



Data Operations - request for change form for CBDS

RFC 1233

Type of change

Two data items, one replacing an existing item, one a new item

Name and team/company of RFC Originator:

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Date RFC raised

2/12/2022, modified on 6 December

Date change required

For Autumn 2023 collections

Priority

3

Priority ratings

1 = Top - Ministerial or legislative requirement

2 = High - Senior official customer requirement or clear net benefit / efficiency saving to EDD, department or MIS suppliers

3 = Medium - Customer requirement, marginal net benefit

4 = Low - Nice to have, net cost, does not affect functionality, cosmetic change

Section 1 – details of change

Data item / rule number:

Replacing data items N00007 (Pupil Gender), N00048 (Contact Gender), N00065 (Pupil/Child Gender and N00537 (Gender)

Description of change

The four data items listed above to be replaced on CBDS by the following two data items. The older data items will remain on CBDS for a still to be determined transitional period. Use of the new date items will be phased in from Autumn 2023.

Data Item 1 – Sex

Definition

A value which identifies the sex of a person as recognised in law.

Additional Information

Sex, as recorded on a birth certificate or in a gender recognition certificate.

Code set

- F - Female
- M - Male
- U - Unknown (for use when, for example, the question has not been asked or for unborn children)

Note: For some collections option 'U' will not be available, details of which collections this will apply to will be notified on a collection-by-collection basis.

Data Item 2 – Gender Identity

Definition

A person's inner concept of self as male, female, neither or a blend of both.

Additional Information

Recorded according to the wishes of the data subject or their guardian. Where a data subject does not wish to be recorded as Boy/Man or Girl/Woman they should be recorded as 'Prefer to Self-Describe'. Schools and other institutions should be able to create subcodes under 'Prefer to Self-Describe'.

For pupils, guidance for this item will, approximately, say: "Gender identity should be self-declared and recorded according to the wishes of the parent and / or pupil. Where a pupil or parent does not wish to be recorded as Boy/Male or Girl/Female they can be recorded under a locally defined code, which will be regarded as a subset of 'Prefer to Self-Describe'"

Guidance will vary for different collections to reflect different age groups.

There are no plans to collect the 'Gender Identity' data item, it is intended purely for local use in schools and other institutions.

Where an item description says, for example, 'Man/Boy/Male' software suppliers may display one or more of these options at their discretion. For example, it may be more appropriate to only display 'Boy' in the case of children or 'Man' in the case of adults. Similar discretion can be used for 'Woman/Girl/Female'.

Code set

- 0 - Not known (for example, question has not been asked, answer was refused)
- 1 - Man / Boy / Male [systems should display the most appropriate value, e.g. Boy for children, Man for adults, Male if preferred]
- 2 - Woman / Girl / Female [systems should display the most appropriate value, e.g. Girl for children, Woman for adults, Female if preferred]
- 9 - Prefer to Self-Describe
 - Codes 10 to 99 to be available for local use but to be regarded as subcodes of 9 (Other). Free text field or locally defined codes to be available for recording individual's identification where 'Prefer to Self-Describe' has been chosen. While there are no plans to transfer this data it is envisaged that, if transfer of codes were to be implemented, only code '9' would be transferred rather than codes '11', '12' etc.

Note: Software suppliers are asked to comment on whether the codes should be two digits, ie '00', '01' etc or whether they should be in the form '0', '1', '2', '9' with double digits only used for the local use codes.

Note: Two digit code sets were approved, ie codes '00', '01', '02', '09'.

Reason for change (including benefits)

The DfE has been aware for some time that its data conflates 'sex' and 'gender' in a way that is both ambiguous and confusing. There are growing numbers of reports of children and young people identifying as a gender other than the one they were assigned at birth and institutions are asking for departmental guidance on recording this data. Questions have been raised in parliament and in the press about the department's data on gender and sex and the apparent ambiguities in this.

In light of these pressures the department has reviewed its data standards. Without new standards, there would be a risk that areas of the department could begin collecting data on these areas in an uncoordinated manner, leading to future problems in data compatibility.

The approach outlined in this business case combines guidance from the ONS and GEO and takes into account:

- the High Court judgements on the ONS Census guidance,
- The UK Statistics Authority's Inclusive Data Taskforce recommendation of September 2021 that "Sex ... should be routinely collected and reported in all administrative data and in-service process data". It further recommends "clearly distinguishing between concepts such as sex, gender and gender identity".

The DfE approach is that 'Sex' be collected on a mandatory basis. Schools, children's homes, local authorities and other institutions may wish to collect gender for local use, gender will be collected in schools, children's homes and local authorities voluntarily and not collected by the department.

Impact of not doing the change

Schools and other institutions have expressed a desire to record gender identities other than 'Male' and 'Female'. At the same time regulations state that a child's 'Sex' and the use of 'Gender' as the name of this data item is causing confusion. Defining the two items separately will make the data

picture clearer while giving flexibility to institutions to record a person's identity as they wish it to be recorded.

Impact assessment to be undertaken by

Software suppliers

Date consulted

2 December 2022

Response requested by

16/12/22

Section 2 – impact analysis

Software suppliers' summary of impact assessment

Supplier 1

We support the changes in RFC1233a.

We have received your confirmation that for school statutory returns the values for Sex will be M or F, with no U option available.

We support the use of 2 digit codes ie zero padding.

Supplier 2

It would be better to have one length, so using codes 01, 02, 09 with optional codes of 10, 11 is preferable to using codes 1, 2, with optional two digit codes

Supplier 3

Whilst the proposed changes will require significant changes to our system to change all reference to gender and replace by sex we do support the aims of the change.

Responses to other comments are included in Annex

DfE internal colleagues' impact assessment

DIT:

DOT: Consulted Working Groups of several collections/censuses

Consultations also held with Equalities team, ESFA, GSS, GSS and ONS.

Alternative Solutions / Workarounds (if appropriate)

Alternative solutions were discussed extensively with external groups

DfE internal colleagues' summary of impact assessment

DIT: Accepted Rejected No Impact

DOT: Accepted Rejected No Impact - Accepted

DISD: Accepted Rejected No Impact

Service desk: Accepted Rejected No Impact

Impact Assessed by

Paul Hirst

Gerard Hassett

Nicola Berryman

12 January 2023

Section 3 - outcome / decision

Date of review meeting – on line 12/1/2023

Attendees

Paul Hirst

Gerard Hassett

Nicola Berryman

Brief Summary of Discussion

2 character code set will be adopted for item one.

Implementation of change will be implemented on a collection by collection basis

Accept

If accept, provide details

Agreed to add the two new data items.

Annex

Here is a summary of the concerns and questions raised in relation to RFC1233a and our responses to these. Any reference to future data requirements of the DfE should be seen as referring to the requirements that will follow from this RFC and not as referring to any changes that might occur for other reasons.

- 1) Q: Will DfE require schools to check pupils' birth certificates to confirm their Sex.
A: No. 'Sex' is defined as that on a birth certificate of gender recognition certificate as a matter of clarity, but no new requirements for checking documentation are being implemented as part of this RFC.
- 2) Q: Will the valid values for pupil sex be 'F' and 'M' only, will 'U' be a valid return in school census, can 'Sex' be left blank in the census or removed from COLLECT.
A: Valid values for pupil sex will be 'F' and 'M' only. Sex is a legally required part of the school admission register under the Education (Pupil Registration) (England) Regulations 2006, 5 (1)(b). Therefore schools would be legally remiss in not keeping such a record and in not submitting it to the department under the regulations governing the school census. The DfE will not require 'U' to be stored in MISs.
- 3) Q: What exactly does 'U' mean in the code set for sex and what collections will it be used in?
'U' means Unknown or Unable to be obtained. It would only be used where the information is not available. It is intended for use in the Children in Need and Children Looked After collections.
- 4) Q: Is Gender Identity mandatory to record?
A: No. The DfE does not wish to collect this data and does not say that schools or other institutions should record it. The DfE is not asking or advising schools to record it. The field is being defined so that schools can record it, should they wish to. Any such decision would be for the individual school or institution to make.
- 5) Q: How will the use of the 'Prefer to self-describe' options work in practice?
A: Should a school or other institution choose to implement 'Gender Identity' and a person opt for the 'Prefer to Self-Describe' identity, the institution would give the person the option of supplying a free text response. The person would be encoded as Gender Identity '09' and the free text would be entered into the MIS where it would be given a code in the range 10-99 and this recorded as a sub code to '09'. Only one subcode would be recorded per person. These subcodes would not be transferrable between institutions, only the '09' code would be transferrable. If a person opted not to supply a free text self-description, then that choice should be respected and no subcode recorded.
Suppliers have commented that using codes for these free text options seems 'of no value'. However, this was a requirement of the Star Chamber in accepting this data item as they felt it would ease recording if multiple pupils opted for the same identity. Suppliers also commented that they would not be able to populate a list of all the possible gender identities if the department could not. As we hope the first paragraph of this answer makes clear, this is not the intention. The gender identities will be supplied by the data subjects.
- 6) Q: How should the 'Sex' field be populated?
A: 'Sex' will be a new field, separate from the old 'Gender' field, but the least burdensome way to fill this field would be for suppliers to map the values for 'gender' to 'Sex' and alert schools that for some pupils or data subjects the two values may

not correspond and the schools should review the values where they think it appropriate to do so.

7) Q: Some Local authority systems need to interface with systems dealing with adult social care. For some of these, biological sex needs to be recorded. It would be better if a cross government standard for sex and gender data was established.

A: DfE appreciates the concerns raised and did take part in cross governmental discussions on a joint data standard. However, no standard was agreed as different departments had different needs. The DfE's data standard aims to be as clear and unambiguous as practicable. Should more progress be made towards a cross government data standard, suppliers will be kept informed.

8) Q: Is the scope of this RFC for England only, and if so, what conversations have been had with the devolved administrations.

A: As education is a devolved matter, the scope of the DfE is only for England. Discussions with Wales continue and we hope to be able to inform suppliers of further progress on these within the next couple of months.

9) Q: Has the DfE considered the school admissions criteria used for 'All Boys' and 'All Girls' schools? Does DfE envisage any legal challenge from parents whose children identify as another gender?

A: Guidance on wider gender issues is expected to be published for consultation later this year. These issues are outside of the scope of this RFC.

Q: will admission files for 23/24 conform to the new standard?

A: as these files would be in use before Autumn 2023, they will use the existing, older, standard.

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