



Our ref: WQ86690, WQ86691 & WQ86692

Laura Anne Jones MS
Senedd Regional Member for South Wales East

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Dear Laura,

Thank you for your recent written questions:

Will the Minister set out the evidence review process for materials endorsed by the Chief Nursing Officer, the Chief Medical Officer and NHS Wales?

Is it the position of the Minister, the Chief Medical Officer and the Chief Nursing Officer that sex is assigned at birth, rather than observed and recorded?

Is it the position of NHS Wales that 'intersex' constitutes a third sex?

Documentation published by Welsh Government undergoes a robust process to review evidence, impact assess and engage with key stakeholders. The NHS has its own standards and processes for publishing documentation, and endorsement of materials will be on this basis.

Biological sex is identified on standard clinical descriptive criteria and identified as male or female, specifically for the clinical purpose of sex determined health needs, such as female genital mutilation and undescended testes. Sex, as recorded on a birth certificate, therefore is usually based on a visual examination of the external sex characteristics of a new-born child by a healthcare professional.

The Public Health Wales website makes reference to “sex assigned at birth” (e.g. assigned male at birth; or assigned female at birth) in their [Information for people who are Transgender or Non-Binary](#). Some people’s gender does not match with the sex they were assigned at birth (e.g. transgender/trans). Currently in the UK, only two sexes can be recorded at birth, which excludes intersex people.

Research undertaken in preparing the LGBTQ+ Action Plan highlighted concerns from intersex people over a lack of recognition both societally and in how they are reflected in the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

way services operate. As a Government, we hope that throughout devolved policy areas, we will be able to review language of policies and guidance if necessary and appropriate to be sensitive to all.

For the purposes of most official documentation, including in healthcare settings, only a binary option is available under the heading of “sex”. Intersex people may feel that they are not truly represented by one of these options.

We want to improve the data recording and processes for maintaining intersex people’s medical records. We hope to engage with stakeholders to understand the needs of intersex people in relation to demographic and clinical data recording.

In our policy work, we use both the terms intersex and variations of sex characteristics (VSC). An intersex person, or someone with VSC, is someone who does not fit conventional expectations for male or female development in terms of anatomy or genetics.

The legal status of sex identification is beyond the remit of NHS Wales and should be considered separate from gender identity. Our preferred policy position is therefore to use the terms “intersex” or “VSC”.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services