

## 1. Email regarding LGBTI Equality - Trans inclusion guidance meeting - Pause to work - July 2022.msg

RE: Trans inclusion guidance meeting

[Redacted]@gov.scot>

To [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>;  
[Redacted] [Redacted] @gov.scot>; [Redacted] [Redacted] @gov.scot>;  
[Redacted] @gov.scot>; [Redacted]@gov.scot

CC [Redacted] @gov.scot [Redacted] @gov.scot>; [Redacted] @gov.scot>;  
[Redacted] @gov.scot>

Hi all,

Thanks for the meeting just now. We agreed the following (but just say if I've misunderstood/missed anything):

- We will continue to pause the development of the trans inclusion and women's rights guidance given the other work that is currently going on in this area.
- We will revisit the guidance on a regular basis (e.g. every 6 months) to consider whether it's a suitable time to restart.
- We will offer up the [Redacted] for this guidance in this year's budget and include this saving in the Aug funding submission.
- We will work on updating the language doc originally developed by NRS, working closely with policy colleagues, SGLD, LGBTI+ network etc.
- We will continue to be flexible between our teams on answering general single sex spaces questions, depending on capacity and availability.

Thanks,

[Redacted] LGBTI Equality Team [Redacted]

*I work part-time. My usual work pattern is Tuesdays, Wednesdays and Thursdays.*

From: [Redacted]

Sent: 21 July 2022 12:22

To: [Redacted] @gov.scot>[Redacted] @gov.scot>[Redacted] @gov.scot>  
[Redacted] @gov.scot>

Subject: Trans inclusion guidance meeting

Hi all,

I thought it might be helpful to send our lines on this guidance for background before this afternoon's meeting.

**TOP LINES**

**[Redacted]**

Thanks,

**[Redacted]**

LGBTI Equality Team **[Redacted]**

## 2. Email Regarding Equality Advice - Trans Inclusion Guidance – 16 Dec 2019

Hi [Redacted]

Sorry for the delay in getting back to you, but as briefly discussed yesterday either myself or [Redacted] will definitely be able to support on this project and offer guidance from an equality policy and mainstreaming perspective. However, as a team we are still clarifying the exact split of roles and responsibilities between me and [Redacted]. We have a meeting on our team structure booked in for next week and therefore we will let you know who is best place to work on this after that discussion.

Hope this is okay.

Kind regards,

[Redacted] @gov.scot>

[Redacted]

Equality, Human Rights and Third Sector Division |

Scottish Government | Tel: [Redacted]

Address: 3H North, Victoria Quay, Edinburgh, EH6 6QQ

**From:** [Redacted] @gov.scot>

**Sent:** 10 December 2019 11:48

**To:** [Redacted] @gov.scot>

**Subject:** Trans Inclusion Guidance

Hi [Redacted]

Hope you're well. I'm wondering if you would be interested in helping with a piece of work I'm taking forward.

Bit of background: in her [statement to Parliament](#) in June on gender recognition reform, the Cabinet Secretary for Social Security and Older People made the following comments:

*"...it's clear that not all of the concerns raised over the past year relate to the specifics of the proposals to reform the Gender Recognition Act. Instead they are about wider societal and policy issues connected to sex and gender. We recognise that unless we build a strong foundation of clear policy and guidance then many concerns, particularly from some women, will not be allayed while at the same time trans rights may not be upheld. Equally it is important we ensure policies we put in*

*place protect the rights of different groups of people and avoid what may appear to be some rights taking precedence over others.*

*Everyone in Scotland deserves to know that this Government will work to promote their rights and protect them from discrimination. It is not enough for me to just say that is our aim, we must demonstrate that commitment in a way that everyone can have trust in. **This government will therefore develop guidance that helps to bring clarity to these issues and ensures that policy makers and service providers better understand how to ensure that the hard won rights of both women and trans people can be collectively realised. This will be used across the Scottish Government and available to all public authorities to help inform policy development and implementation. It will also of course be publicly available.***

So what I'm doing at the moment is setting up a Short Life Advisory Group, and also leading on the writing of this guidance (obviously with input from the group – hoping for a meeting in January).

Clearly this cuts across mainstreaming, and it would be really helpful for me if you'd be willing to get involved with the drafting, to make sure I'm ticking mainstreaming's boxes. Would you be interested? I can set us up a meeting to chat through if so – I already checked with **[Redacted]** and she's happy for you to get involved.

Thanks,

**[Redacted]**

**[Redacted]**

**[Redacted]** | Equalities, Human Rights and Third Sector Division | Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ | **[Redacted]**

**3. SG Briefing on The Legal Context for Cab Sec – Trans Rights and Women’s Rights – 21 April 2022**

[Redacted]

**4. Emails regarding Disclosure Scotland - Minister for Older People and Equalities meeting with STA (contribution relating to name changes) - [Redacted] etc - 18 January 2021 (final briefing).msg**

Briefing for CM - Meeting with Scottish Trans Alliance - 20 January 2021

[Redacted] @gov.scot>

To Minister for Older People and Equalities [MinisterOPE@gov.scot](mailto:MinisterOPE@gov.scot)

CC Cabinet Secretary for Social Security and Older People

<CabSecSSOP@gov.scot>; [Redacted] @gov.scot>[Redacted] @gov.scot>

[Redacted] @gov.scot>[Redacted] @gov.scot>[Redacted] @gov.scot>

[Redacted] @gov.scot>[Redacted] @gov.scot>[Redacted] @gov.scot>

[Redacted], [Redacted]

With thanks to colleagues for their contributions and my apologies for the delay in getting this to you, please find the attached ministerial briefing ahead of the Minister's meeting with the Scottish Trans Alliance on 20 January 2021.

Please let me know if you need anything further.

Many thanks,

[Redacted]

[Redacted] Equality and Human Rights Division

Scottish Government|Victoria Quay|Edinburgh|EH6 6QQ

[Redacted]

Before you print think about the ENVIRONMENT



**5. Excerpt of Attachment from above Email : Meeting with Scottish Trans Alliance – 20 January 2021**

[Redacted]

<b>ANNEX 3</b>	<b>TRANS INCLUSION ISSUES, GENDER RECOGNITION ACT, AND NON-BINARY PEOPLE</b>
<b>Issue/ background</b>	<p>[not in scope]</p> <p><u>Trans Inclusion and Women’s Rights Guidance</u></p> <p>We have committed to developing guidance on trans inclusion and women’s rights. The guidance will be aimed primarily at Scottish Government policy makers and service providers, but will be accessible to the wider public sector, and available publicly. Its aim will be to help its audience to create and provide trans-inclusive policies and services, while continuing to protect and promote the rights of women.</p> <p>The guidance will be developed with input from stakeholders representing a wide range of perspectives and experiences. This work is currently paused due to Covid-19. Engagement will restart when it is possible to do so.</p>

## **6. Excerpt of Key Issues Paper - LGBTI Equality - One pager - April 2021.docx**

### **LGBTI EQUALITY POLICY**

#### **Work priorities over the coming year**

- The PfGs in 2019-20 and 2020-21 committed to develop guidance for the SG and the wider public sector on improving and enhancing trans rights in policymaking and service design, while continuing to protect women's rights. Although paused due to Covid-19, we have now restarted developing this guidance in partnership with key stakeholders.



**7. Excerpts of Gender Recognition (Scotland) Bill Briefing- Meeting with Forwomen.scot- Feb 2020.docx**

<b>What</b>	The Cabinet Secretary is meeting representatives from the group Forwomen.scot, who are opposed to proposals to reform the Gender Recognition Act 2004
<b>When</b>	25 February 2020
<b>Where</b>	T4:05 Parliament: 14:45 to 15:45
<b>Who</b>	[Redacted], [Redacted], [Redacted]
<b>Why</b>	The Cabinet Secretary offered to meet with Forwomen.scot in December 2019 after the consultation on the draft Bill was launched.
<b>Key messages</b>	I have committed to the development of Scottish Government public sector guidance on the rights of trans persons and women;
<b>Main objective</b>	<ul style="list-style-type: none"> <li><i>To hear points made by Forwomen.scot</i></li> </ul>
<b>Content of briefing Annexes</b>	<p><b>Annex B:</b> Concerns Forwomen.scot (Forwomen) have raised concerning gender recognition reform and related matters</p> <p><b>Annex C:</b> Gender Recognition and Census FMQ lines</p> <p><b>Annex D:</b> Lines in related areas of work</p>

<b>ANNEX B</b>	Concerns Forwomen.scot (Forwomen) have raised concerning gender recognition reform and related matters
<b>Issue/ background</b>	<p><u>For women and the trans inclusion guidance</u></p> <p>10. Lines on the trans inclusion and women’s rights guidance are in Annex C. The intention in developing the guidance is to engage with a range of stakeholders. Women and Girls in Scotland have approached the Equality Unit directly and Forwomen could also be involved in this engagement, should they raise this at the meeting.</p>

## 8. Excerpts of Ministerial Briefing on Meeting with Hannah Blythyn, Deputy Minister for Social Partnership (Wales) - 17 March 2022.docx

<b>What</b>	Meeting with Hannah Blythyn, Member of Senedd (MS), Deputy Minister for Social Partnership.
<b>When</b>	Thursday 17 March 2022, 14:00 – 14:30
<b>Briefing contents</b>	<b>Annex B: : FMQ briefs (pgs.4-25)</b> <ul style="list-style-type: none"><li>• <b>Trans Inclusion Guidance (pg.10)</b></li></ul>

### ANNEX B

#### LGBTI TOP LINES

#### Our work to improve the lives of LGBTI people in Scotland includes:

- Retained commitment to developing guidance on realising trans rights in policymaking and service design, while continuing to protect women’s rights; and  
[out of scope]

#### TRANS INCLUSION GUIDANCE

- We remain committed to producing guidance on trans inclusion and women’s rights, in line with our 2020-21 PfG commitment, which will ensure ‘that policy makers and service providers better understand how to ensure that the hard won rights of both women and trans people can be collectively realised’.
- However, work is currently on hold.

#### The guidance will be aimed primarily at Scottish Government policy makers and service providers, but will be accessible to the wider public sector, and available publicly.

- The guidance will help its audience to create and provide trans-inclusive policies and services, while continuing to protect and promote the rights of women.
- We are clear that all organisations, including public sector bodies, need to take account of the Equality Act when any changes in policy are being considered. All rights - those of women and trans people - must be protected. This includes the protection of women’s safe spaces.

#### Background

- In a June 2019 Parliamentary statement on gender recognition reform, the Cabinet Secretary for Social Security and Older People committed to developing guidance to ensure ‘that policy makers and service providers better understand how to ensure that the hard won rights of both women and trans people can be collectively realised.’

- The guidance will be used internally across the Scottish Government, as well as being made available to public authorities, should they wish to use it, and being publicly accessible.
- The guidance will give a policy context, that gives a factual account of the Scottish Government's position on women's rights and trans inclusion, within the wider framework of our general approach to equality and human rights.
- A legal context, noting the underpinning legislation, will complement this and emphasise the legal duties that policy makers and service providers have towards women and trans people. It should be noted that the guidance will not be able to set out anything amounting to an interpretation of the Equality Act 2010, which is generally reserved legislation. The guidance itself will be non-statutory.
- In terms of the single-sex exceptions, the guidance will not be able to offer advice on how to apply them, as the Equality Act is largely reserved, and the EHRC are the relevant regulatory body. The EHRC is independent and cannot be directed by Scottish Ministers. As it is a reserved public body, its powers cannot be changed by the Scottish Parliament

## 9. Excerpts of Ministerial Briefing on Equalities, Human Rights and Civil Justice Committee Debate - Ending Conversion Practices - March 2022.

<b>What</b>	<p><b>Equalities, Human Rights and Civil Justice Committee Debate: ending conversion practices</b></p> <p>Ms McKelvie is providing the second opening and penultimate closing speech. Speaking times will be 6 minutes to open and 5 minutes to close to allow the Minister to respond to points raised during the debate.</p>
<b>When</b>	Tuesday 15 March 2022, 15:35 – 17:00
<b>Why</b>	To debate the findings from the EHRCJ Committee Report on Ending Conversion Practices.
<b>Briefing contents</b>	<p><b>Annex D: FMQ briefs (pgs.2-19)</b></p> <ul style="list-style-type: none"> <li>• Trans Inclusion Guidance (pg.17)</li> </ul>

### ANNEX D

#### LGBTI TOP LINES

#### Our work to improve the lives of LGBTI people in Scotland includes:

- Retained commitment to developing guidance on realising trans rights in policymaking and service design, while continuing to protect women’s rights; and

#### TRANS INCLUSION GUIDANCE

- We remain committed to producing guidance on trans inclusion and women’s rights, which will ensure ‘that policy makers and service providers better understand how to ensure that the hard won rights of both women and trans people can be collectively realised’ but work is currently on hold and will be resumed at a later date.

#### The guidance will be aimed primarily at Scottish Government policy makers and service providers, but will be accessible to the wider public sector, and available publicly.

- The guidance will help its audience to create and provide trans-inclusive policies and services, while continuing to protect and promote the rights of women.
- We are clear that all organisations, including public sector bodies, need to take account of the Equality Act when any changes in policy are being considered. All

rights - those of women and trans people - must be protected. This includes the protection of women's safe spaces.

## **Background**

- In a June 2019 Parliamentary statement on gender recognition reform, the Cabinet Secretary for Social Security and Older People committed to developing guidance to ensure 'that policy makers and service providers better understand how to ensure that the hard won rights of both women and trans people can be collectively realised.'
- The guidance will be used internally across the Scottish Government, as well as being made available to public authorities, should they wish to use it, and being publicly accessible.
- The guidance will give a policy context, that gives a factual account of the Scottish Government's position on women's rights and trans inclusion, within the wider framework of our general approach to equality and human rights.
- A legal context, noting the underpinning legislation, will complement this and emphasise the legal duties that policy makers and service providers have towards women and trans people. It should be noted that the guidance will not be able to set out anything amounting to an interpretation of the Equality Act 2010, which is generally reserved legislation. The guidance itself will be non-statutory.
- In terms of the single-sex exceptions, the guidance will not be able to offer advice on how to apply them, as the Equality Act is largely reserved, and the EHRC are the relevant regulatory body. The EHRC is independent and cannot be directed by Scottish Ministers. As it is a reserved public body, its powers cannot be changed by the Scottish Parliament.