
Ed Humpherson, Director General for Regulation

SEEN in Health Chairs
(by email)

28 January 2025

Dear Chairs,

Request to declassify NHS staff survey data

Thank you for your letter outlining your concerns regarding the [NHS staff survey](#) in relation to the use of the term ‘gender’ in certain questions.

As the regulator for official statistics, our role is to ensure that official statistics are produced in accordance with the principles of trustworthiness, quality, and value as outlined [Code of Practice for Statistics](#). We also have additional guidance for statistical producers on [Collecting and reporting data about sex and gender identity in official statistics](#). We have considered your concerns against both the Code of Practice and our guidance for statistical producers.

You raised some concerns relating to compliance with the [Public Sector Equality Duty \(PSED\)](#). As set out in our guidance, it is not within OSR’s remit to determine the requirements of relevant legislation or whether they are being adhered to and so we have not directly responded to these concerns. If you would like to take these concerns forward, we recommend that you raise them directly with the [Equality and Human Rights Commission](#).

You raised concerns about the conflation of the terms ‘sex’ and ‘gender’. We agree that there is scope for NHS England to be clearer about which concept the survey is aiming to collect and that a lack of clarity could result in the distinct concepts of sex and gender identity being conflated. Our guidance sets out that “producers should clearly explain why certain information is or is not being collected and be transparent and open about their decision-making processes and the evidence and priorities used to inform their choices”. In addition, “It is the responsibility of statistics producers to decide on and explain the definitions used within any data collections and statistical outputs.” We consider that NHS England should look to provide clearer guidance and definitions to both survey respondents and data users in future surveys.

In response to these concerns being raised, NHS England have agreed to the review the terminology used for the 2025 questionnaire. This review will take account of our guidance, the recently updated [Gender Identity Data Harmonisation Guidance](#) produced by the Government Statistical Service, and any potential forthcoming legislative changes. As the 2024 questionnaire has already been issued with results due out later in the year, the 2025 survey offers the first opportunity for NHS England to implement any necessary changes and so we welcome this commitment.

In the interim, NHS England have taken steps to insert a paragraph in the [Technical Guidance](#) to acknowledge that this is a complex and evolving area which may require changes in the future. We will continue to engage with NHS England with a view to providing support on this issue.

You requested that “NHS staff data relating to sex, discrimination, unwanted behaviour of a sexual nature, gender and sexual orientation are declassified”. As these statistics are currently classified as official statistics and not [accredited official statistics](#), it is not possible for the accreditation to be removed.

Thank you again for raising this issue with us. We will continue to engage with NHS England to ensure that any relevant questions concerning this topic align with our guidance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ed Humpherson', written in a cursive style.

Ed Humpherson
Director General for Regulation