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Our Reference: 202000044661
Your Reference: Fao: Christina McKelvie MSP, Minister for Older People and Equalities

08 July 2020

Dear Jeremy

Thank you for your email correspondence of 8 June 2020, on behalf of some of your constituents, regarding the Gender Representation on Public Boards (Scotland) Act 2018 (the 2018 Act).

In your email you say that your constituents feel the government failed to take the concerns of the majority of consultation respondents into account when developing the reporting regulations and statutory guidance for the 2018 Act.

I can advise that the reason the views expressed in the responses relating to the term gender and definition of woman used in the 2018 Act were not reflected in the final regulations and guidance, is that they were not within the scope of the consultation.

These points relate directly to the 2018 Act itself, which received Royal Assent on 9 March 2018 and has been fully in force since the 29 May 2020.

I would like to take this opportunity to reassure your constituents that the purpose of the 2018 Act was and very much still is, to re-dress the historical underrepresentation of women on our public boards.

And it is working. Of the boards where appointments are made by Scottish Ministers, currently 51 % of the non-executive members are women. This compares with 41% in 2015.

Your constituents referenced their concerns regarding how “woman” is defined by the 2018 Act and the supporting information covering this in the 2018 Act’s Statutory Guidance.

I would like to clarify that currently the Public Appointments process does not require a birth or gender recognition certificate to be shared and that there were no additional protections for non-trans women prior to the 2018 Act coming into force that have now been removed.

Women's rights and protections are as strong now as they were prior to this legislation coming into force. We will continue to address gender inequality and promote, protect and extend the hard won rights of women.

We also continue to strongly support the single sex exceptions in the 2010 Equality Act which allow for trans people to be excluded when this is a proportionate means of achieving a legitimate aim. I hope your constituents finds this response helpful.

Yours sincerely



CHRISTINA MCKELVIE

