

Citizen Participation and Public Petitions Committee
Wednesday 10 December 2025
19th Meeting, 2025 (Session 6)

PE1876: Accurately record the sex of people charged or convicted of rape or attempted rape

Introduction

Petitioner Lucy Hunter Blackburn, Lisa Mackenzie, Kath Murray

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Court Service to accurately record the sex of people charged or convicted of rape or attempted rape.

Webpage <https://petitions.parliament.scot/petitions/PE1876>

1. [The Committee last considered this petition at its meeting on 12 November](#), where it took evidence from Chief Constable Jo Farrell and Deputy Chief Constable Alan Speirs (Professionalism and Enabling Services), Police Scotland. At that meeting, the Committee agreed to consider the evidence at a future meeting.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a new written submission from the Petitioners, which is set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition, updated in 2023.
6. [The Scottish Government gave its initial response to the petition on 23 September 2021](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 13,641 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
December 2025

Annexe A: Summary of petition

PE1876: Accurately record the sex of people charged or convicted of rape or attempted rape

Petitioner

Lucy Hunter Blackburn, Lisa Mackenzie, Kath Murray

Date Lodged

5 July 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Court Service to accurately record the sex of people charged or convicted of rape or attempted rape.

Previous action

We have met the Scottish Government's Chief Statistician to argue for the need to collect accurate data on sex in various contexts, including in cases of rape and attempted rape.

Draft guidance subsequently issued by the Chief Statistician rejected this in all but exceptional circumstances, which did not include the recording of these cases.

Background information

Police Scotland recently stated that a person directly charged with rape or attempted rape could be recorded as female. The Scottish Government has stated that 'this is a matter for Police Scotland'.

Rape is defined in law as involving penetration by a penis without consent and is therefore, by definition, the act of a male body (cases involving a surgically constructed penis appear to be unknown to date).

Women may be charged with rape as accessories, but this is extremely rare. Only a very small proportion of offenders directly charged with rape or attempted rape would therefore need to be recorded as female to have a substantial and misleading effect on the understanding of female offending. The same issue appears to arise for information collected in other parts of the criminal justice system.

Recording sex accurately in these cases matters for data accuracy and trust in official statistics, public policy, media reporting, research, and for trust in public bodies.

Annexe B: Extract from Official Report of last consideration of PE1876 on 12 November 2025

The Convener: Welcome back. The next petition on our agenda, under continued petitions, is PE1876, which was lodged by Lucy Hunter Blackburn, Lisa Mackenzie and Kath Murray. The petition calls on the Scottish Parliament to urge the Scottish Government to require Police Scotland, the Crown Office and the Scottish Courts and Tribunals Service to accurately record the sex of people charged with or convicted of rape or attempted rape.

The Citizens Participation and Public Petitions Committee has considered the above petition throughout the current parliamentary session. It is one of our longest-running petitions this session—it was lodged back in 2021—and the committee has been pursuing extensive work on it since then. We have a large volume of petitions, and our practice is to do a considerable amount of work on every admissible petition by securing a research briefing, a Government response and committee consideration for each one.

We also try to progress the ask in petitions on behalf of petitioners as far as we are able to do so. We are not the Government; we are a committee of the Parliament. To ensure fairness for all our petitions and petitioners, we consider them in turn, which sometimes means that there can be a wait after a petition is considered before it can be rescheduled.

At its meeting on 30 October 2024, the committee agreed that it would be appropriate to invite the chief constable to give evidence at a future meeting. The committee does not hear evidence on every petition. In fact, it takes evidence on relatively few of the petitions that come before it. As a result, we want to make sure that we get the most out of any sessions at which we hear from witnesses.

After issuing our invitation to Police Scotland, we were advised that there was a full review of the policy on recording sex and gender that was due to conclude this autumn. To make sure that we could use this valuable opportunity to hear from the chief constable as effectively as possible, the committee agreed to wait until autumn 2025 to take evidence.

I am pleased to say that we are joined today by Chief Constable Jo Farrell, and by Deputy Chief Constable Alan Speirs, who has responsibility for professionalism and enabling services. I warmly welcome you both. I understand that the chief constable would like to make a brief opening statement before we move to questions from the committee.

Chief Constable Jo Farrell (Police Scotland): Police Scotland supports the petition. A man who rapes or attempts to rape a woman, girl or other victim is, should be and will be recorded by Police Scotland as a male.

Gender self-identification is a complex area of public policy and practice, as illustrated by the work of the committee. The debate has evolved over a number of years, but let me be clear that my priority is to protect victims. Statistics and data accuracy matter, and we will always engage in a way that aligns with our values.

The petitioners outline that, in 2019, Police Scotland established a position on these matters. Our 2019 position stated that Police Scotland recorded the biological sex or gender identity of an individual based on self-declaration unless, first, the sex or gender of a person was relevant to an investigation, as would be the case in sexual violence crimes, including rape and attempted rape, or, secondly, further inquiry was necessary on the basis of risk.

In December 2021, the issue was discussed during evidence to the Criminal Justice Committee on the prosecution of violence against women and girls. At that time, Police Scotland stated that there had never been a case of a male who committed rape and self-identified as a female being recorded on the police crime system as a female, and that remains the case.

On reflection, and having observed the intense public debate around gender identification and the—at times—mixed messages from Police Scotland in freedom of information responses and correspondence to this committee, for example, I want to provide further clarity and direction in this area. It is important for victims to hear from me as chief constable that there is no doubt in our practice. A man who commits a rape will be recorded as a male.

I have also put myself in the shoes of our custody sergeants and considered the support that they need to do their job. In September 2024, during a public update at a meeting of the Scottish Police Authority board, I made a clear statement and direction that a man who commits rape or serious sexual assault will be recorded by Police Scotland as a male. That meeting was live streamed by the authority and we published the statement on the matter on our website, alongside a series of internal communications for officers and staff.

At my direction, Police Scotland commenced a review to consider the terminology and recording practices that we use to collect and record sex and gender data, and to recommend improvements. That work is under the direction of Assistant Chief Constable Catriona Paton and is supported by an expert human rights adviser. It includes extensive engagement with a broad range of internal and external stakeholders. Our review takes account of the UK Government-commissioned independent review of data, statistics and research on sex and gender by Professor Alice Sullivan, which was published in March 2025 and which makes it clear that public bodies need reliable and consistent data that is based on biological sex to inform policy and practice. Our review also takes account of the Supreme Court decision on the definitions of the terms “sex”, “man”, “woman”, “male” and “female” in the Equality Act 2010, which was handed down in April this year.

The broad work of our review is at an advanced stage and continues at pace. We are implementing guidance as it is developed, and we have communicated updates in that regard. In mid-October, as a result of that work, Police Scotland took the decision that we will record a person’s biological sex and, where relevant, their transgender status for suspects and victims of all crimes and offences, in accordance with our equality and human rights obligations. We are moving to implement that at pace across our data recording systems.

The review will continue to be responsive to and informed by developments in law and statutory guidance, human rights advice and on-going engagement. We will

continue to take action on specific areas, and we expect to provide a further substantial update through the Scottish Police Authority early next year, including on progress on updating systems.

Let me close by underlining that my priority is to protect the safety, wellbeing, rights and dignity of victims, witnesses and the accused, and of my officers and staff. Thank you.

The Convener: That was very helpful. I am sure that it will help inform colleagues as we proceed.

We have been joined by our parliamentary colleagues Tess White, Ruth Maguire and Rachael Hamilton. After the committee has asked questions, time permitting, I hope to invite them to ask questions that they might feel have not been properly addressed.

Chief constable, I listened to all of your statement with interest and care, and I am grateful for it, but was there an underlying admission in there that Police Scotland got something wrong? If so, why?

Chief Constable Farrell: As I outlined in my opening statement, I felt that greater clarity needed to be brought to our position on recording in relation to rape and sexual offences, and that is what I did in relation to my announcement and my communication in September 2024 at the Scottish Police Authority board. I put myself in the shoes of the people who were making those decisions, and then further developed the work in relation to the review that I have talked about and which you referenced.

The Convener: How did that lack of clarity come about, and how did the situation evolve to the point where you felt that further work was needed to clarify it?

Chief Constable Farrell: Our 2019 statement, which I outlined in my opening statement, talks about allowing people the opportunity to self-identify. I felt at that point that there was the potential that people who are very interested in and who scrutinise this area of policy and practice would disregard the second part of the statement, which said that we would record based on biological sex if it is relevant to the offence. In the autumn of 2024, I wanted to make the position in relation to rape and sexual offences absolutely clear, that being part of the petition.

The Convener: Did Police Scotland act without giving due thought at the time to disquiet that might be a consequence of the statement that came out in 2019? What was the motivation at that point?

Chief Constable Farrell: I would be commenting on the situation across Scotland before my tenure as the chief constable. In my opening statement, I highlighted that this area of public policy and practice is complex, and that there are very strong opposing views.

David Torrance: Good morning. Do you think that police officers feel confident in how they record the sex of suspects in rape and attempted rape cases? What guidance have they been given to help them?

10:45

Chief Constable Farrell: I am confident that they are confident. The reason I say that is that, if we look at our data in relation to the recording of men accused of rape and sexual offences, we see that there have been 16,258 offences recorded on our crime system since 2018, and every one of those has been recorded accurately. There is a biological man who has committed, or is suspected to have committed, the offence, and that is how they have been recorded. I am confident because the data is evidence that our staff are able to make those judgments, and that they make the correct judgment and record accurately.

The Convener: In so far as officers are confident in how they proceed, is it now the case that the same criteria are applied in relation to the policy for all sexual offences and that there is no distinction in that regard?

Chief Constable Farrell: Sorry—

The Convener: In terms of the specification of gender, is there now a consistent policy for all sexual crimes?

Chief Constable Farrell: I talked about rape and sexual offences, which is a broad category. I do not know whether you want me to talk now about the further work that we have done and some of our further policy decisions.

The Convener: I think that that would be helpful. I will then bring in Fergus Ewing.

Chief Constable Farrell: DCC Speirs has led the review work, so I ask him to take the committee through the scope of that work and the decisions that we have made. That will provide you with the answer with regard to our further steps in this area.

Deputy Chief Constable Alan Speirs (Police Scotland): I will start at the end of your question, convener. I think that the decision that we made in October this year is significant: in every instance where we are recording a crime or an offence, we will record the biological sex of the person coming into custody. In order to ensure that that progresses at pace, we will implement changes to the key systems on which we will record that data. That brings a further degree of absolute clarity and goes much further in removing ambiguity.

When we commenced the review work, we identified four critical areas that we wanted to look at: terminology, data recording, legal compliance and—this was the acid test for the work that we were trying to do—the operational effectiveness of the policies that we put in place. It has been helpful that we have been able to look at the work of Professor Alice Sullivan and the outcome of the Supreme Court judgment. We also recognise that there are other pieces of work still on-going, so you will see from our systems that, right now, we define all our guidance as interim as we await final clarity on some of that on-going work.

Through the review work, we have looked at terminology. Most recently, we have taken a position around data recording. We have addressed search, in terms of both search on the street and search in custody. We have looked at the whole position on

safe spaces. The work of the oversight group has, in our view, been thorough. It has not quite reached completion yet, but we are working towards that.

An important aspect is that we have encouraged stakeholder engagement. We recognise that there is a polarising context and that there are varying views, and we have worked hard to draw in views from others in relation to our work. In the early part of 2026, as the chief constable indicated, we will take a final report to the Scottish Police Authority as well as an update on the implementation of the changes that we will make to our recording systems.

Fergus Ewing: Good morning. My understanding now, from listening to the deputy chief constable, is that the position of the police fundamentally changed as of October this year. Unlike the position beforehand, which was based on the 2019 policy, the biological sex of every potential offender will be recorded. Is that right?

Deputy Chief Constable Speirs: Yes—that will be recorded on our systems. We have a system designed that allows us to be really clear in the data that we record.

Fergus Ewing: As well as the biological sex of the potential offender, will there be recording of any self-declared gender if it is different from the biological sex? In other words, if a biological man says, “I identify as a female”, would that also be recorded?

Deputy Chief Constable Speirs: We will look to record it. In our experience, there has been a lot of conflation of sex and gender identity. We want to be really clear, and the research that we have seen from Professor Sullivan, and the Supreme Court judgment, bring clarity on the accuracy of what we would want to record. However, we have also articulated that it is incredibly important, when somebody comes into custody, that we treat them with the dignity and respect that they would look for.

The first critical point for us is how we record biological sex. There might, in the future, be instances where a person’s gender identity differs from their biological sex.

Fergus Ewing: I appreciate the point about treating people with dignity, and I appreciate that it is a very sensitive topic and there are people with different views. However, I want to probe a wee bit further and take us through the consequences of the new policy. If a biological man is recorded as a biological man but declares to be a woman, how would that person be treated as the person goes through the criminal justice system? Would that person be treated as a man or as a woman when it comes to prosecution and—assuming that prosecution leads to a guilty finding—the sentence?

Chief Constable Farrell: I will pick that up. Our priorities relate to supporting victims; prosecuting offenders and making sure that those people are brought to justice; and ensuring that, by recording accurately biological sex, our crime data is accurate and we are able to use that information and data across policing and broader public policy.

On the point about dignity and respect, the person would be recorded as a man—as a biological man—and they would be recorded on the system as a man. With regard to the treatment of that person while in our care and custody, we would seek to engage with them in the identity that they want to be known as.

On your further question about going through the justice system, I do not think that it is for me, as the chief constable, to comment on how other agencies beyond policing will deal with these issues. What I would say, in relation to the broader justice system and my colleagues south of the border, is that, in my view, Police Scotland is ahead—through the work that we have done, the reviews that we have undertaken and the decisions that we have made—in how we have implemented the decisions around the Supreme Court judgment.

Fergus Ewing: I appreciate that you, as chief constable, are not responsible for decisions that are for the Scottish Prison Service to make. The SPS has a process that it says is used to assess whether a biological male self-identifying as a female is housed in a male or a female prison, and in what circumstances, such as confinement, segregation from others and so on. I appreciate that you are not responsible for that. However, I want to put to you a point that the petitioners have made. They are looking to the Scottish Government, and to your good self, for leadership on this.

What I am driving at is that, if you record the biological sex of a potential offender but treat that person as the gender that they wish to be recognised as—we will just stick with the example of a biological male self-identifying as female—does that not open a gateway whereby it facilitates the Scottish Prison Service to conclude that it is safe for a biological male to be placed in female prisons? Are you not inadvertently and unwittingly facilitating that outcome by not only recording a person's biological sex but treating them according to their self-identified gender?

I am talking about males, principally, but you see my point. Although it is not your decision in which prison—male or female—people are put, if you treat a man as a woman, it is no real surprise if that man ends up in a female prison. I am not at all alluding to any on-going court action; I am purely talking about the principle so that we do not get into any sub judice or prejudice territory. As chief constable, do you need to go further in providing leadership to set out that biological males should not, in fact, be housed in women's prisons?

Chief Constable Farrell: My first point is that such a scenario has never occurred in the 16,300 crimes that have happened since 2018. That is not to say that it would not happen, but we and I have made concrete progress and decisions based on the ruling and decisions that were made by the Supreme Court. I have also considered our obligations on human rights, dignity and respect. I have described our process and how people would be recorded. I cannot be drawn on what the Scottish Prison Service chooses to do on that. I am responsible for this organisation and I operate within the law, and we have made strong progress.

Fergus Ewing: Do you agree with the general proposition and principle that biological males should not be imprisoned in women's prisons?

Chief Constable Farrell: That is a policy position for the Scottish Prison Service.

Maurice Golden: Just so that I am clear, at ground level, what has changed is that the biological sex will now be recorded but, in essence, the treatment of the individuals will be exactly the same. Is that where we are currently?

Chief Constable Farrell: We will record the biological sex in relation to rape and sexual offences, as we have done since 2018 for 16,000-plus crimes. Last month, we took the decision to expand that approach to all crimes.

Maurice Golden: Is that happening as we speak?

Chief Constable Farrell: Following the Supreme Court decision, we have done a detailed piece of work to examine how many digital systems we have across policing—we have a lot of them, as you can imagine. Over the years, the terms “male”, “female”, “gender” and “sex” have been conflated and confused, so we have worked through the detail of how those identifiers are described in the systems. Now, we will progress with the work to ensure that they are compliant and that we record biological sex. An additional element is included so that somebody can tell us if they want to identify as a transgender identity.

Maurice Golden: That is helpful clarity. I wondered why the work was taking so long, but I appreciate that it might have been because of the different historical information technology systems at Police Scotland. How is the recording of any identified gender delimited on the new system? Is the person literally just recorded as a trans person or are there different ways in which the person might identify?

11:00

Chief Constable Farrell: At the moment, our proposal is to have biological male, biological female and a trans identity. On your point about IT systems, we have identified nine priority systems, which is where we will start. Those include custody systems, our criminal justice case system, our intelligence system and our crime recording system.

Maurice Golden: Thank you.

Davy Russell: I am bearing in mind that the petition has been going on since 2021. You made a clear and concise statement at the start of the evidence session. Are you happy with the length of time that it has taken for you to be in the position that you are in now? It seems a rather long time.

Chief Constable Farrell: I will reinforce the point that I made about the concrete steps that we have taken. When I took over this role, I identified that we needed further clarity, always putting myself in the shoes of the people who are doing the job on the front line. I have brought that clarity. In addition, we have now worked in areas that relate to technology to ensure that they are compliant with the law, and we have worked in other areas where the Supreme Court judgment needs to be reflected in the way in which we go about our business.

Davy Russell: Are there further areas that you will develop and progress as a result of the Supreme Court judgment, or are you almost there?

Chief Constable Farrell: We have been working on other areas, which the deputy chief constable will describe to you.

Deputy Chief Constable Speirs

Part of the challenge since 2019 has been that we have tried to operate within the available law and policy. It has been incredibly helpful that we can now anchor our position in the commentary of Professor Sullivan. We can look at the Supreme Court judgment and we will closely watch where the human rights commission arrives at in relation to a code of practice. We reflect on the fact that, if policy and law move, we will seek to develop our position.

Data recording is one element of the issue; safe spaces become another element. The position regarding stop and search on the street and then search in custody is vitally important to us. We have been clear and unequivocal about the policy that we put in place, the guidance that we have given to officers and the level that we went to in order to clearly communicate our position as it relates to stop and search. More recently, we have communicated our positions on facilities, safe spaces and single-sex spaces in offices.

As the chief constable has indicated, we are way ahead of other police forces across the United Kingdom. We are well connected with other forces through the National Police Chiefs Council, which is the forum for all UK policing. In some spaces, we have had to be bold and pave the way. On reflection, it is taking time, but we have anchor points, such as the Supreme Court judgment, which have allowed us to push on with a degree of pace.

Davy Russell: I have one final question. What are the feelings of or feedback from your officers on the front line?

Deputy Chief Constable Speirs: Officers recognise that it is a polarising context. We face that context operationally every day in how we police our business. The feedback and sense that I get from officers is that we have provided clarity. There is absolute clarity about data recording and expectations regarding stop and search. There have been instances when officers have not always been sure-footed and confident, but our stop and search policy and the guidance that we have given to officers are crystal clear—that is the feedback that we get. We will draw other feedback from officers as it filters in through our staff surveys. In the past two years, we have reached a point at which we survey our staff every year. We listen to the feedback and, if I get the sense that there are gaps or elements that need greater clarity, we will try to deal with that.

Fergus Ewing: I will pursue the point that my colleague Davy Russell raised about the internal organisation of the police. I have no detailed knowledge of this but I understand from the website that, within the police, there is the Scottish Women's Development Forum and the Scottish LGBTI Police Association. That is fair enough. However, I have been advised that, also within the police, there is an organisation called Police SEEN—sex equality and equity network—UK, representing those who describe themselves as “sex realists”, but attempts to have the organisation recognised by Police Scotland have not been agreed to. Is that correct? Will you talk me through that?

I get the sense that the ethos of the police is to be as supportive as possible, to recognise different views and not to get involved in some of the stuff that we have seen about public bodies disciplining people because they are deemed to hold unacceptable views, which has led to a tremendous outcry in the public, and rightly

so. I am looking for some assurance that Police Scotland is understanding of, sympathetic to and supportive of those officers who have particular views, including those who feel, as I and many others do, that biological males should not be housed in women's prisons and who take a sex realist point of view, while recognising, as the deputy chief constable said, the need to be sensitive and fair and to treat other people as you wish to be treated yourself.

Deputy Chief Constable Speirs: I will start in answer to your question and the chief constable might want to add something. We have recognised the importance of engagement not only inside the organisation but with stakeholders outside it. We have a range of diversity staff associations across Police Scotland and we have tried to draw those groups together, particularly in the past couple of years.

We now have a collaboration group that is chaired at executive level and which brings together all our diversity staff associations on a structured and regular basis. That is separate from the regular day-to-day engagement that we have with single diversity staff associations as well as our statutory staff associations.

There has been a little bit of correspondence in the past couple of years about the notion of a SEEN, but it has not, in my view, been pursued hugely in Scotland. However, we see the capability of the Scottish Women's Development Forum as a platform to build on.

First and foremost, we are listening to our officers and staff, and to the range of diversity staff associations, and considerable work has been done in that regard. In no way would we look to muffle the voice of any of our organisations, but we recognise that we have an extensive range of associations and platforms in which views can be expressed.

Chief Constable Farrell: The DCC spoke briefly about our staff survey, which is one of the ways in which we take feedback from across the organisation. I made a commitment that we would do that annually, so that we can ensure that we have made positive progress across a number of areas of business. The second survey will report to the Police Authority in the next few months.

There are a number of different avenues that our workforce of 22,000 people can take to provide views of how they feel about the organisation and the leadership of the organisation.

Fergus Ewing: That will be communicated to staff after the final report, which will follow the September 2024 review and the June 2025 interim update, which I understand was provided. When will that final report be made public?

Chief Constable Farrell: Are you referring to the staff survey?

Fergus Ewing: Yes.

Chief Constable Farrell: That will be reported to the Police Authority at the end of this calendar year or early next year.

Fergus Ewing: When will the other report be published? That is the general review, so I am told.

Deputy Chief Constable Speirs: Our intention would be to take that to the public Police Authority board meeting early next year—probably around February. As an organisation, we have not been silent for the past year and a half. We have been continually feeding in and communicating with our staff. We have issued three or four different pieces of guidance and made policy decisions, so the progress that we are making is being seen inside the organisation. As we intimated earlier, we will publish the report in early 2026.

Fergus Ewing: Will it be available to members of the public around February 2026?

Deputy Chief Constable Speirs: Yes, it will be presented at the public part of the Police Authority board, I would suspect.

Chief Constable Farrell: We have described some of that work as “interim”, but I want to ensure that the committee is clear that we describe it as such because we are waiting on other bodies to report. That is not in any way about delaying—

Fergus Ewing: Which other bodies, chief constable?

Chief Constable Farrell: The human rights commission is due to publish its code of practice. I just wanted to clarify that point.

Fergus Ewing: Is that the only body that you are waiting for?

Chief Constable Farrell: There is also the code on stop and search.

The Convener: Exercising my discretion as convener, I now invite our three parliamentary colleagues to join the questioning. Tess White is first.

Tess White (North East Scotland) (Con): Good morning. I have four questions and I am conscious of the time. First, I want to check something that you said in your opening remarks to the committee, chief constable. You said that there is no case of a male being recorded as a biological female. You said that that remains the case. As far as you are aware, according to your records, in Police Scotland, there is not a single case of a man being recorded as a biological female.

Chief Constable Farrell: That has been the case since 2018.

Tess White: What happens if you are informed that that is not the case on the ground? What is the process? Do people raise it as a whistleblowing issue? Can people come to you directly if it is happening in their force?

Deputy Chief Constable Speirs: We have crime registrars in the organisation, whose role is about the integrity and accuracy of our data recording. Therefore, of course, if there was a sense that there was an element of inaccurate recording, we would look at the specific case and address it.

Tess White: Would you personally look at that? If it is going on right now and you are not aware of it—if it is a practice that has happened—people can come directly to you. Chief constable, you look confused. I am just saying that you are not aware of it. I will leave that with you. My second question—

Chief Constable Farrell: To answer that question, on broader issues—on all issues—some people will go through their first and second line managers; other people will email me directly. If we are talking about a specific case—

Tess White: Yes. They can directly email you.

Chief Constable Farrell: People directly email.

Tess White: Thank you very much. Police Scotland previously said that it had introduced the policy—the previous policy, before today—in preparation for gender recognition reform, which, as we know, failed. Was that an appropriate position for the police service to take—to pre-emptively align itself with the Government, rather than waiting for the bill to be passed or not passed?

Chief Constable Farrell: You are asking me to comment on decisions that precede my time in the role, so I would be commenting on behalf of others, which is not the correct position for me to take.

Tess White: Under your leadership, it did not take place, and you would not pre-emptively say, “Something is going on, so we’ll do this,” rather than waiting until the law is clear.

Chief Constable Farrell: We would comply with the law and the 2019 position, as I said earlier. In my view, at the point at which it said “self-identification”, there was not clarity around what to do in relation to the crimes of rape and sexual offences.

11:15

Tess White: My third question is around the data that has been corrupted over the past few years. What will you do to backtrack and ensure that data is correctly recorded? What will happen?

Deputy Chief Constable Speirs: First, as we have said a couple of times today, as things stand, we can find no inaccuracy in a recording of biological sex as it relates to the serious crimes of rape and attempted rape. We will look specifically at our data standards and our policies, and, where appropriate, if there are any instances that need to be adjusted, we will absolutely adjust them.

You can be assured that we are in agreement on the importance of accurate data recording. Professor Sullivan addressed that in her research work. We are really committed to ensuring that data recording within policing is accurate.

Tess White: If people come directly to you, Deputy Chief Constable Speirs, can you guarantee that you will protect the source and not go back and say, “What’s going on?” I see that you are looking at me, Chief Constable Farrell. I just want to protect the people who will come to you and say, “This is happening in my force; please will you address it?” If you say yes, that is good enough for me and the committee.

Deputy Chief Constable Speirs: I am the gatekeeper of the professionalism portfolio. Values are really important to us as an organisation. Set against our values of integrity, fairness and respect, you can be absolutely assured that we have the best interests of anyone who comes to speak to us in mind.

Tess White: My final question follows on from a question that my colleague Mr Ewing asked in relation to Police SEEN UK. I have its badge on today as I told my constituents that I would wear it for them. A number of serving police officers feel uncomfortable with the topic that we are discussing today. Everybody's wellbeing and inclusion is important.

I met Police Scotland's head of human resources at our Equalities, Human Rights and Civil Justice Committee and I got pushback about Police SEEN. It seems that the police support the groups that support self-ID but do not support the staff networks that support biological reality. I have been a fellow of the Chartered Institute of Personnel and Development for 30-plus years. This matters—staff networks matter—so will you, either Chief Constable Farrell or Deputy Chief Constable Speirs, meet Police SEEN in the next few months to hear its feedback directly?

Deputy Chief Constable Speirs: Absolutely. That is really important to us. I said earlier that there had been a bit of correspondence some time ago. I would like to think that, as senior leaders in policing, we listen. We will be content to engage with officers or staff in the organisation and consider how best to take the matter forward.

Tess White: Thank you. Your head of HR has a different view, so I would be grateful if I could leave that with you.

Ruth Maguire (Cunninghame South) (SNP): Good morning. I have some questions around communication. First, I welcome the clarity of your statement this morning and the acknowledgement that, previously, mixed messages were coming out of Police Scotland. In relation to communication to officers, many of whom will of course be impacted by crime as well as policing crime, can you give more detail on the date when the change in policy was communicated and how that was formed, please?

Deputy Chief Constable Speirs: I have made a number of policy decisions. Are you talking about the decision going back to 24 September?

Ruth Maguire: I suppose so, yes—the main one. However, it might be helpful for the committee to hear whether the change was communicated in different ways and about the different pieces of policy that have changed.

Deputy Chief Constable Speirs: I refer back to the position that the chief constable took at the Police Authority board meeting on 26 September. That decision was made by the executive team in advance of that board meeting.

A number of arrangements are in place for how we communicate that. As an organisation, we still use memos, but we recognise that, in a large organisation that spans a third of the UK, we have to be more engaging. We would host shift briefings and hold extended leaders forums. We have an intranet, which is accessible to every employee in the organisation. There are a number of ways in which we can communicate clearly, and we are drawing on feedback from those. Those are the vehicles that we routinely use for any policy or other communication across the organisation. In our corporate communication structure, there is an entire team dedicated to internal communications.

Ruth Maguire: In terms of feedback, you spoke about an annual staff survey. What questions will be in the next staff survey to ensure that officers understand and are comfortable with the clear policy that you have laid out?

Chief Constable Farrell: The survey has a number of elements and themes. One theme is about whether people have the right direction and understand the purpose. There will not be a specific question on that point because, in order to use the survey to demonstrate progress, we need to ask the same questions on each occasion, so that we can test and measure ourselves. There are questions like, “Do you know the direction of the organisation?”, “Do you understand what your objectives are?” and “Do you have the right equipment?” There is a range of questions, but there will not be a specific question on the point that we are discussing.

Ruth Maguire: I appreciate that point in relation to getting meaningful data from a survey. How will you know that officers are clear, following the mixed messages that there have been?

Chief Constable Farrell: I come back to the 16,000-plus records of biological men committing rape. The deputy chief constable described how we have now looked across all the data systems and the work that we need to do to be really clear about biological sex and not interchanging those words with gender. We will have to do a further, strong piece of communication so that people within the organisation understand the importance of that.

A couple of days ago, we discussed the fact that technology has moved on and everybody will be familiar with the point at which you put an entry into a digital system. That can have a check and balance built into it. We will use the technology as much as we can to ensure that we can be reassured about its accuracy.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I have a question on something that I would like clarity about. After the chief constable’s initial statement in 2024, why did it take so long for a directive to be initiated and the policy to be implemented? Why was there that great long gap between then and now?

Chief Constable Farrell: I do not think that there has been a long gap. I brought clarity in September last year and shortly after that we began the work to ensure that our systems were accurate and compliant. We have used the publication of Professor Sullivan’s report and the decision by the Supreme Court to inform us further.

Rachael Hamilton: What happens next? We are talking about the review and further evidence or advice being gathered. In answer to an earlier question, did you say that the human rights commission—

Chief Constable Farrell: At some point, the Equality and Human Rights Commission is going to issue its code.

Rachael Hamilton: Is that organisation part of the oversight group, as you described it earlier?

Chief Constable Farrell: No, it is one of the bodies whose position we would take into account, in the same way that we have taken the legislation into account .

Rachael Hamilton: You said a number of times that Police Scotland has taken into account the report from Professor Alice Sullivan plus the Supreme Court decision. Is that not enough? Why do you have to wait for more bodies to give you advice?

Chief Constable Farrell: We are not waiting; we are progressing the work. However, we have done so knowing that we are waiting on two codes of practice, one in relation to stop and search and a broader one, but we have decided to use the term “interim”. When we get those codes, we can finalise the work, but in no way is that stopping the development of the work or the progress on compliance with the legislation.

Rachael Hamilton: So, members and the public can be confident that—despite the delay in the implementation since the original statement was made in 2024—this is happening right across the board, right now?

Chief Constable Farrell: My opinion differs from yours that there has been a delay. I repeat that, as a public body in Scotland, and as a police service across the United Kingdom, we have made rapid and concrete strides to ensure that we are legally compliant and we have taken the right action to ensure that people are confident, not only about the way in which we treat people, but that we are recording data accurately to make good policy decisions moving forward.

Rachael Hamilton: Does the guidance that was talked about earlier relate to the two codes of conduct that will be published? Is the guidance subject to scrutiny by the oversight group and, if so, who belongs to the oversight group?

Deputy Chief Constable Speirs: We have issued a number of pieces of guidance on policy decisions that we are making, so I am unclear which one you are pointing to, but I will use guidance on stop and search as an illustration. In recent years, Police Scotland has operated under Scottish Government guidance on stop and search in the street. However, because of all that has developed in the Supreme Court on stop and search, we have made a policy decision and issued internal guidance to our officers on that.

The Government’s guidance sits over the top of that, and we need it to catch up, but we felt that it was right and proper that we drive forward with guidance on stop and search, because it is an operational imperative and it is an imperative when individuals come into custody. That is one illustration that shows that we are bold in pushing on and doing what we believe to be the right thing in circumstances such as that.

We have taken a similar approach to our estate and the use of our facilities. We are consistent on the use of the estate, how we would adapt stop and search and how we would record in the circumstances that we have discussed this morning.

Rachael Hamilton: Will Police Scotland look retrospectively at all the data that was collected on the crime history system prior to 2018—I think that one of you gave that date—to ensure that all victims of rape and crime feel safe?

Deputy Chief Constable Speirs: Yes. We have indicated that we have a number of systems. We have data recording and weeding standards, and a number of different systems are impacted. First and foremost, is the crime system, then there is the custody system and then there is the criminal history system. We have been very clear this morning about our confidence in accurate data recording as it relates to rape and attempted rape. However, you can be assured that, given that we have intimated how important the accuracy of data recording is, if there is any sense that we need to retrospectively revisit any systems, we will absolutely do that.

The Convener: As the chief constable and the deputy chief constable have indicated that they do not have anything further to add, I thank them both very much for their attendance this morning.

Members, are we content to consider the evidence that we have heard this morning at a later date?

Members *indicated agreement.*

Annexe C: Written submission

Petitioners written submission, 25 November 2025

PE1876/LL: Accurately record the sex of people charged or convicted of rape or attempted rape

We are pleased that Police Scotland has moved to support our petition, and the wider principle of accurately recording sex across all crime types, as well trans status where relevant.

We welcome Police Scotland's commitment to following the recommendations of the Sullivan Review and to prioritising this work for approval at the Scottish Police Authority February Board meeting.

Recognising the need for consistent, reliable data and the moral imperative underpinning our petition, the Chief Constable has drawn a line under the longstanding confusion in this area and set a clear standard for other police forces to follow.

Related to the issues raised by our petition, we welcome the commitment to engage with Police SEEN (Sex Equality and Equity Network).

We hope that this balanced and respectful approach signals a fresh start for Police Scotland, not only in relation to data, but in its handling of issues around sex and gender identity more widely. To this aim, we hope that Police Scotland will move to formally recognise Police SEEN, enabling proper representation for staff and officers with the protected belief that sex matters and is immutable.

A question remains as to how the Chief Constable's predecessors and their senior colleagues allowed the capture of the force's policies and practices, to the detriment of something so basic as the accurate recording of sex in criminal investigations.

It should not have taken so many years of pressure and scrutiny to get Police Scotland to abandon its defence of recording some male offenders as women, so that this ended up in the overflowing inbox of the current Chief Constable on her taking office.

In addition to Police Scotland, our petition calls on the Scottish Parliament to urge the Scottish Government to require the Crown Office and Scottish Court Service to record accurately the sex of people charged with or convicted of rape or attempted rape. Therefore, we ask that the Committee now writes to both organisations to ask them to confirm that they will follow Police Scotland's lead and will not retrospectively alter any record of a person's sex (other than if it is clear that biological sex has been incorrectly recorded for them by Police Scotland). Although our petition did not originally mention the Scottish Prison Service, for completeness, we would be grateful if the Committee would also obtain the same reassurance from the SPS.