

## **UK recommended direction of travel in relation to inclusion, or not, of the topic of gender identity in the 2021 Censuses in the UK**

### **1. Introduction**

1.1 This paper sets out current evidence available for the direction of travel on inclusion for each of the UK Census Offices of a question to collect information on gender identity, and also issues around the sex question as a respondent barrier to census completion. Additionally, it also sets out next steps and some of the key areas of evaluation and engagement to take forward the work on gender identity ahead of the different White Papers.

1.2 The paper is structured as follows and refers particularly to England and Wales unless otherwise stated: Section 2 provides some Initial concerns and considerations on the topic of gender identity; Section 3 describes the latest position on identifying the user need across the Census Offices and the evaluation criteria; Section 4 covers work that has been carried out and further work planned; section 5 covers conclusions so far; and, section 6 options for the way forwards. Section 7 covers the approach in Northern Ireland and section 8 the approach in Scotland. Note that UKCC has previously agreed “that while harmonisation should be the goal for gender identity, we should not make it essential.” (Source: UKCC Minutes, February 2017). Section 9 discusses stakeholder engagement; section 10 covers risk; and section 11 gives a short summary.

The UK Census Committee is asked to note the evidence available to date and to endorse the following recommendations, which relate particularly to England and Wales:

- 1.) to keep the sex question unchanged - See Section 6 Option 1
- 2.) To continue with our quantitative research and keep open the option on further work on the topic within the White Paper with possibility of considering legal changes - See section 6 Option 2b
- 3.) To rule out the option of dropping sex as a question from the Census and using administrative data to complete the variable instead - See section 6 Option 1.
- 4.) To further develop options allowing respondents to express their identity as part of responding to the Census but which is outside of Census legislation - See section 6 Option 3. (note for any option below further legal advice is required and it may not be possible to publish results). Options include:
  - a. Create a separate questionnaire and only promote it to the trans community – but with permission to link individuals back to census questionnaire
  - b. Inclusion of a link to another non census questionnaire from the main questionnaire
  - c. Provide a more general space on the form for census feedback – which the trans community could use to identify themselves.

UKCC views are invited on the options at recommendation 4.

1.4 This is intended to be a UK paper and presents as far as possible current plans/approaches for the three Census Offices. However, development and legislative timetables are all slightly different and as you can see from section 7 and 8, there are already divergent approaches. As a result, section 10 sets out some of the risks that may appear around these divergent approaches.

## 2 Initial concerns and considerations on the topic of gender identity

### 2.1 It may be helpful to define some basic terms:

#### *Gender identity*

Defined by the Equalities and Human Rights Commission (EHRC) in Monitoring Equality: Developing a gender identity question as the way in which an individual identifies with a gender category. This is based on an individual's own perception of themselves and as such the gender category with which a person identifies may not match the sex they were assigned at birth. In contrast, sex is biologically determined.

#### *Transgender, trans or trans\**

Umbrella terms (rather than a specific identity), used to describe those whose gender identity does not match the sex assigned to them at birth. Trans identities can take a number of forms.

#### *Non-binary*

An umbrella term for those who do not identify as male or female, or who may identify with aspects of both male and female.

#### *Cisgender*

Denoting or relating to a person whose self-identity conforms with their assigned gender - not transgender.

### 2.2 A unique issue with the topic of gender identity is it cuts across another variable already collected in the census, that of sex. Sex is a protected characteristic and therefore accurate information is needed. Sex is also used in a number of other processes, such as data linkage – critical to the Census. However, it should be noted that help guidance given for the 2011 Census suggested to those who contacted ONS and were trans to select which ever sex they wished. Around 240,000 records had sex imputed and sex had to be assigned for the further 3 million or so records added through estimation. A further issue is the public use the terms sex and gender almost interchangeably (as does the office where we speak of the gender pay gap when technically it is the sex pay gap). Indeed some in the trans community would identify their sex as the same as their trans gender, and if they have gone through the registration process in terms of the law that becomes their sex.

### 2.3 There is a lack of good quality data regarding trans people in the UK. Information sourced from an Equality and Human Rights Commission (EHRC) report based on a small sample survey suggest around 0.8 per cent of the population are transgender – with somewhere between a half and three quarters of those being a binary change (from male to female, or female to male).<sup>1</sup> The questions that EHRC use are attached at Annex A. Gender recognition statistics published by the Ministry of Justice show that over the long-term, since 2008/09, the number of applications for Gender Recognition Certificates has been increasing. In January to March 2017 56 full certificates were granted<sup>2</sup>. There are no official estimates of the size of the trans population. Those identifying in another way to than with the sex they were assigned at birth

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<sup>1</sup> [https://www.equalityhumanrights.com/sites/default/files/technical\\_note\\_final.pdf](https://www.equalityhumanrights.com/sites/default/files/technical_note_final.pdf)

<sup>2</sup> Tribunals and gender recognitions certificates statistics quarterly: January to March 2017 and 2016 to 2017  
<https://www.gov.uk/government/statistics/tribunals-and-gender-recognitions-certificates-statistics-quarterly-january-to-march-2017-and-2016-to-2017>

could be *up to* around 1 per cent according to some academic studies.<sup>3</sup> Other organisations estimate the prevalence to be slightly higher. This is equivalent in size to around 650,000 people across the UK. As a sensitive topic, it is likely that results could only be safely published at country/regional level without issues of disclosure. Outputs at Local Authority level may be possible for some areas but this would need further assessment and would depend on whether the trans population is clustered. The production of multivariate information is likely to be limited due to the size of the population of interest. User need is ideally for a minimum of local authority geographies – but the strength of this primarily relates to public sector duties under the Equality Act 2010 which technically only applies to gender reassignment and not the wider trans population.

- 2.4 Consideration has also been given to the availability of data from administrative sources. It is possible that some administrative data systems have both sex and gender (for example health records require sex for medical purposes but may also require gender for contact purposes). Work is ongoing to review alternative sources.
- 2.5 A further concern for any new question is the space constraint on the paper questionnaire. With the current direction of travel on questions, there are two new questions being seriously considered (sexual identity and veterans). Further work is being done on this, but it will be tight to accommodate these two questions without radically redesigning the questionnaire and/or impacting on the quality of the respondent experience and hence data quality. A further new question on gender identity would increase this pressure significantly and could lead to substantially changing the ordering and flow of questions.
- 2.6 In order to think about solutions UKCC might want to be aware of the following international approaches:

#### *New Zealand*

Statistics New Zealand currently collect sex with male and female options - they are exploring the possibility of collecting data on the biologically intersex. Currently there is no standardised way of collecting and storing gender identity data in New Zealand. Development is well underway on statistical standards and classifications on gender identity.

#### *Canada*

Statistics Canada (StatCan) offered the option for transgender and non-binary people to skip the sex question, on the 2016 census, by leaving it blank. They could indicate why they had left the question unanswered in the comments section at the end of the questionnaire. StatCan has made a public commitment to analyse the comments and to release a report later in 2017.

#### *Australia*

The Australian Bureau of Statistics (ABS) continued to allow respondents to report their sex as other than male or female for both paper and online forms in the 2016 Census by providing an alternative form, either online or on paper. Guidance advised respondents how to complete this question if they wanted to report an identity other than male or female. ABS has stated that they will analyse the data

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<sup>3</sup>Gender Variance in the UK: Prevalence incidence,, growth and geographic distribution (June 2009) Bernard Reed et al, Gender Identity Research and Education Society <http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUK-report.pdf>

received and publish an article on the number and characteristics of individuals who responded as other than male or female.

### **3. User need and evaluation criteria**

**3.1** Gender identity was not consulted on specifically in the 2021 Census topic consultations in England and Wales, Scotland or Northern Ireland. However, in each country respondents spontaneously raised gender identity as a topic for consideration in their response. All three countries accepted that there was a user need for data on this topic, but that further work was required before making a decision on inclusion, or not, in their respective censuses.

**3.2** Taking the example of ONS's [2021 Census topic consultation](#) 54 respondents discussed gender identity in their response. Of these, 14 specifically requested 'gender identity' to be included as an additional topic in the census. They identified need for information on gender identity for policy development and service planning; especially in relation to the provision of health services, particularly for those undergoing gender reassignment. These requirements are strengthened by the need for information on those with the protected characteristic of gender reassignment as set out in the Equality Act 2010. Others wanted to reflect that gender rather than sex was relevant and also provide visibility for those who did not view gender/sex as binary. Referring to all transgender people, Government Equalities Office (GEO) wanted to be able to measure "...how inequality, discrimination and social exclusion affect these groups". However, the consultation responses were not clear on the exact output categories required.

**3.3** The evidence provided by users for this topic in response to the consultation was evaluated against individual criterion and scored. This evaluation showed a medium user need; similar to that for national identity, the lowest scoring topic included in 2011.

**3.4** To further explore concepts and data needs ONS held a stakeholder workshop (August 2016). This confirmed a need for data on gender identity; however there were differing requirements rather than one distinct and strong data need. Data required included:

- a reliable estimate of the population identifying as trans, and
- data for those covered by the protected characteristic of 'gender reassignment'.

**3.5** The strength of user need focuses on the need for equality monitoring for those with the protected characteristics of "gender reassignment" as per the Equality Act 2010 and Public Sector Equality Duty (PSED). The need for data on the wider trans community is not as strong. Not all data needs can be met using one measure and the lack of clarity makes it difficult to design a question.

**3.6** In addition to the user need there is also a respondent concern generated by the binary nature of the sex question. At the workshop, and through other meetings, we identified that some members of the trans community consider themselves to be neither male nor female and, therefore, unable to accurately answer a mandatory binary question. Within today's society the traditional view of gender as a binary classification, male or female, is changing. There are now more varied conceptualisations and self-descriptions of gender and non-gendered identities. These can include terms such as: agender; gender fluid; trans male; trans female; genderqueer; and,

neither. Our evidence from the workshop where we asked about what different terms are used also demonstrated this.<sup>4</sup>

**3.7** Additionally there is a growing expectation amongst some of the population that they are able, or should be able, to respond on forms and surveys with a range of gender identities which reflects their self-description, not just male and female. This expectation is borne out by the results of our qualitative testing which found that participants considered the current sex question to be out of date. This is also in line with international experience where recent censuses in Australia, Canada and Ireland all came under some public scrutiny for not providing more than the binary response options.

**3.8** Public acceptability, respondent burden, financial concerns and questionnaire mode may also be assessed, however it is anticipated that the recommendation will primarily be driven by the impact on the two dimensions of data quality and the respondent need for gender identity but with attention to the potential effect on data quality of sex. Sex is currently considered to be of a very high quality with high agreement when checked in the quality survey (99.7% CI+/- 0.1%)<sup>5</sup> and with 95% CIs of 0.16% male and 0.14% females.<sup>6</sup> The delay in the quantitative testing through purdah has made the timetable tight in order to provide information quality – (both around the gender identity question and any effects on the sex question) for making a decision. We are planning to have early findings available from the quantitative testing by 1<sup>st</sup> September 2017 to meet the legislative timetable (see section 4.2 below).

#### **4 Work carried out and work planned**

4.1 Two strands of research have been taken forward to date. A summary of the findings is available in Annex B. The research strands were:

(1) Independent public acceptability testing regarding the inclusion of a question about gender identity has been conducted across the UK by Ipsos-Mori. This aimed to investigate how acceptable a question might be and give information on whether there might be a potential impact on overall response. The question shown to respondents as part of the public acceptability testing is provided below –the respondents will have already have been asked the standard question on sex as part of the background information collected in the survey. The results are described in Annex A. The work demonstrated higher acceptability than for sexual identity but also issues around responding for others and for children.

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<https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/genderidentity/genderidentityworkshopsummaryofdiscussions>

<sup>5</sup><http://webarchive.nationalarchives.gov.uk/20160105160709/http://ons.gov.uk/ons/guide-method/census/2011/census-data/2011-census-user-guide/quality-and-methods/assessing-accuracy-of-responses--census-quality-survey-/index.html>

<sup>6</sup> <http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/guide-method/census/2011/census-data/2011-census-user-guide/quality-and-methods/quality/quality-measures/confidence-intervals/index.html>

**Gender identity:**

- is the way in which an individual identifies with a gender category.
- this is based on an individual's own perception of themselves
- as such the gender category with which a person identifies may not match the sex they were assigned at birth
- in contrast, sex is biologically determined

**14** Which of the following describes how you think of yourself?

↪ This question is voluntary

↪ Please tick one option

Male

Female

In another way, write in

(2) Qualitative research around collecting gender identity carried out by ONS which helps identify issues around collecting gender identity, including the interaction with the current sex question, and will help inform the potential design of any question. This intended to investigate the quality of data that could be collected and the extent to which proposed questions met the respondent need. The high level results are described in Annex B, but it demonstrated the unacceptability of the current sex question but also the difficulty of designing an appropriate question.

4.2 A further strand of research has recently been initiated. This is a **quantitative test to assess whether there is an effect on response at the 3 per cent level** in England and Wales<sup>7</sup>. This test will provide evidence in relation to the three key areas of evaluation – impact on overall response, quality of data collected and whether it meets user need and the impact on the sex question. Testing will cover:

- i. an amended sex question (including a third response option with write in box), and
- ii. a separate gender identity question (not tested in Northern Ireland who are testing an amended sex question without a write in)
- iii. the binary sex question, as asked in 2011.

Separate samples will also take place in Scotland and Northern Ireland. In Northern Ireland two versions of an amended sex question will be tested, not a separate gender identity question. The test, being run by Ipsos-Mori, is a random sample of around 58,500 households across the England and Wales with the aim of achieving responses from 11,250. The sample is split into three groups so response rates at the 3 per cent level can be tested between the groups. The sample size for Scotland and Northern Ireland is around 15,000 for each with the aim of 3,000 responses for each.

**4.3** This testing was planned to begin at the end of the 2017 Census test fieldwork, however, the General Election has meant this will now start at the end of June 2017. The aim is to have initial results, particularly testing for any effects on the response to the sex question and on overall

<sup>7</sup> This is higher than the 2 per cent level being tested for sexual identity through the 2017 Census test.

response, by the end of August (field work finishes on 11<sup>th</sup> August) **and a more detailed report by the end of October 2017.**

4.4 The legal position coupled with the delay in carrying out quantitative testing of the effect of a gender ID question on response (because of purdah) has made it harder for ONS to arrive at an informed decision with all the evidence at this stage.

#### ***Evaluation Criteria***

The recommendation regarding whether to include a question on gender identity will be influenced by evidence about three key evaluation criteria:

1. The impact on overall response rate to the census;
2. The overall quality of data, specifically
  - i. impact on quality of data from the sex question
  - ii. quality of data from a gender identity question
3. The consideration of respondent need, given that a sex question is currently asked.

4.5 In particular, there is a need for strong evidence that including the topic of gender identity within the 2021 Census context would not have a detrimental impact on the collection of data on sex. The user need for data on sex is stronger than for any other topic (except age). The data is fundamental to the production of population estimates and projections. Estimates that are the basis for the allocation of billions of pounds to local areas by the Department for Communities and Local Government, NHS England and the Welsh Government using funding formulae. Sex is also a protected characteristic in the Equality Act 2010. Additionally, sex is also a key census variable used operationally in the imputation of missing persons.

4.6 Conclusions and initial research results from ONS outlined in the UKHWG paper suggested that there is still considerable further work required to:

- fully define the user need for data, do we need to measure different groups within the trans community, in particular is there a need to measure separately those who move between the binary categories to align with the current equality legislation?;
- develop and test questions that would meet the user need;
- ensure these questions do not have a negative impact on the sex question, and
- ensure these questions also meet the respondent need

4.7 [REDACTED]  
[REDACTED]  
[REDACTED] It is noted that the Equality Act 2010 states that a reference to a person who has a particular protected characteristic is a reference to a man or to a woman<sup>8</sup>. **This implies that any response category to a question on sex must be binary and an addition of any other category would become a gender identity question and require legislation.**

## **5 Conclusions so far**

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<sup>8</sup> This legal definition also excludes the collection of data on those born intersex.

5.1 Initial research indicates that collecting data on gender identity is generally acceptable to the general public. However, the existing questions are not considered to fully meet either the respondent need or user requirements for data.

5.2. There is still a lot of work to do in order to develop a question that is both acceptable and understandable to all respondents, and can meet the varying user requirements for data without having a negative effect on the quality of the information on sex.

5.3 Even if we were able to develop a question it is likely that the size of the population and the sensitivity of the topic could allow only limited publication and analysis. For example, it is not clear whether we could publish down to Local Authority level, which would be the minimum user requirement, and if we could we suspect that there would be limited multi-variate information available such as gender identity with economic activity at LA level. However, Census may be able to provide a first official estimate for this population at a higher geographical level (national and regional) which would be an important equality milestone.

5.4 There is a risk of impacting the collection of sex if we change the sex question. Any change to the sex question would have an impact on the quality of the data from that question, in respect of both the nature of the information collected and potentially the accuracy of the data as well. However, because of the barrier this question provides to some in the trans population, and the general perception of some in the wider public, that those who identify as trans are not able to reflect their status there is a risk in not addressing the perceived barrier the sex question poses, in that ONS could be seen as discriminatory.

## 6 Options and proposed approach for the way forward.

6.1 There are a number of options that ONS is considering in relation to the gender identity topic and inclusion in the Census.

- Option (1) – Use a variant of the sex question to collect information on gender identity by using a three option approach. This would require legislation.
- Option (2) – add an additional question on gender identity (see example in section 4.1). This would require legislation.
- Option 2(b) – keep options (1) and (2) open subject to legislation timetable and the outcome of quantitative testing by prepare a holding recommendation in the White Paper
- Option (3) – explore an alternative method of respondents being able to record their identity outside of Census legislation.

### Option 1

6.2 [REDACTED] Additionally, as noted in paras 2.2, there are significant issues to be addressed on the impact on the sex question, and thus on the overall quality of Census estimates and population estimates ,projections and other demographic indicators and our ability to report adequately on one of the other protected characteristics with the Equality Act – sex. Therefore **ONS recommends that there should be no**



## amendments to the sex question to allow identification of response categories other than male and female.

6.3 Other options considered in this space included:

- Adding a third response option, without an open text write-in
- Adding a third response option, with an open text write-on
- Converting the question to an open text write in only

Results from the quantitative test will help inform this view and certainly help to address these issues in the wider data collection system. It is unlikely, however, to fully change our view on this option in time for the 2021 Census.

A further option considered in this space is to not ask the sex question on the Census and impute the variable from linked administrative data. For unlinked records normal imputation methods would be used. This would be a risky option give that sex is a useful variable for linkage. Doing this would not provide any information on gender identity, but would remove the respondent barrier and also marginally reduce the general respondent load.

### Option 2

6.4 [REDACTED] ONS do not believe that they can develop a separate gender identity question suitable for use in the Census context that would meet the user requirement for data. This is linked to issues such as:

- Respondent burden: Collecting the data to meet the user requirement is thought to require a series of questions
- Data quality: Research has shown that questions tested to date are not understood by all segments of the population. Those who have formally transitioned and received a Gender Recognition Certificate are protected by law from being required to disclose this. There is a risk to quality of the sex question even if data on gender identity is collected via a question separate to the sex question.

Space constraints on the paper questionnaire will also prove challenging in terms of getting suitable space and location for an additional question (s).

6.5 [REDACTED] While there is a user need, this was only classed as medium using the thresholds based on the consultation scoring criteria. As a topic its overall score was reduced as it had not previously been collected (user need). Also under other considerations there was a high marking of operational impact on data quality, public acceptability and respondent burden, although the public acceptability has since been addressed by the public acceptability survey. **Therefore ONS proposes at this stage not to collect information on gender identity as part of the 2021 Census.**

### Option 2(b)

6.6 Given that we do not yet have all the evidence we would want available and this is a developing area of societal change this option would allow us to alert parliament to the issue in the white paper but not provide a specific solution giving us a little more time to make a considered decision.

### Option 3

6.7 Not collecting gender identity data on the census would require further management of user expectations, along with careful management in order to avoid public reaction to the perception of ONS excluding those who self-description of their gender identity does not fit within the binary sex question.

6.8 As a result, we have identified 3 options as to how ONS could meet the respondent need based on international practice and likely legislative constraints. None of the listed options meet the user need: Continue to collect information on sex as per 2011, but review instructions.

- 1 As above, plus in addition, collect responses other than the binary of male and female within the census context but outside the 2021 Census.
- 2 Remove the sex question from the census, so no longer collect this information, and rather use admin data to provide this instead.

These options would provide the opportunity for respondents to give details of their gendered and non-gendered identities (Option 2). This data would be captured but would not be part of the 2021 Census and therefore outside of secondary legislation activities. This approach aims to give respondents the opportunity to positively identify with a gender other than male or female without having a detrimental effect on the quality of the sex question. An approach to capturing this information needs further legal guidance and further work. Options under consideration include:

- 1) A open text write in box at the end of the form asking for feedback on the Census (paper or online) – this would be supported by either online instructions and/or helpline instructions to those querying how to respond to the sex question (this is a similar approach to that of Canada)
- 2) A separate survey sent out with the Census / linked from the online form and available on request for the paper form (this is a similar approach to the Australian Census – although there the separate form was fully part of the Census).
- 3) A separate survey could be run alongside the Census from snowball sampling with permission to link to the Census. This would work by producing a short online survey with a suite of questions around gender identity plus sufficient information to link to Census (name and address). The survey would be publicised through the many stakeholders that ONS have engaged with – with encouragement to bring in other groups.

Further testing and user research is required to understand which of these options would work best, but nonetheless **ONS recommend that this option is pursued as a way for respondents to record their identity**. If this additional approach were taken it is anticipated that outputs could not be branded as Census outputs, but rather as a research paper/figures providing a count of those who have detailed their gender as other than male or female. This will not be a census output, but will feed into the wider work on collecting information on gender identity being taken forward by the Population Statistics Division of the ONS.

## 9. Stakeholder engagement

9.1 There are obvious sensitivities around sharing the results and the intended direction of travel. The broad outline for engaging around communicating the direction of travel/result ahead of the White Papers, developed based on the evaluation timeline presented at the March UKCC meeting is the same as shown for sexual identity in the previous paper. ONS have made great efforts in identifying a wider group of stakeholders; those involved in data collection; and potential data users. And, we have kept them informed of the work we have been doing.

9.2 In addition, ONS (mainly through the Population Statistics Division (PSD)) are undertaking ongoing engagement with stakeholders on behalf of ONS on the topic of gender identity, in particularly with other government departments. For example, they are working closely with the Government Equalities Office (GEO) and Equalities and Human Rights Commission (EHRC), Department for Education

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<sup>9</sup> <http://www.scotlandcensus.gov.uk/documents/get-involved/sexual-orientation-and-gender-identity-stakeholder-meeting-minutes.pdf>

(DfE) and also the Cabinet Office, who are currently developing gender identity questions for the Civil Service People Survey.

9.3 ONS have also been liaising with other statistical institutes worldwide and other data collectors in the UK to remain informed and up to date on work around developing questions and collecting gender identity information and to share best practice.

9.4 Ongoing communication and engagement with other (potential) data users and various organisations representing those with trans and non-binary identities has also been taking place. ONS have also made contact with intersex organisations on various occasions but to date have been unable to engage with them.

9.5 This engagement includes a gender identity update event to be held in London on 29<sup>th</sup> June 2017 to communicate work to date, current position and next steps for the topic from an ONS wide perspective. This will include the difficulties we are facing including: defining the user need; the sensitivities around the topic; and, the challenges for the population as a whole. Additionally, Census is hosting open events in early July 2017 covering the direction of travel for all questions and similar messages would be shared at these events.

9.6 The development and testing plan will be updated to align with the agreed approach.

## **10. Risks**

10.1 Risks will depend on the approach taken. If a gender identity question is added and/or any amendment made to the sex question the risks are:

- (1) the quality of the information on sex may be damaged
- (2) no useful information may be collected meaning no reporting can take place – disappointing users
- (3) the questions upset some of the population damaging response, although the evidence from the public acceptability testing suggests this risk is not large.

10.2 if no change is made the risks are:

- (1) 2021 Census may be perceived as inflexible and out of date, damaging its credibility
- (2) Bad publicity from campaigns by trans groups as they are not represented in the Census
- (3) Campaigns may damage census response and/or data quality, particularly relating the sex question (for example the tick both campaign in New Zealand in 2013).

10.3 Which ever approach is taken there is a further risk to UK statistics if different approaches are taken in the different countries, depending on whether any of the risks above are realised.

## **11. Summary**

11.1 Initial results from public acceptability testing activities carried out to date are well within the evaluation criteria previously agreed at UKCC.

11.2 ONS has not yet developed a question that meets either the user or respondent need that is widely understood by the population.

11.3 As a result the ONS currently propose to collect information on sex, but review instructions and/or question wording. In addition, ONS propose to collect information on those with a non-binary gender identity within the census context but outside the 2021 Census. This information will not be captured as census data, but will assist us in developing our understanding of respondent needs.

## Annex A Equality and Human Rights Commission Gender Identity Questions

From [https://www.equalityhumanrights.com/sites/default/files/collecting\\_info\\_gender\\_id.pdf](https://www.equalityhumanrights.com/sites/default/files/collecting_info_gender_id.pdf)

<p>Q1 At birth, were you described as....</p> <p><i>Please tick one option</i></p> <p>Male <input type="checkbox"/></p> <p>Female <input type="checkbox"/></p> <p>Intersex <input type="checkbox"/></p> <p>I prefer not to say <input type="checkbox"/></p>
<p>Q2 Which of the following describes how you think of yourself?</p> <p><i>Please tick one option</i></p> <p>Male <input type="checkbox"/></p> <p>Female <input type="checkbox"/></p> <p>In another way: <input type="checkbox"/> _____</p>
<p>Q3. Have you gone through any part of a process (including thoughts or actions) to change from the sex you were described as at birth to the gender you identify with, or do you intend to?</p> <p>(This could include changing your name, wearing different clothes, taking hormones or having gender reassignment surgery).</p> <p>Yes <input type="checkbox"/> → Please go to Q4</p> <p>No <input type="checkbox"/> → END</p>
<p>Q4 Continuing to think about these examples, which of the following options best applies to you?</p> <p><i>Please tick one option</i></p> <p>I am thinking about going through this process <input type="checkbox"/></p> <p>I am currently going through this process <input type="checkbox"/></p> <p>I have already been through this process <input type="checkbox"/></p> <p>I have been through this process, then changed back <input type="checkbox"/></p> <p>None of the above <input type="checkbox"/> _____</p> <p>I prefer not to say <input type="checkbox"/></p>

## Annex B: Summary of research findings

### Independent public acceptability testing, United Kingdom

The separate gender Identity question tested was

**Gender identity:**

- is the way in which an individual identifies with a gender category.
- this is based on an individual's own perception of themselves
- as such the gender category with which a person identifies may not match the sex they were assigned at birth
- in contrast, sex is biologically determined

**14** Which of the following describes how you think of yourself?

➤ This question is voluntary

➤ Please tick one option

Male

Female

In another way, write in

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Evidence from the public acceptability research on gender identity showed that collecting information on gender identity was more acceptable than collecting information on sexual identity<sup>10</sup>:

- 79% of the UK general public considered it acceptable for a gender identity question to be asked on the 2021 Census.
- 8% of the UK general public considered the question to be not acceptable. This remained stable (a 1 percentage point increase to 9%) when considering that others may answer on their behalf, or if they were to provide an answer on behalf of another member of their household aged 16 or over (9%).
- In the context of providing an answer on behalf of another household member aged 15 or under, the proportion who found the question not acceptable increased to 17%.
- 88% of the UK general public would answer the question accurately and continue completing the household form if the question was included on the 2021 Census; suggesting that some of those who found the question unacceptable would nonetheless provide an answer if asked.

<sup>10</sup> Please see separate paper on Sexual Identity for figures related to this topic.

- 5% of the UK general public would skip the question and continue completing the household form.
- Less than 1% of the UK general public would answer inaccurately and continue completing the household form.
- Less than 1% of the UK general public would stop completing the household form and request an individual form.
- 1% of the UK general public would stop completing the household form and not submit a Census return.
- 90% of the UK general public would be able to accurately answer a question on gender identity for *all* members of their household aged 16 or over. This decreased to 84% when considering *all* members of their household aged 15 or under.

### **Qualitative research around collecting gender identity, England and Wales**

Evidence from provisional findings from qualitative research on gender identity:

- There were both cisgender and transgender participants who felt that the current sex question was out of date. However there were differing suggestions as to how it might be changed. The current question was difficult to answer for those with trans identities (including non-binary) and those who were intersex.
- There were both cisgender and transgender participants who felt that the addition of an 'Other' category was confusing. As a result it was unclear whether the question was about sex or gender – and suggestions that it needs an explanation. Non-binary people tended to be those most accepting of 'Other', but there were some comments about the term 'Other' and the stigma of 'othering'.
- Transgender participants broadly welcomed a two step approach where a sex question and a gender identity question were asked. This was considered to be an improvement to previous questions. Sex and gender were seen as different concepts.
- Specific comments on the Gender identity question within the two step approach were:
  - Cisgender participants – the purpose of asking a gender identity question was less well understood. Some said they would skip the gender identity question. Those who would answer both the sex question and gender identity question would give the same answers.
  - Transgender participants – individuals varied in their approach to how they answered the sex question and the gender identity question. Some would tick the same for both. Some may only answer the gender question and not the sex question.
- Parents of trans children who were interviewed tended to be confident they were giving the same answer as their child.