



<b>Meeting</b>	<b>Policing Performance Committee</b>
<b>Date</b>	<b>10 December 2024</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Sex and Gender Review Update</b>
<b>Presented By</b>	<b>ACC Catriona Paton, Policing Together</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

The purpose of this paper is to brief the Scottish Police Authority in respect of the on-going review in relation to the use of data relating to Sex and Gender within Scottish Policing.

Members are invited to discuss the information contained within this report.

## 1 BACKGROUND

- 1.1. On 26 of September 2024, Chief Constable Farrell addressed the matter of gender self-identification during a meeting of the Scottish Police Authority.
- 1.2. During this statement the Chief Constable stated that ACC Catriona Paton would review the detail contained within an analysis of Data Collections Standards and our subsequent use of data as it relates to Sex and Gender.
- 1.3. This report will provide an oversight of the remit and planned approach relevant to this review.

## 2 DETAIL ON REPORT TOPIC

- 2.1. Police Scotland is conducting a review of Sex and Gender, with an aim to improve the terminology, recording practices and use of sex and gender across the organisation. The review will take into account challenges, such as the legal dispute currently progressing through the supreme court, centring on what "sex" actually means in law (reference to the physical state of male or female), while also being influenced by Scottish Government guidance and legislation. The review aims to achieve an outcome which is consistent with best practice in inclusivity, legal obligations and operational requirements while respecting individuals' rights and dignity.
- 2.2. The remit of the review will focus on:
  - Terminology used in relation to sex and gender
  - Data recording/reporting practices
  - Legal and Policy Compliance
  - Operational Effectiveness
  - Inclusivity and Diversity
  - Stakeholder Perspectives
- 2.3. The review will ultimately produce an informed report, detailing recommendations along with a proposed implementation plan to achieve our aims.
- 2.4. A working group has been established to focus on reviewing our approach relating to the use of sex and gender within Police Scotland, which will be tested against a legal framework, organisational values and industry best practice. This working group will look to understand why we record sex and gender, what do we need to record (for legal and operational reasons) and what should

we be recording to align to our values of fairness, integrity and respect underpinned by human rights.

- 2.5. The review will include early engagement with Scottish Government, Independent Human Rights consultants and other European Police Forces (to include NPCC and College of Policing) while also considering recommendations made during HMICFRS inspections and Academic studies.
- 2.6. Once recommendations for improvements have been identified, they will be tested through EQHRIA and engagement with relevant stakeholders, statutory and non-statutory staff associations, legal experts and members of the 3<sup>rd</sup> sector interface to gather input and feedback on the recommendations. This will take the form of one-to-one meetings, on-line group seminars and round table discussion(s).
- 2.7. Following extensive engagement in respect of recommendations produced during this report, we will be able to consider our positional statement and formulate a collective, single approach in relation to the use, terminology and recording of sex and gender within the Policing context which will ultimately influence many other workstreams with a similar focus across the organisation.
- 2.8. This review is being prioritised within our organisation; however, we must remain mindful of managing internal and external expectations regarding timescales. Benchmarking exercises will be influenced by Scottish Government guidance and legislation, which are beyond our direct control.

### **3 FINANCIAL IMPLICATIONS**

- 3.1. There are no financial implications detailed in this report. These have not been explored at this time.

### **4 PERSONNEL IMPLICATIONS**

- 4.1. There are personnel implications associated with this report. These are to be fully explored and recorded as part of the review.

### **5 LEGAL IMPLICATIONS**

- 5.1. There are legal implications attributed to this report. These are to be fully explored and recorded as part of the review.

## **6 REPUTATIONAL IMPLICATIONS**

- 6.1. There are reputational implications associated with this report. These are to be fully explored and recorded as part of the review.

## **7 SOCIAL IMPLICATIONS**

- 7.1. There are social implications associated with this report. These are to be fully explored and recorded as part of the review.

## **8 COMMUNITY IMPACT**

- 8.1. There are community implications associated with this report. These are to be fully explored and recorded as part of the review.

## **9 EQUALITIES IMPLICATIONS**

- 9.1. There are equality implications associated with this report. These are to be fully explored and recorded as part of the review.

## **10 ENVIRONMENT IMPLICATIONS**

- 10.1. There are environmental implications associated with this report. These are to be fully explored and recorded as part of the review.

### **RECOMMENDATIONS**

Members are invited to discuss the information contained within this report.