

Clare Marchant
Chief Executive Officer
UCAS
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Dear Clare Marchant

We are writing to you to express our concern regarding what we hear about planned changes to the way UCAS gathers data on the sex of applicants from 2023, for entry in 2024.

As it stands, the form already conflates “sex”, which is an immutable biological trait of every person, with self-declared “gender identity”. The guidance says: “Select the gender you most identify with at this time. You can tell the university or college directly if you’d feel more comfortable identifying in another way, or if this changes.” But at least it offers only two options: male or female.

The plan will make this already bad situation worse. Instead of just two options, there will be four, further muddying the meaning of the variable. The allowable responses will become: man / woman / I prefer to use another term / I prefer not to say. The result will undoubtedly be that some male applicants will tick “woman”, and some female ones will tick “man”. Since the other two options are by definition mixed-sex, the result will be the complete loss of any reliable data on the sex of university applicants.

UCAS data is shared with higher-education institutions, which are bound by the Public Sector Equality Duty to have due regard to the need to eliminate discrimination, harassment and victimisation because of protected characteristics in the Equality Act 2010, and to advance equality of opportunity and foster good relations between groups who share a “relevant protected characteristic”. In order to monitor that they are doing this they need to collect data on the protected characteristics.

Data is also shared with statistical agencies, including Jisc. This foundational error will therefore make it impossible for universities to carry out their statutory duties, and moreover will cascade through all analyses of higher-education students and graduates.

Sex Matters is a human-rights organisation campaigning for clarity about sex in law, policy and language | sex-matters.org | info@sex-matters.org

Directors: Michael Biggs, Rebecca Bull, Julia Casimo, Naomi Cunningham, Maya Forstater, Emma Hilton

Unless this planned move is halted, and UCAS returns to collecting unambiguous data on sex, it will soon be impossible to produce accurate statistics on a wide range of important socioeconomic outcomes. These include differences in subject choices, graduation rates and career paths between men and women. Many other variables related to education status vary so widely between men and women that any meaningful analysis must be sex-disaggregated. Examples are lifetime earnings, many health outcomes, and rates of offending and recidivism.

We are sure you are aware of the judicial review taken last year by campaign group Fair Play For Women, which resulted in the Office for National Statistics having to reverse course on similar plans for the Census in England and Wales. Furthermore, in the case of *For Women Scotland v the Lord Advocate and Scottish Ministers* it was ruled that provisions in favour of women, which are legally allowed by the Equality Act 2010, “by definition exclude those who are biologically male”.

Organisations that have a reason to ask for sex – as UCAS self-evidently does, given its position as the gateway to higher education for every tertiary student in the UK – are permitted to ask for and store that information. Unlike “gender identity”, it is not sensitive information.

We also note that UCAS is a highly commended signatory of the Voluntary Code of Practice for Statistics, which commits it to the principles of trustworthiness, quality and value.

In February 2021 the Office for Statistics Regulation published [specific draft guidance](#) on these principles in relation to sex and gender identity.

This states: “As a producer, if you are currently collecting and reporting data on sex or are considering making changes to how you do so, it is important that you do so with clarity, being transparent about the reasons for your judgements and decision making throughout. You should explain to users what and how data are being collected and support the appropriate use of the statistics.” It states that producers should be clear about definitions or terminology they use, and these should be harmonised to be consistent and coherent with related statistics and data where possible. “The terms ‘sex’ and ‘gender’ should not be used interchangeably in official statistics.”

You may also be aware that Advance HE recently [revised its guidance](#) on the collection of diversity monitoring data, and recommends that universities collect data clearly on sex (male or female) and also separately on self-defined gender identity.

Sex Matters is a human-rights organisation with a singular focus: to re-establish the importance of biological sex in life and in law. We, and researchers we have spoken to, are deeply concerned about this destruction of data integrity.

The issue is not the collection of data on self-declared “gender identity” – in combination with reliable data on sex this could be interesting, given the paucity of any reliable information on what share of youth cohorts identify as “transgender”, and the total lack of any longitudinal

studies tracking changes in such self-definition. The issue is the conflation of two entirely different concepts, and the loss of information on sex itself.

We are writing to ask for details of any assessments you carried out, including but not limited to any equality impact assessment and your plan for how the sector will handle the resulting data-quality issues. We would also like to know how you think universities will fulfil statutory requirements to collect data on the protected characteristic of sex.

We are also writing to raise these concerns with the head of the Office for Statistics Regulation, and the chief executive and chief data officer of Jisc.

Yours sincerely



Maya Forstater
Executive Director



Helen Joyce
Director of Advocacy



Naomi Cunningham
Chair