



Department
of Health &
Social Care

*From the Rt Hon Sajid Javid MP
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Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee
House of Commons
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Dear Caroline,

I am writing to make you aware of an upcoming Statutory Instrument (SI) which may be of interest to members of the Women and Equalities Committee.

It's the responsibility of those of us who work across healthcare to address genuine health and social concerns, no matter how sensitive the subject. It was in that spirit that the NHS commissioned Dr Hilary Cass – a distinguished paediatrician and former President of the Royal College of Paediatricians and Child Health – to make recommendations about the services the NHS provides to children and young people questioning their gender identity. We're not the only country looking at these sensitive issues, and similar reviews have been conducted in several places, from Scotland to Sweden.

Wherever you stand on these issues, we can all agree on a few basic premises. First, that young people deserve to get the best possible support. Second, that we base medical interventions on the very best clinical evidence. And finally, that the NHS has a vital role to play in ensuring all of this happens. Dr Cass' interim findings indicate we can, and must, do much better.

It is to this end that my department has today laid The Gender Recognition (Disclosure of Information) (England) Order 2022 in Parliament. This instrument makes a small change under the Gender Recognition Act (GRA) 2004 in order to facilitate the research being undertaken as part of the independent Cass Review into the provision of gender identity services for children, which was commissioned by NHS England.

Under the Gender Recognition Act 2004 it is an offence for a person acting in an official capacity to disclose information about the gender history of a person with a GRC, or information about someone's application for a GRC. The Act calls this "protected information". There are exemptions to the offence on the face of the Act, such as where disclosure is to prevent or investigate crime, or where the subject of the protected information agrees to the disclosure.

The Order will add a further exemption so that a closely defined class of people who facilitate, assist and carry out the research will be able to disclose protected information to each other during the course of their work. If the review's research was completed without access to information protected under the Act, then a significant portion of the available data on health outcomes would have to be removed from the study. This would subsequently prevent the research project from being able to provide robust recommendations rooted in the best available clinical evidence regarding how this care can best be provided. This instrument is

therefore necessary to help ensure that the provision of clinical services is rooted in the best possible clinical evidence, to improve patient outcomes.

The Order, therefore, will allow researchers working on behalf of the Cass Review to create a first of its kind evidence base that will map the health outcomes of those who have been referred to or treated by the Gender Identity Development Service (GIDS) at the Tavistock and Portman NHS Foundation Trust between 2009 and 2020. This research project will allow us to plan the provision of these services from a world leading clinical evidence base, to promote better health outcomes for those who use these important services. I firmly believe that this will help enable further debate on these issues to be informed by the best available clinical evidence which will better serve everyone, not least children.

The Department of Health and Social Care remain committed to upholding the rights and privacy of transgender people, and I would like to assure you that the data will be carefully controlled. The Order creates a tightly defined, closed circle within which protected information can legally be shared for Cass Review purposes. Only those working for a small number of organisations listed in the Order and who are involved in the research will be able to access protected information and share it with each other. Furthermore, those within this closed circle will only be able to access and share the data if doing so is genuinely necessary in order to facilitate, assist or carry out Cass Review research.

As an additional safeguard, the Order will expire after a period of 5 years which is the maximum amount of time that we believe the project will take. The Order does not allow patient identifiable information to be made public through the course of this research, and any research outputs subsequently published will be fully anonymised.

I'm incredibly grateful to Dr Cass and her team for the diligent and evidence-based way they have taken on this important task. It's vital they continue to have the space to conduct this work, and I look forward to reading her final report, which will be informed by the important research that due to this instrument will be able to take place.

If you or any other members of the Women and Equalities Committee have any concerns about this instrument, please contact my office who will arrange for you to meet with Dr Cass and the officials working on its introduction, who will be able to answer any questions you may have either on the instrument or the overall review.

Yours ever,



RT HON SAJID JAVID MP