

Email to all attendees: Minutes of meeting with additions from attendees

From: [REDACTED] **On Behalf Of** Bell, Iain

Sent: 29 July 2020 07:57

Subject: Roundtable on Guidance on the 2021 Census Sex Question - 24 June 2020

Thank you to those that provided comments on the draft note. We have now finalised the note and please find it attached here. Thank you again for your attendance at the roundtable.

Iain

Attachment to email above: Revised June 24 roundtable on sex question guidance- July 2020 .docx

Note of the ONS Roundtable meeting on the guidance for the 2021 Census sex question: 24 June 2020

Attendees: [REDACTED]

Iain Bell and Susan Mangles from the ONS

Aim: For the ONS to hear the differing views of attendees on the guidance to the sex question and to discuss the next steps.

Introduction to meeting

Iain Bell introduced the meeting by stating that the primary aim of the Census was to count the full population and that the mandatory sex question on the Census (which has been asked since 1801) is one of the key demographic questions which enables this. He said that the majority of people don't refer to guidance to answer this question on sex as demonstrated by the 2019 Census rehearsal. Research shows that the few who do are from the trans and non-binary populations. The sex question is also key as one of the questions which go towards making a complete record. In order to have a valid record, two out of four of name, date of birth, sex and marital status must be complete. This means ensuring all people complete it is vital to counting the population.

Susan Mangles gave some background to the guidance on the sex question. Guidance was first introduced in 2011 at the request of the LGBT community, who along with members of the House of Lords have asked for guidance to be provided again for the sex question in the 2021 Census. Susan Mangles outlined the testing ONS had carried out for the guidance used in the 2019 rehearsal and explained how it was accessed. She made clear that the guidance is not finalised and that ONS is pleased to have input from the Roundtable participants to help with this.

Main points from Roundtable contributions where participants in turn gave their views

A summary of the key points raised is given below:

General points

- The Census is an historical document which will tell the history of that time when people look back
- The Census data should be as complete and accurate as possible.
- People filling in the Census need to be able to fill it in confidently
- It is important to be able to compare questions with previous censuses, and in the past we have not over specified how to answer

- The guidance on the sex question was only introduced in 2011, so people will always have previously interpreted the question “as they see fit”.
- Increasing awareness of the possibility of incongruence between sex and gender identity could make it more likely that the interpretation of the sex question will not be seen as self-evident in 2021 compared to previous censuses.
- There is wide-ranging support for the new Gender Identity question on the Census

Use of the Census sex variable

- The sex data is widely used and is a key demographic variable on many surveys including attitude surveys;
- The categories on Census are widely used by others as a precedent even if user needs are different.

Guidance on the sex question

The following points were made in favour of the guidance setting out that ‘sex at birth’ should be answered

- Sex and gender identity are not the same and there is a need to know both sex at birth and gender
- The guidance needs to make it clear what the question is asking
- The current guidance muddles up sex and gender, while the question is asking about sex. It is possible people will answer in terms of their gender identity rather than their sex at birth
- Accurate data on sex is required at both national and local levels. With the current guidance, at local levels - local areas have huge variations of the types of communities who live there, e.g. ethnic groups, trans communities, students- there is more risk of error
- Disaggregated sex data is important in particular for evidence-based policy in particular at small area level. Sex at birth guidance would give the least biased results
- There is no basis to assume that the proportion of people who have a gender identification incongruent with their sex is negligible, and therefore will not affect data analysis.
- Even if misclassification of sex is negligible at population level, it is likely to be less negligible at sub population level, age groups / small areas. There can be marked differences in sex ratio in small areas
- Accurate sex data is required to help understand trans discrimination as well as discrimination against women. Sex at birth guidance is therefore required to ensure accurate data is collected on women and girls. Accurate data on both sex and gender identity is required to protect the interests of all people, including those who identify as trans or non-binary.
- ‘Sex recorded on your birth certificate’ is uncontroversial and the term is already used in guidance for the gender identity question

The following points were made to raise concerns about the guidance setting out that 'sex at birth' should be answered

- Sex at birth guidance means that there will be a break in the data series on sex, which has been collected since 1801 on a self-identified basis. This is of concern to researchers who require data on a consistent basis with previous censuses
- It would be possible to disaggregate sex at birth data from the data on sex and on gender identity if sex is self-identified
- Most people answer the sex question without guidance, the guidance is aimed at the trans community to help them answer the mandatory question
- Sex at birth guidance could conflict with the human rights of the trans community
- There is a risk that members of the trans community will not answer the sex question if it based on 'sex at birth', nor go on to answer the rest of the census, so being lost from the data entirely
- Historically, trans people would have answered the question based on how they presented themselves publicly

The following points were made in relation to the current draft guidance

- The current draft guidance makes the question inclusive so every-one can answer, including some of the most vulnerable in society. This information is key to collecting data to address inequalities
- It also helps minority groups, who have difficulty being heard, to complete the Census. Their voices are less likely to be heard if they don't fill in the Census
- The guidance needs to be clear that you can identify as you wish, and shouldn't refer to legal documents as the current draft guidance does
- People face considerable difficulty to change their legal gender and the current draft guidance enables people to participate in the Census and answer questions without a gender recognition certificate
- The current draft guidance along with the new gender identity question means that we can look in detail at the population, at same time not break the sex question series
- The guidance has been cognitively tested and used in 2019 rehearsal
- The draft guidance implies that sex and gender are the same thing as you can answer as you want
- The guidance should be explicit about variations of sex characteristics, sometimes known as intersex

The following points were made on the issues around conflating sex and gender

- By conflating sex and gender the needs of women and girls are ignored and makes it difficult to provide the appropriate services they need.

Legal sex question

- There is no one definition of sex, so guidance could be based on legal sex, however, gender minorities are less likely to answer this question if asked on a legal sex basis

A combined sex/gender question

- YouGov stopped binary sex data collection as a result of confusion
- There is little shared understanding of sex and gender so some researchers would have recommended a single combined question, i.e. a combined sex and Gender identity question

Separate GI and sex question

- Separate questions on sex and gender may confuse some people

Gender identity question

- There is wide-spread support for the new gender identity question, the importance of collecting accurate data on the trans community is recognised
- To understand the gender identity answers, there is a need to understand the sex question (i.e. need to know if it is sex at birth),
- Important that the sex question guidance is inclusive to ensure that trans communities feel comfortable completing the Census, allowing the new data from the Gender Identity question to be accurately collected.
- The gender identity question has been widely tested

Accessing services

- Trans people tend to access services in line with their identity and data needs to be collected on this basis
- Provision of services for women requires accurate data on women / children

Equalities

- The Census provides an opportunity to address structural inequalities: for example, women's inequalities in the workplace and on the gender pay gap; the inequalities the trans community face – it is difficult to measure this accurately without accurate data on both women and the trans communities
- Data is required to enable public bodies to play their part in making society fairer by tackling discrimination and providing equality of opportunity for all

Way forward discussion

Iain Bell thanked attendees for their contributions and summarised by saying that the most important aspect of the Census is that every-one is counted. He said that the target response rate was 94% nationally and 80% locally in all local authorities, with minimal variation within local authority area. From the contributions there seemed to be general agreement on this and also on the addition of the gender identity question. He noted that in testing, the gender identity question was well understood, and response rates were not undermined by the addition of this question.

Iain Bell however acknowledged that there were different views on the guidance for the sex question. There was no guidance for the sex question until 2011 when guidance was added at the request of the LGBT community. The draft 2021

guidance which was used in the 2019 rehearsal is not yet finalised and is worded similarly to that used in 2011.

Some concerns were expressed that the quality of the sex data would be undermined with the sex question guidance as currently drafted. It was noted that sex is a protected characteristic under the 2010 Equality Act, as is gender reassignment and we need good quality data on both sex and gender identity.

There was acknowledgement that it was important to maximise response rates but at the same time it was important to have accurate male/female data as well as accurate trans-status data.

Others around the table were concerned that there would be a break in the sex data series if the guidance was changed to 'sex at birth', which would have a negative impact on their research though it was also noted that, for most of the history of the census, there was no guidance to accompany the sex question. Others noted that continuity of a survey series is not just continuity of the question wording, sample-selection rules, etc, but, rather, the interpretation of these devices in the light of social change. People in the 1800s would have been unlikely to have questioned whether or not they should answer the sex question in terms of natal sex. However, historically people were likely to complete the sex question on the basis of their public presentation of their gender.

Some felt that it is important to have an inclusive sex question and the guidance needed to reflect that. There was a danger that the trans community would not answer the sex question if it was 'sex at birth' and would not continue with the other questions on the Census. This would put the quality of the gender identity question at risk as well as the population count. However, it was also noted that some other respondents (potentially women in particular) may not answer the sex question if it is framed in terms of self-id. It was also noted that inaccurate responses could be more damaging to data quality than missing data.

One option put forward is to revert to no guidance, which means that the data series will remain comparable. However, this would make 2011 different from the other censuses.

Iain Bell suggested a way forward would be further research and testing focused around the key criteria of ability for all respondents to answer and accuracy of data. The Roundtable attendees asked that the sample for testing should be selected randomly so as to be representative of all the population groups and asked that ONS included in the testing of the guidance 'sex at birth' as well as the 2019 rehearsal guidance. Iain Bell also mentioned the importance of community engagement in encouraging participation in the Census.

Conclusion

Iain Bell thanked all attendees again for attending the Roundtable and for their contributions to the discussion. He said that as consensus had not been reached on the guidance for the Census sex question, the Roundtable agreed that ONS should organise further research and testing. The research proposals would be shared with the group along with the results.