

FOI 1450: Correspondence with MARP

DOC01

From: Bernard Silverman [REDACTED] >
Sent: 22 October 2020 10:12
To: Henry, Sarah [REDACTED]@ons.gov.uk>; Abbott, Owen <[REDACTED]@ons.gov.uk>
Subject: Gender identity question

Dear both

Great to talk to you today. As promised, I'm forwarding on the message I received on the matter of gender identity.

Best wishes [REDACTED]

Name: [REDACTED]

Email address [REDACTED]

Subject: Report: 'Sex and the census'

Message:

We are writing to share with you a report we have published about the way in which the Office for National Statistics and National Records of Scotland have handled the planning for the next UK census. Specifically, it considers the way in which they have - in planning the questions on sex and gender identity - privileged the views and demands of groups claiming to represent the trans community over and above other interest groups, such as women, and expert data users.

They have reframed the long standing sex question as one about self-declared gender identity, not biological sex, thereby jeopardising the collection of robust, high quality data on sex in the next UK census.

Sex and the Census arises from research funded by Research England's Strategic Priorities Fund (SPF) QR allocation to the University of Oxford. This project was also supported by Woman's Place UK. The principal investigator was [REDACTED]. The lead researcher and writer was [REDACTED]. Other research and writing was undertaken by [REDACTED].

The full report and an executive summary of the report are available on the webpages of the University of Oxford as well as a website for the wider project of which it is part.

<https://www.history.ox.ac.uk/women-and-equalities-law-historical-perspectives-present-issues>

<https://thepoliticalerasureofsex.org/>

Please do not hesitate to contact us if you would like any further information about this report.

Yours sincerely

[REDACTED]
[REDACTED]

PS My email to [REDACTED] is a bit unreliable just at the moment (though it should be OK) so if in doubt please write direct to [REDACTED]

From: Bernard Silverman [REDACTED] <[\[REDACTED\]@icloud.com](mailto:[REDACTED]@icloud.com)>

Sent: 22 October 2020 13:22

To: [REDACTED] [REDACTED]
[REDACTED] [REDACTED] >

Cc: 'Henry, Sarah' <[\[REDACTED\]](mailto:[REDACTED])>; 'Abbott, Owen' <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED]
[REDACTED] >; Bernard Silverman [REDACTED]; 'Diamond, Ian'
[REDACTED] <[\[REDACTED\]@Statistics.gov.uk](mailto:[REDACTED]@Statistics.gov.uk)>

Subject: FW: Census 2021 Sex Question Guidance

Colleagues---I have this morning received the attached letter.

For our panel, the pertinent issues are of course methodological so much of the letter can be background only. I note that the authors are concerned about whether there has been analysis to “assess the potential impact of the guidance on the quality of data on sex ... in particular for some subgroups of the population”. The authors of the letter would clearly wish the guidance to direct respondents to answer using the sex registered at birth.

I note that the letter refers to the guidance, not the sex question itself, and therefore there is still time for any changes to be made. However time is clearly of the essence.

I would suggest that we should ask ONS to provide us with a briefing as follows:

1. Can we please be briefed as soon as possible (presumably in writing) about the current guidance and about any analysis that has been conducted to assess its potential impact on the quality of data on sex, in particular for subgroups of the population?
2. If the final decision is not to accede to the view of the authors of the letter (and presumably the 80 social scientists) that the guidance should direct respondents to use the sex assigned at birth, can we please be given details of the way that their methodological concerns have been considered and addressed?

Many thanks and very best wishes

Bernard

DOC03

From: Bernard Silverman [REDACTED] >

Sent: 02 November 2020 11:29

To: Diamond, Ian [REDACTED] Statistics.gov.uk>

Cc: Bell, Iain [REDACTED] [@ons.gov.uk](mailto:ons.gov.uk)>; Abbott, Owen [REDACTED] [@ons.gov.uk](mailto:ons.gov.uk)>; [REDACTED]

[REDACTED] Henry, Sarah [REDACTED] [@ons.gov.uk](mailto:ons.gov.uk)>; Stanborough, Julie

[REDACTED] [@ons.gov.uk](mailto:ons.gov.uk)>; [REDACTED] >; [REDACTED]

[REDACTED] >; [REDACTED] >; [REDACTED]

[REDACTED]; Bernard Silverman [REDACTED]

Subject: Letters received by Methodological Assurance Review Panel about sex and gender identity questions

Dear Ian

Please see correspondence attached.

Very best wishes Bernard

DOC05

From: Bernard Silverman <[REDACTED]@icloud.com>

Sent: 02 November 2020 12:47

To: Abbott, Owen <[REDACTED]@ons.gov.uk>; [REDACTED]; [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: The two letters on the census guidance

Great!

By the way I can see that the latest MARP minutes on the web are for March 2020 and that the last meeting papers are from about April. It's important for transparency that we shouldn't get behind on this...sorry to mention it... Best wishes Bernard

From: Abbott, Owen <[REDACTED]@ons.gov.uk>

Sent: 02 November 2020 12:42

To: [REDACTED]@ons.gov.uk>

Cc: [REDACTED]
[REDACTED]

Subject: RE: The two letters on the census guidance

Bernard
Thanks – I will make sure that advice is heard,
Regards
Owen

From: Bernard Silverman <[REDACTED]@icloud.com>

Sent: 02 November 2020 11:43

To: Abbott, Owen <[REDACTED]@ons.gov.uk>; [REDACTED]@ons.gov.uk>

Cc: [REDACTED]
[REDACTED]

Subject: The two letters on the census guidance

Dear Owen

Just a supplementary to our formal letters. You will appreciate that due to the sensitivity of the issues raised in the second letter copied to you, it would be helpful if the two matters could be handled separately from each other.

One of my colleagues put it like this: “..unless we steer ONS to address the two matters separately, they may be inclined to answer them both together (in the interests of efficiency), which would exactly illustrate the expressed dismay [from the authors of the second letter] that they have been sidelined in a broader debate about gender identities and their voice has not been heard. Worth somehow signalling this to ONS?”.

Very best wishes... Bernard

DOC06

From: Bernard Silverman [REDACTED]
Sent: 10 November 2020 15:02
To: National Statistician [REDACTED] <[REDACTED]@statistics.gov.uk>
Subject: RE: Letters received by Methodological Assurance Review Panel about sex and gender identity questions

Received with grateful thanks. Bernard

From: [REDACTED] <[REDACTED]@ons.gov.uk> **On Behalf Of** National Statistician
Sent: 10 November 2020 10:23
To: [REDACTED]
Cc: National Statistician [REDACTED] <[REDACTED]@statistics.gov.uk>
Subject: RE: Letters received by Methodological Assurance Review Panel about sex and gender identity questions

Dear Sir Bernard,

Please find attached, two letters from Ian with regard to your recent correspondence dated 30th October.

Thanks,

[REDACTED]

From: Bernard Silverman [REDACTED]
Sent: 02 November 2020 11:29
To: Diamond, Ian [REDACTED] <[REDACTED]@Statistics.gov.uk>
Cc: Bell, Iain [REDACTED] <[REDACTED]@ons.gov.uk>; Abbott, Owen [REDACTED] <[REDACTED]@ons.gov.uk>; [REDACTED] <[REDACTED]>; Henry, Sarah [REDACTED] <[REDACTED]@ons.gov.uk>; Stanborough, Julie [REDACTED] <[REDACTED]@ons.gov.uk>; [REDACTED]
[REDACTED]
[REDACTED] Bernard Silverman [REDACTED]
Subject: Letters received by Methodological Assurance Review Panel about sex and gender identity questions

Dear Ian

Please see correspondence attached.

Very best wishes Bernard

DOC07

From: [REDACTED]@ons.gov.uk>

Sent: 17 November 2020 11:38

To: [REDACTED] Bernard Silverman

[REDACTED] Bernard Silverman [REDACTED]

Cc: Powell, Gareth [REDACTED]@ons.gov.uk>

Subject: RE: MARP12 Papers

Hi [REDACTED]

Thank you for spotting that – the finalised (and corrected) agenda has been sent out along with the calendar invite, but I have also attached here for reference.

Thanks,

[REDACTED]

[REDACTED] | [REDACTED]
Office for National Statistics | Swyddfa Ystadegau Gwladol
[REDACTED] | www.ons.gov.uk | [@ONS](#)

From: [REDACTED]

Sent: 17 November 2020 11:35

To: [REDACTED]@ons.gov.uk>; Bernard Silverman [REDACTED]

Bernard Silverman [REDACTED]; [REDACTED]

Cc: Powell, Gareth [REDACTED]@ons.gov.uk>

Subject: RE: MARP12 Papers

Hi [REDACTED]

Just to head off probable confusion, this is indeed draft agenda for MARP12 (24 Nov) – but it still says MARP11 at the top and gives the date as 28 Oct...

[REDACTED]

From: [REDACTED]@ons.gov.uk>

Sent: 13 November 2020 20:55

To: Bernard Silverman [REDACTED]; Bernard Silverman

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

Cc: Powell, Gareth [REDACTED]@ons.gov.uk>

Subject: MARP12 Papers

CAUTION: This e-mail originated outside the University of Southampton.

Hi all,

In advance of MARP12, the two papers to be discussed are now available on Confluence. I have also attached a provisional agenda for the meeting to this email. Please let me know if there is anything else you need.

Thanks,

[REDACTED]

DOC08

**Methodological Assurance Review Panel 12
24th November 2020
Office for National Statistics (held virtually)**

1	13:00 – 13:10 (10 Mins)	Chair's Introduction	Sir Bernard Silverman
2	13:15 – 13:25 (10 Mins)	Review of Actions	Julie Stanborough
3	13:30 – 13:45 (15 Mins)	COVID-19 Update	Jon Wroth-Smith
4	13:45 – 14:35 (50 Mins)	EAP147 - Overcrowding statistics derived from VOA number of (bed)rooms	Stephan Tietz
5	14:40 – 15:20 (50 Mins)	EAP148 - Methodology for decision making on the 2021 Census guidance for the sex question	Helena Rosiecka
6	15:25 – 16:20 (50 Mins)	Presentation – Bias Adjustment	██████ ██████
7	16:25 – 17:00 (35 Mins)	Any other business	Sir Bernard Silverman

DOC09

From: Bernard Silverman [REDACTED]

Sent: 19 November 2020 13:21

To: Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>

Cc: Tyson-Payne, Nicola [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED]

Bernard Silverman [REDACTED]

[REDACTED]

[REDACTED]

Subject: Paper on sex question in the census for the Methodological Assurance Review Panel

Dear Owen

Thank you so much for our discussion today. To summarise:

The current version of the paper EAP128 requires considerable restructuring and rethinking; this is not just a matter of producing the existing material in a different form, but of going back to basics. An indication of our concerns is set out in the comments on the current version in Confluence, and there may be more comments forthcoming; I will encourage the panel to continue making any comments they may have.

It may be helpful for ONS to give a point-by-point response to the more minor points, but we would expect a completely rewritten paper in due course. This would first clearly set out and justify the policy—what ONS's definition is—clearly setting out possible alternatives and giving a reasoned analysis of the choice between them, bearing in mind the matters raised in our comments. Only then should the paper go on to the way that the guidance would be written to achieve that.

We agreed that there will not be a presentation at the meeting next week, but that we would have a discussion of the ongoing strategy. This would be led by the panel itself, taking the current version of the paper as read.

We realise that after the meeting the ongoing discussion can take place on Confluence; if necessary we can also convene another meeting even if not all the panel members can attend, or we can address the matter at a scheduled meeting, but I think it would be better to have a completely new version of the paper (which again we can comment on) on Confluence first.

I'm very glad to discuss further, and I'm very grateful for all ONS's efforts on this difficult question.

With best wishes

Bernard

DOC10

From: Bernard Silverman [REDACTED]
Sent: 20 November 2020 11:07
To: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Cc: Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Subject: RE: Paper EAP148

That's great... there should be no pre-supposition about the conclusion, of course, because that will work itself out once the alternatives are clearly set out and a strengths and weaknesses analysis done (on clearly expressed criteria 😊).

To be honest, I think it is settling the definition that's the heavy lifting bit...once a definition has been clearly articulated, then I think that writing the guidance will be relatively straightforward. Famous last words! Bernard

From: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Sent: 20 November 2020 11:03
To: Bernard Silverman [REDACTED]
Cc: Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Subject: RE: Paper EAP148

Good morning,

Thank you for your comments – they are 100% helpful and constructive – even if I can't answer them all.

I have started to work on the paper to address the comments, and have revisited several conversations with internal experts on key data uses within ONS. They have been consulted throughout – but in hindsight that's not at all clear in the paper.

Will let you know if I have specific questions.

Yours,

Helena

From: Bernard Silverman [REDACTED]
Sent: 19 November 2020 16:58
To: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Cc: Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Subject: Paper EAP148

Dear Helena

Just a note from me to thank you for all the work you are doing on this paper. I do appreciate how difficult and sensitive this all is. I'm taking the liberty of responding to your comments on confluence (including giving you a few "likes" to keep up your spirits, I hope.) And I want particularly to apologise if there are points at which I've misunderstood something.

DOC11

From: Bernard Silverman [REDACTED]
Sent: 25 November 2020 13:02
To: Tyson-Payne, Nicola [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Cc: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Subject: RE: Further thoughts

Helena says she's going to mull over all this for a bit. An extremely sensible strategy! I'll canvass the panel to see if they have any more thoughts and filter them back to you asap. (I have no particular reason to think they have.) B.

From: Tyson-Payne, Nicola <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Sent: 25 November 2020 12:51
To: Bernard Silverman [REDACTED]
Cc: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Subject: RE: Further thoughts

Thanks for this ... and for the time at the panel yesterday, which was most helpful.

As Helena has said, we are pulling everything together now (along with the other priorities) and we hope to get something to the panel by the end of next week.

That being said – if you have any more thoughts, we would love to hear them.

Thanks again

Nicola

Nicola Tyson-Payne | Interim Director of Transformation | Population and Public Policy (PPP)
Office for National Statistics | Swyddfa Ystadegau Gwladol

[REDACTED]
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*For Meeting Requests/Enquiries Please Contact my PA [REDACTED] [REDACTED]
During the winter I have changed my working pattern to improve my [wellbeing](#). This means I may take a longer break during the day and work later. Therefore, if I send an email out of hours I do not expect an immediate response.*

From: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>
Sent: 25 November 2020 11:12

To: Bernard Silverman [REDACTED]; Abbott, Owen [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk); Tyson-Payne, Nicola [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)
Subject: RE: Further thoughts

Good morning!

Thank you for this further comment. Really useful – adding to the already really helpful meeting yesterday.

The discussion aligned with and added to my existing thinking, which was reassuring.

I am going to leave it to mull a few days whilst I catch up with some other work, then properly readdress the matter next week.

Thank you again for your support on this, its really appreciated.

Yours,

Helena

From: Bernard Silverman [REDACTED]
Sent: 25 November 2020 10:14
To: Abbott, Owen [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk); Tyson-Payne, Nicola <[REDACTED]@ons.gov.uk>; Rosiecka, Helena [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)
Subject: Further thoughts

Dear Owen, Nicola and Helena

Many thanks indeed for coming to the meeting yesterday. I've been thinking overnight and just wanted to add to something I already said in the meeting.

Any assessment of possibilities has to take account of the fact that the question is compulsory and there is no "prefer not to state" or "other" option.

That means that one possible criterion you could use is to what extent one is measuring a target which is binary and well-defined---in other words one where, in principle at least, every individual fits into one of the two prescribed boxes. You could call that "binary decidability" but you'd have to explain what that meant. So "registered at birth", "current birth certificate", or "passport" would all satisfy that---but if you move to "driving licence" it wouldn't, because someone can choose to use a title like "Dr" or "Mx", either because they prefer a gender-neutral title, or because they genuinely don't self-identify as either M or F.

I suppose that what "binary decidability" is about is to do with whether the target is a simple binary, or one of more than two categories, or something on a spectrum. Maybe that is another way of putting it---you could for any possible target ask: 1. Is it a category or a spectrum? 2. If it's a category, is it one of two categories, or are there more than two? It's not for me to say but it seems to me that although sex isn't explicitly indicated on a driving licence, "title used on driving licence" is a category but there are three categories...M, F and indeterminate/inclusive. I would venture to suggest that complete self-identification could be seen as being on a continuous

spectrum. Currently, “passport” or “birth certificate” is one of two categories, but of course that may change in the future, which doesn’t concern us for this exercise.

Presumably if someone (contrary to the rules) doesn’t fill in the box, the result is imputed in some way. It would be good if an appendix to the paper (Owen, someone at your end would have to write) set out the process that would be followed....because I imagine that if someone doesn’t fill in the box, it will be filled in for them by an algorithm of some kind, and that has to be clearly explained.

Obviously there is an element of “perhaps we shouldn’t start from here” but it’s also the case that the words of the question, its compulsory nature, and the fact that there are only two possible answers, are now set in stone.

Many thanks again for all this... very best wishes... Bernard

DOC12

From: Bernard Silverman [REDACTED]
Sent: 18 November 2020 17:55
To: Tyson-Payne, Nicola [REDACTED]@ons.gov.uk>
Subject: RE: Sex Question Guidance - Assurance Panel 24th Nov

Nicola..just to add..I presume you've got a copy of the letter I sent to Sir Ian Diamond but please let me know if you haven't. The key section, I suppose, is this:

The Panel takes no view on what is the "right" definition of sex for the Census.

In line with the code of practice's requirement for "transparent judgements about definitions and methods" it is necessary for ONS to come to a clear view of what definition it wishes respondents to use. The Panel is expecting an opportunity to comment on the guidance in the light of that view, both the words of the guidance and the form in which it will appear both online and on paper.

Whatever ONS's view of the aim of the sex question, and whatever the wording of the guidance, the Panel expects to be given a clear assessment of any possible bias or distortive effects, both directly on the question itself, and also on other aspects of the methodology of the census, such as approaches to linkage, undercount and imputation, and future uses of the census.

From: Tyson-Payne, Nicola [REDACTED]@ons.gov.uk>
Sent: 18 November 2020 08:20
To: Bernard Silverman [REDACTED]
Cc: Bell, Iain [REDACTED]@ons.gov.uk>; Mangles, Susan [REDACTED]@ons.gov.uk>
Subject: Sex Question Guidance - Assurance Panel 24th Nov

Sir Bernard

I'm working work with Iain Bell, building the capability for Census, as well as the wider transformation. Whilst he's on leave I wanted to drop you a quick note regarding the item on the guidance for the sex question on the agenda for MARP next week.

I spoke to Sir Ian Diamond yesterday and he felt that the panel would want to see the evidence, as well as the methodology, to inform the conversation and discussion. Timings are tight, and the teams are still working on pulling this together as the final bit of research has just been completed. We are therefore planning to include the evaluation along with the recommendation as well.

We could circulate something to the panel on Monday (23rd) though it is rather late in the day. Alternatively, if you prefer, we can just present this in a summary set of slides at the meeting? I'd welcome your steer.

I'm happy to discuss further prior to the meeting if helpful.

Many thanks

Nicola

Nicola Tyson-Payne | Interim Director of Transformation | Population and Public Policy (PPP)

Office for National Statistics | Swyddfa Ystadegau Gwladol

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DOC14

From: [REDACTED]@ons.gov.uk>

Sent: 04 December 2020 17:15

To: [REDACTED] bernard.silverman@[REDACTED]
[REDACTED]

Cc: Powell, Gareth [REDACTED]@ons.gov.uk>

Subject: MARP papers on confluence

Hi all,

Just to let you know, all three items for next week's MARP are now available on Confluence. Please note that EAP148 (revised sex question paper) is currently in draft form, although any further changes will be minor.

Have a great weekend!

Thanks,
[REDACTED]

[REDACTED] | [REDACTED]
Office for National Statistics | Swyddfa Ystadegau Gwladol
[REDACTED]@ons.gov.uk | www.ons.gov.uk | @ONS

DOC15

From: Bernard Silverman [REDACTED]

Sent: 04 December 2020 17:25

To: Tyson-Payne, Nicola [REDACTED]@ons.gov.uk>

Subject: RE: MARP Paper - The Sex Question

Thanks. We will all look at it on confluence and make any comments. I'll try to do that today or tomorrow! Do you want me to email you any major reactions direct? (I haven't yet looked at it!)

From: Tyson-Payne, Nicola [REDACTED]@ons.gov.uk>

Sent: 04 December 2020 17:23

To: Bernard Silverman [REDACTED]

Subject: MARP Paper - The Sex Question

Bernard

Thanks so much with your support on this question. We've just submitted an updated report to the "system" ready for next week. We've streamlined the report somewhat and hopefully the updated flow will make it easier to follow. We may have gone slightly too far and I'd be interesting in the panel's view on whether they feel further evidence would help.

I wanted to offer to discuss again before the panel sitting if you would find that useful. Not a problem at all if you don't, I just wanted to make the offer.

In the meantime, have a pleasant (and hopefully dry) weekend.

Many thanks

Nicola

Nicola Tyson-Payne | Interim Director of Transformation | Population and Public Policy (PPP)
Office for National Statistics | Swyddfa Ystadegau Gwladol

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DOC16

From: Rosiecka, Helena [REDACTED]@ons.gov.uk>
Sent: 07 December 2020 13:00
To: Bernard Silverman [REDACTED]
Cc: Abbott, Owen [REDACTED]@ons.gov.uk>
Subject: RE: Equality & Human Rights Commission Advice on collecting sex data

Thank you for sending this through, and for the comments on the paper. Much appreciated.

Yours,

Helena

From: Bernard Silverman <[REDACTED]>
Sent: 07 December 2020 12:41
To: [REDACTED]
[REDACTED]
Cc: Rosiecka, Helena [REDACTED]@ons.gov.uk>
Subject: FW: Equality & Human Rights Commission Advice on collecting sex data

Dear Panel

I'm attaching a letter I have just received. I note this is being sent to "other UK public authorities" and so I presume they have sent it to ONS directly, but I'm also including Helena and Owen in case it hasn't got through.

My view is that this letter is about legal matters which are really outside the remit of the panel, and I have politely acknowledged it in those terms. It doesn't require any formal action from MARP but is background for us.

While I'm on, panel can you please comment on Helena's revised paper when you get a chance. I've already put my own comments and suggestions there. I will then review how we might like to deal with the paper---if you have read it but have no specific comments do please let me know.

My very grateful thanks to Helena for such a thorough, detailed and prompt revision. More soon when I've seen what other people have to say!

Very best wishes Bernard

From: Woman's Place UK <contact@womansplaceuk.org>

Sent: 07 December 2020 11:42

To: bernard.silverman@ons.gov.uk [REDACTED]

Subject: Equality & Human Rights Commission Advice on collecting sex data

Dear Sir Bernard,

Please find attached a copy of the letter Woman's Place UK has sent to [REDACTED], CEO of the Equality and Human Rights Commission, regarding a statement made by the Commission about the lawfulness of requesting, gathering and collating data on individuals' biological sex.

We would be grateful if you could share this with other members of the panel.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

[REDACTED]

[REDACTED] WPUK

DOC17

From: Bernard Silverman [REDACTED]

Sent: 10 December 2020 09:51

To: Rosiecka, Helena [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; Tyson-Payne, Nicola [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; Abbott, Owen [REDACTED] <[\[REDACTED\]@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED]

Subject: EAP 148

Good morning all..

This is to set out how I think we should handle EAP 148 tomorrow. I can see that most of us have made comments on the paper, so what I propose we do is to use the paper and the comments as the basis for our discussion tomorrow. I will go through this afternoon and flag up any in particular. The two questions we need to be able to answer are:

1. Are we satisfied that ONS has set out clearly the target and its reasoning for settling on that target, taking relevant considerations into account?
2. Given the target, do we have any comments on the words of the guidance to achieve that?

We do not have to say whether or not we agree with the particular target (which in the current version is “as recorded on an official document”.) I think we need the word “recorded” because driving licences are even more problematic than I had thought---see below. I wasn’t aware that Mr was omitted nor that there’s actually a sort of secret code which says whether the holder is M or F.

On the guidance, I think our role to comment, but not to approve.

I will go through this afternoon and flag up which comments need further discussion in my view, but we will all have a chance to raise any further points with Helena if we wish. From my point of view the main outstanding point is around the words of the guidance (whether to use “can” or “should”).

Hope that makes sense...and glad for any counter-suggestions as to how we should run this. We certainly don’t need a presentation as such! Very best wishes and thanks particularly to Helena for all her work on this.

Bernard

For light relief and irritation, see

[The sexist detail on your UK driving licence that you might not have noticed | London Evening Standard | Evening Standard](#)

There is an embedded code on driving licences which says whether a “Dr” or “Professor” is male or female. The seventh character of your licence number is 0 or 1 for M and 5 or 6 for F. But people won’t know that....

[Driving licence in the United Kingdom - Wikipedia](#)

Each licence holder in England, Scotland and Wales has a unique driver number, which is 16 characters long. The characters are constructed in the following way:^[22]

- 1–5: The first five characters of the [surname](#) (padded with 9s if fewer than 5 characters). For surnames beginning with "MAC", they are treated as "MC" for all.^[23]
- 6: The decade digit from the year of birth (e.g. for 1987 it would be 8)
- 7–8: The month of birth in two digit format (7th character is incremented by 5 if the driver is female i.e. 51–62 instead of 01–12)
- 9–10: The date within the month of birth in two digit format (i.e. 01-31)
- 11: The year digit from the year of birth (e.g. for 1987 it would be 7)
- 12–13: The first two [initials](#) of the first names, padded with a 9 if no middle name
- 14: Arbitrary digit – usually 9, but decremented to differentiate drivers with the first 13 characters in common

- 15–16: Two computer [check digits](#).
- 17–18: Appended, two digits representing the licence issue, which increases by 1 for each licence issued.

Each Northern Ireland licence holder has a unique driver number which is 8 characters long. The characters are not constructed in any particular pattern.

None of that needs to go in the document...”recorded” seems fine to me.

DOC18

From: Bernard Silverman [REDACTED]
Sent: 10 December 2020 16:48
To: [REDACTED]
[REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; Tyson-Payne, Nicola [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>;
Abbott, Owen [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED]
[REDACTED]
Subject: RE: EAP 148

I like that sort of approach. This is something we can discuss tomorrow. My only reservation is that I'd rather say “use the sex registered on an official document...”.

I have consulted with someone I know who told me that they have different sexes on their passport and their birth certificate. (Because they haven't got a GRC nor do they see any point in doing so, but they have got a medical certificate.) Although this is anecdotal it's worth noting.

B.

From: [REDACTED]
Sent: 10 December 2020 16:22
To: Bernard Silverman [REDACTED] 'Rosiecka, Helena'
[REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; 'Tyson-Payne, Nicola'
[REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; 'Abbott, Owen' [REDACTED] [@ons.gov.uk](mailto:[REDACTED]@ons.gov.uk)>; [REDACTED]
[REDACTED]
Subject: RE: EAP 148

Thanks Bernard

FYI, I attended the NISRA Demographic Statistics Advisory Group yesterday and they stepped us through their census form and guidance on this issue

NI sex question: “What is your sex?”

Guidance (involves clicking through to a new window, as per ONS): “If you're not sure how to answer, use the sex registered on your official documents, such as your passport or birth certificate” (i.e. neither “can” nor “should”!)

[REDACTED]
From: Bernard Silverman [REDACTED]
Sent: 10 December 2020 16:01

To: 'Rosiecka, Helena' [REDACTED]@ons.gov.uk>; [REDACTED]@ons.gov.uk>;
'Tyson-Payne, Nicola' [REDACTED]@ons.gov.uk>; 'Abbott, Owen'
[REDACTED]@ons.gov.uk>; [REDACTED]

[REDACTED] Bernard Silverman [REDACTED]

Subject: RE: EAP 148

CAUTION: This e-mail originated outside the University of Southampton.

Dear all

I've worked through the document and added a few extra replies. As far as I can see, the only comments we need to discuss are these:

A. The Target

2—status of GRC's. Is it OK to reword to remove the current suggestion that the different definitions arise because of GRC's? I've suggested some tweaks to the wording that would achieve that

8—[REDACTED] had a question. [REDACTED] are you happy with my answer?

11—reword to avoid the notion of “supporting” the sex question rather than “explicitly indicating a need for”

19—a question about biologically relevant issues (e.g. particular medical conditions)

21—clear up the difference between getting married and being married

B. The guidance

7/29 Will the guidance say that you “can” or that you “should” use an official document?

31 When reporting for others I think it's best to ask to say you should provide “the answer they would give”, not “the answer they would choose” --- because we want to downplay the notion that you can simply choose an answer.

If that's all there is, then I hope we can deal with this quite quickly. I suggest that we do as previously---each make any points or ask any questions, and then we ask Helena to respond, and then we have any further discussion. I'd prefer to split this into the Target and the Guidance (so we have two rounds of discussion...)

Hope that all makes sense. By all means add any further comments to the document...we can work through the latest version and comments in the morning.

Thanks! Bernard

DOC21

From [REDACTED]
Sent: 14 January 2021 12:47
To: Bernard Silverman [REDACTED]; Rosiecka, Helena [REDACTED]@ons.gov.uk; [REDACTED]@ons.gov.uk; Tyson-Payne, Nicola [REDACTED]@ons.gov.uk; Abbott, Owen [REDACTED]@ons.gov.uk; [REDACTED]
[REDACTED]
Subject: RE: EAP 148 - new ABS standard

Dear colleagues (ONS and external)

In light of our December discussion of the census sex question and guidance, you'll likely find this of interest – released today by Australian Bureau of Statistics
<https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/2020>

Kind regards

[REDACTED]

From: Bernard Silverman <[REDACTED]>
Sent: 10 December 2020 16:48
To: [REDACTED]@ons.gov.uk;
[REDACTED] 'Tyson-Payne, Nicola' [REDACTED]@ons.gov.uk;
[REDACTED]@ons.gov.uk; [REDACTED]
[REDACTED]
Subject: RE: EAP 148

CAUTION: This e-mail originated outside the University of Southampton.

I like that sort of approach. This is something we can discuss tomorrow. My only reservation is that I'd rather say "use the sex registered on an official document...".

I have consulted with someone I know who told me that they have different sexes on their passport and their birth certificate. (Because they haven't got a GRC nor do they see any point in doing so, but they have got a medical certificate.) Although this is anecdotal it's worth noting.

B.