Brown TNT (2016) How Many Adults Identify as Transgender in the United States? The Williams Institute.

²⁶ Conference of European Statisticians (2015) Recommendations for the 2020 Censuses of Population and Housing. Available at: unece.org/fileadmin/DAM/stats/publications/2015/ECECES41_EN.pdf.

²⁷ ScotCen (2019) Testing guidance for the sex question: Scotland's Census 2021. Available at: scotlandscensus.gov.uk/documents/ScotCen%20-

or status will produce more reliable, accurate results if questions ask about, or enable the assumption that they are asking about, lived sex. This will have a particularly positive impact on longitudinal studies and in multivariate analyses of sub-groups. In the case of some instruments, this will enhance or sustain the quality of gender-sensitive statistics.

- **It creates consistency between instruments and data sources.** Given that trans people are recorded on a variety of administrative systems with their lived sex, rather than their sex at birth, asking for 'lived sex' or not specifying what is means when asking for an individual's sex seems likely to ensure that different data sources can be linked and connected. This harmonisation will enable richer gender-sensitive data to be produced and best ensure that we have accurate, specific data on the prevalence of trans people within any given population.
- **It avoids potential human rights violations.** Section 22 of the Gender Recognition Act 2004 makes it a criminal offence to disclose a person's gender reassignment history. In addition, compelling people to provide information about their sex at birth may breach their right to privacy under article 8 of the European Convention on Human Rights (ECHR).
- **It encourages public bodies to gather data by sex.** Public bodies that lack clarity around whether 'sex at birth' questions are appropriate, their data security is sufficient to avoid breaching s.22 of the current GRA, and privacy claims under article 8 may be actionable are less likely to gather, analyse, and produce sex-disaggregated data should 'sex at birth' questions become the norm. This will have a chilling effect on organisations' production of sex-disaggregated data, which a 'lived sex' question will avoid.

3.2 Response to the guidance

3.2.1 *Gender needs to be clearly defined*

The guidance is confused and confusing on definitions of 'sex', 'gender', and 'gender identity' and what this means for data collection and analysis. The term 'gender' is particularly contested and therefore requires careful parsing out in the guidance.

For example, on p.8 the guidance accurately states that sex discrimination may arise because an employer makes unwarranted assumptions about a woman's gendered roles. A common real-world example of this is that employers are less likely to appoint women to promoted posts because they fear that an individual woman may become a mother in the future and have less time available for paid work as a result of the

[%20Testing%20guidance%20for%20the%20sex%20question%20-%20December%202019.pdf](#) [Accessed February 19, 2020].

unequal allocation of childcare within opposite-sex households. The guidance suggests that ‘a public body may [therefore] decide to collect data on a person’s gender (or their gender identity) as well as on sex, according to their data needs’. This does not make sense. In this context, ‘gender’ is not an attribute of the individual employee but a system of stereotypes, norms, roles, and incentives.

While the guidance is correct that ‘just counting women’ is methodologically unsound in producing adequate data for analysis and use, it does not describe any ways in which sex-disaggregated data may also be gender-sensitive.²⁸

Recommendation: Definitions of ‘sex’, ‘gender’ and ‘gender identity’ need to be clearer in the guidance. The guidance needs to be analytically consistent in its use of this terminology. The Office of the Chief Statistician should be aware of the terminology involving gender that is used elsewhere by Scottish Government, including ‘gender budgeting’, ‘gender mainstreaming’ and ‘gender competence’. These flow from a definition of ‘gender’ that is the same or similar to the one used by Engender and other national and international organisations and institutions working for women’s equality and rights.

3.2.2 Guidance needs to be clearer on why questions about ‘legal sex’ would be asked

It is helpful that the guidance is clear that a self-identified sex question followed by a trans status question leads to a higher response rate from trans people, and therefore more accurate information about whether any given respondents or service users are trans or not. It is not clear from the guidance why and when public bodies should be asking questions about ‘legal sex’, which would have a lower response rate and therefore produce less accurate data in many cases. The guidance does not present any use cases for this information specifically, and Engender is not aware of any that have emerged through its work.

We agree that it is vital to gather data that allows for intersectional analysis, including trans status. Asking for legal sex seems to undermine this outcome because it is a less accurate way of gathering that data.

Recommendation: The guidance be clarified to set out why specific questions around sex may be preferred in different contexts, and the accuracy and other implications of different styles and types of questions.

3.2.3 Guidance needs to provide clearer support to decision-making by those gathering and using data

²⁸ Gender-sensitive data are statistics and other information that adequately reflect gendered differences and inequalities in the situation of women and men in all areas of life.

Although the guidance contains helpful clarity on some specific points, for example that it generally will not matter to analysis or use in policymaking whether ‘legal sex’ or ‘social sex’ is the attribute about which information is gathered, it is vague and potentially misleading on some other important issues and generally unsystematic.

For example, on p.9 it counsels that data collectors should ‘plan to avoid any potential biases’, without explaining what biases might be particularly relevant to gender-sensitive sex-disaggregated data. On the same page, the guidance states that ‘it is important to only collect a specific item of data from someone whether there is a clear need for this, to minimise the burden on an individual and to comply with the legal requirements under the General Data Protection Regulation (GDPR).’ This sits at odds with the implicit (and explicit in the case of employment) requirement of the public sector equality duty to gather and use information in making decisions and carrying out equality impact assessments. It may also not be clear to some or all readers that ‘equality of opportunity or treatment’ is a ‘substantial public interest condition’ per the Data Protection Act 2018. This means that public bodies have fewer constraints in gathering, analysing, and using data about men and women and boys and girls.

Recommendation: That the guidance be clarified to support systematic decision-making about how and when to gather and use particular data, including appropriately contextualised information about regulation such as GDPR.

4. RECOMMENDATIONS

Amid other revisions to make the guidance more clear and usable as guidance, we recommend:

- **That the guidance should refocus on its initial aim to enhance the gathering and use of sex-disaggregated gender-sensitive data to advance women’s equality and rights.** It would be helpful for the guidance to set out how the principles for gender data enumerated by the UN and European Institute of Gender Equality be operationalised in Scotland, including that gathering and using gender-sensitive sex-disaggregated data be the default and not an exception.
- **That the guidance includes more rigorous and clear definitions of sex, gender, and gender identity.** It is very important that ‘gender’ is consistently communicated as a set of social roles, mores, and stereotypes and not an attribution of individuals themselves. Engender’s submission to the initial

consultation contains more information about the definitions that we have developed.²⁹

- **That the guidance be mindful of the need to ensure consistency and coherence across data sets**, while responsive to flexes in best practice of how to gather data about specific protected groups, including trans people. The section on intersectionality needs considerable strengthening and expansion to ensure that issues relating to all of the intersecting protected characteristics are appropriately considered, as well as providing detail on intersectional analysis itself.

FOR FURTHER INFORMATION

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ABOUT US

Engender is Scotland's feminist policy and advocacy organisation, working to increase women's power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.

²⁹ Engender (2020) Sex/gender: Gathering and using data to advance women's equality and rights in Scotland. Available at: engender.org.uk/content/publications/EngenderSubmission-GatheringandusingdatatoadvancewomensequalityandrightsinScotland-Feb2020-1.pdf