

Scottish Government: Collecting Equality Information Series

Guidance note on asking questions on: gender

Introduction: Why it is necessary to collect information about gender?

The Equality Act 2010 protects people from discrimination because of gender. The legislation covers areas including education, employment, the provision of goods and services to the public and the exercise of public functions. The Act also introduces a public sector equality duty which came into force on 5 April 2011. The duty requires Government and public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The duty covers nine protected characteristics, including gender. It is recommended that Government and public authorities follow good practice in gathering and using relevant evidence and information. Gender statistics are important for monitoring discrimination and inequality. The information may also be used to inform policy formulation and service delivery.

“Poor measurement and a lack of transparency have contributed to society and governments being unable to tackle persistent inequalities and their causes. The data available on inequality are utterly inadequate in many ways, limiting people’s ability to understand problems and their causes, set priorities and track progress. And even where data do exist, they are not consistently used well or published in a way that makes sense”.

This was one of the conclusions of ['Fairness and Freedom, The Final Report of the Equalities Review'](#) in 2007. This was followed by a [report from the Office of National Statistics](#) which identified 8 principles for collection and dissemination of equality data. Principle 4 states that

“Consistency of methods, concepts and classifications is fundamental in the collection, analysis and presentation of equality statistics”.

In order to promote more consistency, the Scottish Government has developed harmonised questions for use in surveys in Scotland. This guidance note provides a recommended question for collecting information on **gender**.

Recommended Question

The recommended question for collecting information on gender is:

Are you male or female?
Male
Female

Developing a question on gender identity

The recommended question on gender does not include an option for people who have a fluid gender identity and therefore would not select either the male or female option. As referred to above, the Public Sector Equality Duty requires public bodies to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations across all aspects of equality protected by the Equality Act, including gender reassignment. There is a lack of information concerning transgender people and the inequalities they face. At the moment, there

is no fully tested recommended question for use on social surveys to collect this information. The Equality and Human Rights Commission commissioned a study¹ to develop new questions to measure gender identity, including transgender, that can be understood and answered by all people living in the United Kingdom. The study reviewed questions on gender identity in the public domain. From this review, a suite of questions were developed then tested and revised with trans and non-trans participants. A link to the full report is available below.

The Scottish Transgender Alliance has published a monitoring guide which presents recommended questions for use when collecting information on transgender people. For further information, please refer to the [Scottish Transgender Alliance website](#).

Contact us

This document has been provide to help people collect information on gender in Scotland. We welcome any comments you have on this guidance note. It will be revised and updated when necessary.

equality-and-poverty-analysis@scotland.gsi.gov.uk

May 2012

¹ For more information about this study see
http://www.equalityhumanrights.com/uploaded_files/research/rr75_final.pdf

Useful Links

Equalities Review:

<http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/>

UK Statistics Authority - Code of Practice:

<http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html>

ONS Report from the review of equality data:

<http://www.ons.gov.uk/ons/guide-method/measuring-equality/equality/equality-data-review/review-of-equality-data--final-report.pdf>

Monitoring Equality: Developing a Gender Identity Question, Equality and Human Rights Commission

http://www.equalityhumanrights.com/uploaded_files/research/rr75_final.pdf

Scottish Transgender Alliance website:

<http://www.scottishtrans.org/>