



Meeting	Policing Performance Committee
Date	10 June 2025
Location	Video Conference
Title of Paper	Sex and Gender Review Update
Presented By	ACC Catriona Paton, Policing Together
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

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

Members are invited to discuss the content of this report.

1 BACKGROUND

- 1.1. On 26 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 Police Scotland's recording and use of data relating to sex and gender.
- 1.3 On 16 April 2025, the UK Supreme Court delivered a ruling in the case *For Women Scotland Ltd v The Scottish Ministers* that the terms 'sex' referred to biological sex for all purposes under the Equality Act 2010.
- 1.4 The wellbeing of our people and communities is a priority. Following the UK Supreme Court decision, ACC Paton has circulated a series of messages signposting our people and communities to a range of established support mechanisms and recognising the impact the decision may have had on individual lives. Ongoing engagement has also provided the opportunity to listen to and understand how staff and communities feel following the decision and to ensure that we remain sensitive and attentive in our thinking and approach to this work.
- 1.5 This report will provide an overview of the approach and progress to date relevant to Police Scotland's wider review concerning sex and gender.

2 DETAIL ON REPORT TOPIC

- 2.1 A briefing paper has previously been submitted to the SPA Policing Performance Committee (10 December 2024) highlighting the remit and planned approach of our review relative to data recording standards and terminology used in respect of sex and gender.
- 2.2 A Short Life Working Group (SLWG) was formed as part of this review to work through a range of matters as it related to data recording standards. This included understanding the terminology used, what data we record, why we record it and how we record it, as it relates to sex and gender. This SLWG has extensive internal representation from various business areas across the organisation and also from our Diversity Staff Associations.

- 2.3 On 14 January 2025, during its fourth meeting, the Short Life Working Group (SLWG) produced several proposals developed for wider stakeholder consideration. As it recognised that matters involving sex and gender were likely to be impacted by the UK Supreme Court decision in the case of *For Women Scotland Ltd v The Scottish Ministers*, progression of these proposals to involve stakeholder engagement and feedback was paused in anticipation of the Supreme Court decision.
- 2.4 Following the UK Supreme Court decision on 16 April 2025, that for all purposes under the Equalities Act, sex is biological, the review relative to data recording standards progressed to stakeholder engagement with a planned session scheduled to take place at the Scottish Police College on Thursday 29 May 2025.
- 2.5 Invitees include a range of organisations, groups and staff associations with a role and/or as representatives of particular interests in relation to sex and gender. The event will be informative, showing the journey which has led to the proposals and will include inputs from the Force Executive, an Independent Human Rights Advisor, Chief Data Officer and the Chair of the SLWG. Following these presentations, there will be an opportunity for engagement and questions concerning the proposals presented. The event will be facilitated by SMARTEU.
- 2.6 The aim of the Stakeholder Event is to provide those in attendance with an understanding of how we have arrived at our proposals, acknowledging that how we get to any decisions matter more than just the decisions in and of themselves, as important as they are, in terms of how people feel and the trust they therefore place on those decisions. The Stakeholder Event will also provide an opportunity for us to listen to a range of perspectives, challenge our thinking and enrich our decision making. Additionally, the Stakeholder Event provides an opportunity to reflect Police Scotland's commitment to work through what is a technically complex and emotionally charged subject in a way that demonstrates our values of integrity, fairness and respect and upholds human rights. We remain clear that Police Scotland is a service for everyone, without exception.
- 2.7 At the conclusion of the engagement event, all invitees (whether in attendance at the event or not) will be sent a link to an online feedback form, where they can provide detailed comment on Police Scotland's proposals, allowing everyone a further opportunity to contribute following a period of reflection post the event itself. Further stakeholder engagement is also being arranged through the

PSD Ethics Advisory Panels and other ad hoc engagement opportunities, where relevant.

- 2.8 Once the relevant feedback has been considered, a comprehensive report, detailing findings and recommendations, including policy decisions needed and/or systems and practice changes or improvements required will be produced. Again, this will be done in a way that is focused on engagement and transparency.
- 2.9 We continue to operate within a dynamic and evolving landscape. For example, the Equality and Human Rights Commission (EHRC) has now opened its consultation on its revised Code of Practice. The consultation period will end on 30 June 2025. EHRC will then have to consider the consultation responses before submitting its final guidance to be laid before Parliament. Once this guidance is in force, Police Scotland will have to carefully consider its implications to policing practice.
- 2.10 Police Scotland continues to engage with colleagues across the UK. A National Coordination Meeting, chaired by Chief Constable Rachel Swan has been set with the aim of trying to establish a joint approach to the ruling consistent through all Police Force's across the UK. It is clear from attendance at this meeting that the work being carried out by Police Scotland, both ahead of and in light of the UK Supreme Court decision, has placed the organisation in a positive position.
- 2.11 We continue to work together with NPCC and College of Policing colleagues who will also be attending our Stakeholder Engagement event on 29 May 2025. We are also currently considering NPCC draft interim guidance on searches of members of the transgender community, as well as searches carried out by transgender police officers and staff, circulated on 22 May 2025. We again are being supported in this regard by our Independent Humans Rights Advisor.
- 2.12 The coordination for the Sex and Gender Review of guidance, policy and practice will be through Policing Together structures.
- 2.13 The responsibility for review and updating of individual policies, procedures and guidance lies with policy owners within the relevant business areas. Our Policing Together team intend to work in collaboration with People Partners to assist with prioritisation of this process. It is recognised that some policies and codes of practice are owned or influenced by agencies and partners out with Police Scotland, and as such will require wider engagement.

- 2.14 At the time of this report (23 May 2025), we continue with our ongoing review into sex and gender. It is critical that we take time to consider all relevant legislation, national guidance and stakeholder feedback, to ensure our proposals are well-informed and evidence based. Our aim is to conduct this review carefully and to do it right and in a way which builds trust and confidence across all communities.

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 content of this report.