

# Equality Impact Assessment for the 2021 Census

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Public sector bodies must, under the Equality Act 2010 (the Act), have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic\* and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The “due regard” element of the public sector Equality Duty (PSED) allows consideration to be proportionate. It is also clear that there is no requirement to give priority to equality matters over other necessary considerations, such as the overall quality of the census.

This Equality Impact Assessment is based on the design as currently understood in the White Paper. As further design decisions on the census are taken, the Office for National Statistics (ONS) will refresh the Equality Impact Assessment.

The census by its very nature is designed to include everyone. One of its core purposes is to support decision-makers and provide access to data to support equality monitoring. This is subject to the questions meeting our evaluation criteria and that the overall quality of the census is high. The design of the census has been carried forward with this in mind.

\* The relevant protected characteristics are **age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation**. Since **marriage and civil partnership discrimination** is unlawful in employment (only) under the Act, consideration of that characteristic forms part of the PSED under (a) to that extent and need not be considered under (b) or (c).

# Evaluation of the equality impacts of the 2021 Census

## Elements of the public sector Equality Duty applied to census proposals

There are two main considerations for us in evaluating the equality impacts of the census.

- 1) Are our proposals on the information we wish to collect from the census in accordance with the Equality Act 2010?
- 2) Is the operation of the census in accordance with the Equality Act 2010?

## Census and Data Collection Transformation Programme strategic aims

The strategic aims for the 2021 Census are based around the following success criteria. The census supports decision-makers throughout the country, with:

- results that reflect the country we live in today by meeting our quality targets which are as in 2011:
  - nationally accurate as measured by a confidence interval of +/-0.2%, with bias less than 0.5% for England and Wales
  - high-quality locally with 95% confidence intervals for all local authorities of +/-3%
  - minimal variation within Local Authority area
  - response rate targets of 94% nationally and 80% locally in all local authorities, to support these quality levels
- outputs that are timely and easy to use (first results within a year)

The census is designed with respondents at the heart to meet the needs of high-quality data for decision-makers:

- the census is easy to complete, and rewarding for respondents, so 70% provide data without follow-up
- ONS protect respondents' data ensuring it is used for statistical purposes only and we are seen to protect respondents' data in everything we do
- the census data reflects the needs of today's society, will be predominantly online with 75% of responses provided online, and assistance provided to those who need it, to make this the most inclusive census ever

The Census and Data Collection Transformation Programme will give value for money by:

- delivering benefits of at least five times the cost of the Census and Data Collection Transformation Programme Business Case
- delivering the widest possible transformation of the capabilities of ONS through transformation of our digital and data capabilities, use of integrated data and modernised collection of business and social survey data where it is needed
- developing new skills and capabilities to support new ways of working, ensuring we can collect through surveys the data that surveys are best suited for

In assessing our equality impact, we are fully considering the impact on the success criteria to ensure that we have fully balanced our due regard under the Equality Act 2010 and a successful census.

The proposals on the information we wish to collect are wider than just the census and the assessment has been carried out against the full range of our proposals.

## Operational considerations

A comprehensive workstream is in place to consider what targeted action is needed for a wide range of groups identified as needing specific attention. This is to make sure we do all we can to ensure return rates reflect the population. These include groups defined by particular ethnicity (which may for example indicate need for translations) or religion, people with specific disabilities, groups defined by age, and others (such as persons sleeping rough).

Where appropriate, operational changes have already been designed in. For example, the telephone contact centre has the provision for capturing data over the phone for those with poor language skills. We are also letting a contract for translation services to ensure that we can reach as wide a range of people as possible. However, the design is progressing and we will be modifying further as we design.

## Differences between the online and paper census questionnaire

Without mitigation, there is a potential risk that the experience of completing the census form will be different between the online and paper questionnaires. Some of these differences will not be apparent at the time of completion. The key considerations are that:

- the entire paper form will be visible to the person completing them, including questions that are inapplicable (such as employment questions for children). There will be cases on the paper form where response options are provided

alongside write-in boxes which have traditionally been used to enable people to enter choices for which no tick-boxes are provided (for example in questions on race or religion)

- the online form provides the opportunity to make the respondent experience simpler. For example, by routing respondents round questions which are inapplicable and by providing technological help such as write-in boxes, with smart search-as-you-type capability on drop down lists, in place of tick-boxes. This would enable a wider range of choices to be suggested than can practically be provided on the paper form. The extent of these differences still has to be decided

Online completion could therefore be a superior experience, and provide better data, than the paper experience.

Unless action is taken, this will affect some to a greater extent than others. For example, some older respondents (who are likely to have lower digital skills and live in rural areas with low levels of internet access), ethnic minorities with less command of English language, those with a disability that makes online completion more challenging, and those with lower digital skills generally. The potential disadvantage that we are seeking to mitigate is that such people will find it harder to provide accurate data and that the census data for these groups are compromised causing disadvantage.

However, mitigatory action is in hand, to ensure that there is help available in a range of forms for people who want to complete online but have difficulty, and that everyone can complete the census in the way they choose. This includes a strong Assisted Digital offering (providing assistance with online completion of the questionnaire), paper questionnaires available on request and a telephone completion service. Finally, the census is a household form, meaning others can complete the questionnaire on behalf of those who need assistance. This range of improvements is designed to ensure that there is a number of routes available for supplying high-quality data.

There is no added risk of prosecution for non-completion of the return for those who are less able to use the online census. This is because adequate arrangements for completion will be in place and a paper form suiting their needs and designed for ease of use and accessibility will be available. The individual's data, once supplied, will not be used in association with any decision about the individual. The data are for statistical use only, so no practical disadvantage occurs for the individual after the data are provided. The main issue is that the needs of particular communities identified would be less well supported by data for the design of services than others, unless other means of filling those gaps can be identified. Work is being done to find other ways of gathering data.

A failure to use technology in improving the data gathered by the census, on the other hand, would limit the contribution the census can make to identifying disadvantage. This would not enhance the experience of those who prefer, or are limited to, paper responses beyond what will in any case be available to them. Since we cannot, in practice, remove the fundamental risk (the lack of digital skills or low levels of internet access in particular communities), the optimum solution may be to do the best we can to help everyone complete the census as fully as they can in the way they find easiest.

This is in line with our existing intention to support all respondents with completion through whichever channel they prefer. Our intention is to ensure that all communities are able to take part to the fullest extent possible and to encourage all communities to make maximum possible use of the online route to completion. It will be possible to get help to complete the form online or on paper at home. It will be possible to get help or complete the form by telephone or online through the contact centre, with access to interpreters and translations of supporting materials.

## **Accessibility / assistance**

Technology will need to provide accessibility for those with particular disabilities and other needs which make census completion online difficult. Technology will need to provide accessibility for others who have a protected characteristic associated with reduced internet access or low technical ability. Special assistance will need to be available to those who wish to, or need to, fill in a paper questionnaire but will have difficulty, for example because of disability or low literacy skills. Mitigation that is planned will include measures to ensure high completion rates across every subgroup of the population. This will be achieved by ensuring the ready availability of paper forms for those who need them. Good use of techniques will be utilised to ensure excellent online accessibility (for example in relation to various forms of visual and other disability), with a high-quality online questionnaire and guidance. Availability of telephone and field staff support (for example for people with few digital skills) is planned, as well as easy access to translation. The adequacy of the measures put in place will need to be reviewed as the detailed census arrangements are developed.

## **Staffing issues**

The intention is to recruit the field force through fair and open competition, and that they should be employees of ONS. There is also an intention to ensure that the field force is recruited as far as possible to reflect the community where it operates. For example, in Wales, the field force will include Welsh speakers. This will ensure fair recruitment and help ensure maximum effectiveness of the field force in obtaining high response rates to the census.

## Processes / criteria

Proposals for the content of the 2021 Census were the subject of a public consultation issued in 2015. The response was published in 2016 and can be found at:

[The 2021 Census – Assessment of initial user requirements on content for England and Wales: Response to consultation](#)

A further report on the continuing research on topics was published in 2017 at:  
[2021 Census topic research: December 2017](#)

These documents, and other website material, set out for the public the details of the testing and consideration of each proposed question.

Proposals for new content have been considered in light of the criteria set out in the following table.

User requirement	Other consideration – impact on:	Operational requirement
<ul style="list-style-type: none"><li>• Purpose</li><li>• Small geographies or populations</li><li>• Alternative sources</li><li>• Multivariate analysis</li><li>• Comparability beyond England and Wales</li><li>• Continuity with previous censuses</li></ul>	<ul style="list-style-type: none"><li>• Data quality</li><li>• Public acceptability</li><li>• Respondent burden</li><li>• Financial concerns</li><li>• Questionnaire mode</li></ul>	<ul style="list-style-type: none"><li>• Maximising coverage or population bases</li><li>• Coding of derived variables and adjustment for non-response</li><li>• Routing and validation</li></ul>

These considerations are to be considered alongside constraints such as the limited space available on the paper form, and the length and complexity of guidance that would be needed.

Alongside this specific attention has been paid to analysis of the equality impact of the questions directly concerning each of the protected characteristics. This has included use of external consultants to help identify any gaps in our consideration.

Where initial consideration has not led to anticipation of significant potential impact on PSED issues, no further specific work has been done on equality impact.

# Consideration of particular proposed questions

## Age/date of birth

### Proposal

ONS is proposing to retain the question on age / date of birth from the 2011 Census.

### Assessment

No specific equality impacts have been identified by asking this question either through our stakeholder engagement or through asking this question in the past. However, some of the older population may need help. Special assistance will be made available both to those who wish to fill the census in online and those who need to fill in a paper questionnaire but will have difficulty. We will ensure:

- the ready availability of paper forms for those who need them
- good use of techniques to ensure excellent online accessibility (for example in relation to various forms of visual and other disability)
- a high-quality online questionnaire and guidance
- telephone and field staff support (for example for people with few digital skills)
- easy access to translation

We will keep under review the adequacy of the measures put in place as the detailed census arrangements are developed.

## Disability

### Proposal

ONS is revising the long-term health and disability question in the 2021 Census in line with international best practice. In addition, we are exploring the availability of alternative data sources from administrative and survey data to provide more detailed and richer data on people with disabilities.

### Assessment

Stakeholders informed us that the 2011 Census question should be updated to reflect best practice on collecting information on disability. We are working on a revised question based on the Government Statistical Service (GSS) Harmonised Principle, which was developed in 2011 (after the last census) following broad consultation with government departments and disability groups. The revised question will extend the 2011 Census question and will cover the respondent's ability to carry-out day-to-day activities.



**GSS harmonised question on disability:**

- (i) Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more? (Yes/No)
- (ii) Does your condition or illness/do any of your conditions or illnesses reduce your ability to carry out day-to-day activities? (Yes, a lot/Yes, a little/Not at all)
- (iii) For how long has your ability to carry-out day-to-day activities been reduced? (Less than six months/Between six months and 12 months/ 12 months or more)

Some users, notably the Equality and Human Rights Commission, asked for the disability question to cover different types of disability. There is concern that failure to gather this information limits the ability of service providers and others to plan services appropriately for people with different forms of disability. There are also concerns that terminology used in the question will result in some people with particular forms of disability (for example deafness, fluctuating or progressive conditions) not responding and so being undercounted. A question based on the GSS Harmonised Principle which asks about ability to carry-out day-to-day activities which is being tested should help with this.

It is doubtful whether an expanded question is the best way of seeking this information. Scotland included a question on types of disability in their 2011 Census which had a high non-response rate of 15.2%. Similarly, asking a question on the nature of disability in the 2007 Test had an adverse effect on the question on long term limiting illness resulting in a 15.4% non-response rate.

We have reassessed the score for user need regarding a detailed breakdown of disability. Against our criteria, this new question does not score highly enough for inclusion. After careful consideration, we feel that the needs of users can best be met by using the GSS harmonised question in the census and using alternative survey and administrative data sources to collect information on different types of disability.

Initial feedback from the independent review of our equality assessment work suggests we have an accurate broad understanding of the risks. Further work will be undertaken with disability groups to be sure that we fully understand the potential impacts. That work is in hand. We shall be working with stakeholders to further increase our understanding of the specific issues to ensure our administrative data agenda fully meets their needs. We will also develop good-quality guidance and promotional material to help gain co-operation of community

group representatives. We want them to explain to their communities the benefits of taking part in the census to encourage high response rates.

There is also a risk that terms in the question may be less well understood by people whose first language is not English, or by particular groups of disabled people, reducing the usefulness of this question for these groups. Special assistance for those who need help, (for example because of disability or low literacy skills) will be made available both to those who wish to fill in the census form online or need to make a paper return. We will ensure:

- the ready availability of paper forms for those who need them
- good use of techniques to ensure excellent online accessibility (for example in relation to various forms of visual and other disability)
- a high quality online questionnaire and guidance
- telephone and field staff support (for example for people with few digital skills)
- easy access to translation.

We will keep the adequacy of the measures put in place under review as the detailed census arrangements are developed.

## Gender reassignment

### Proposal

ONS proposes to have a new question on gender identity for individuals aged 16 years and over, alongside the existing question on sex. We are testing question designs now and subject to that testing, propose that a caveat should be included in the sex question to explain that a gender question will follow later, as this has been found to increase acceptability amongst the [transgender and non-binary population](#).

### Assessment

A question on gender re-assignment or gender identity would help service providers identify areas of disadvantage associated with this characteristic (though possibly only at national level).

There are difficult issues of definition. Gender reassignment in the Equality Act 2010 is narrowly defined and relates to a process of changing physiological or other attributes of sex. More widely, there are a range of people who wish to claim a different gender identity from the sex recorded on their birth certificate. Gathering data on gender reassignment in the same terms as the Act would provide data directly comparable with the protected characteristic, which would best serve

consideration of the matters set out in the public sector Equality Duty (PSED). Using broader terminology in a question would not reflect the protected characteristic precisely but would provide insight into the wider community of which transgender individuals are a part (but which is beyond the scope of the PSED). Stakeholders strongly support going beyond the definition in the Act.

A key consideration is that a person's gender identity may be unwantedly revealed to family members through the completion process. We've addressed this by providing the option for those who want to privately respond to request a new unique access code.

Testing is underway, which will help develop our understanding further and ensure we get high-quality returns and protect privacy.

Privacy concerns and risks arising from third-party completion can be reduced by availability of individual response forms and support for individuals through help such as good guidance, access to translation and assistance with completing census forms.

As with the question on religious affiliation introduced in the 2001 Census, we believe the question on gender identity should be voluntary, that is, no one should have to answer the question if they prefer not to. The voluntary nature of the question will help to reduce disclosure risks. The government and UK Statistics Authority will consider the appropriate mechanism to ensure the question is voluntary.

There would be a risk to data on sexual orientation and sex, if inclusion of a gender identity question caused confusion about male and female categories. This would affect the value of the census in respect of those protected characteristics. Sex is defined in the Act as whether a person is a man or a woman. Sexual orientation is defined as a person's orientation towards a person of the opposite sex, same sex, or either sex. These concerns are addressed by keeping the sex question as it is.

Limiting the question to persons aged 16 years and over will mean any people under that age who wish to record their sexual orientation cannot do so. However, a question limited in this way is more acceptable.

## Marriage and civil partnership

### Proposal

The 2011 Census question on marriage and civil partnership has been redesigned to allow for and record marriage of same-sex couples. The detail of the question is being tested.

### Assessment

The redesigned question will supply useful new data for policy formulation. There may be some small impact on groups who find the redesigned question hard to understand or who resist the concept of marriage of same-sex couples (which may be more likely among particular religious groups or the elderly), if their response rate to the census is reduced as a result.

The redesigned question will not allow people who reject the binary male and female categories to answer as they might wish, which may be more common in the transgender community. If these reactions caused completion rates among these groups to fall, they would be disadvantaged.

Good guidance across the board will mitigate difficulties understanding the question and explain why the response options are as they are. All communities will be encouraged to complete the census through communications activities and help.

We are currently undertaking testing of the revised question. Even if, unexpectedly, a successful revision could not be devised to enable separate identification of same-sex married couples, using the 2011 Census question version would still allow same-sex married couples to record themselves as married. However, the question in itself would not then allow separate identification of same-sex married couples to aid development of policy.

## Race (ethnic group/national identity)

### Proposal

ONS recommends including an additional response option for the Roma community. We will work with the Roma communities, supporting Roma organisations to provide support for local communities and raise awareness of the Roma response option. Other communities will be supported by write-in options, assisted in the online questionnaire by smart search-as-you-type technology, and targeted support.

### Assessment

Gathering details on ethnic group and national identity are crucial to understanding inequality associated with race in the UK.

There are detailed design issues. A total of 55 new tick-boxes were requested for the 2021 Census (see Annex C for a full list). These cannot all be provided. Subsequently this will result in an undercount of groups not provided with one. Particularly strong concerns have been raised by the Roma community, elements of the Sikh community, and the Cornish community. The Somali and Jewish communities have also been considered in detail. Options for specific response options are evaluated by means of a prioritisation tool (first used in 2011 – see details in Annex B), alongside engagement with stakeholders to understand specific requirements, comparability of data and operational impacts of changing the question for collectors of data.

Demand for specific response options in this area also reflects a symbolic value which some communities place on having a response option. This is because they see this as “recognition”, and that goes beyond the need to produce data on the basis of the statistics we gather from the census. Write-in options do not hold this value. In addition, the census response options are often picked up and used by others seeking similar information (for example businesses or event organisers when providing services and facilities). Our decisions can therefore have unexpected impacts elsewhere.

There is some risk that fear of using a particular response option (for example arising from a fear that people of their particular ethnicity may be targeted for unwelcome official action of some kind) may lead to undercount of some groups.

Risks of undercounting arising from not having a specific response option or fear of completing the question will be addressed by a write-in option (on paper), and use of smart search-as-you-type technology (on the online form) for both ethnic group and national identity questions. Providing good information on the census, including its purpose, confidentiality, and its completion, with guidance available in a wide range of appropriate languages would also help address undercount issues and ensure high return rates.

We undertook detailed research into three other possible ethnic groups for inclusion into the 2021 Census. These were, Sikh, Jewish and Somali.

Our research and evidence for these groups showed that in the ethnicity section:

- the Jewish participants would prefer to have a ‘Jewish’ option only in the religion question
- while leaders of Gurdwaras reported they wanted a Sikh tick-box in the ethnicity question, our community-based research showed that the majority of participants from the Sikh population did not find it acceptable to have a tick-box, and we consider the estimates of the Sikh population can be met through data from the Sikh religion question tick-box
- singling out Somali as the only African ethnicity was seen as unacceptable

Further details are given here.

## Sikh

There are differing views within the community as to whether a tick-box should be added to the 2021 Census, and views on each side are passionately held.

ONS was made aware of a survey of Gurdwaras enquiring about acceptance of a Sikh ethnic group tick-box and initial results show high acceptance for the idea. The survey questions implied that having a tick-box would be favourable, and hence further, independent research was undertaken to further understand the need and acceptability of the Sikh tick-box within the ethnic group question.

Focus groups were conducted, with over 50 participants from Leicester, Birmingham and London who were spread across age, gender and life stages. These found:

- that the inclusion of a Sikh tick-box, without other religion tick-boxes, within the ethnic group question was viewed as unacceptable – particularly amongst younger, second generation participants
- a small number of older, male participants were keen to express their Sikh identity with an ethnicity Sikh tick-box and many stated that it was one of the most important aspects of their background
- there was increased respondent burden with some participants confused about having to choose between an 'Indian' and 'Sikh' identity and felt that they were being asked to make a 'choice' when they felt they were both

Additional, quantitative survey findings show there is no evidence that the religious affiliation and ethnic group questions are capturing different Sikh populations. All respondents who stated they were ethnically Sikh (in question versions with or without a Sikh tick-box) also stated their religious affiliation was Sikh. This is in line with findings from the 2011 Census data (where only 1.6% of those who had recorded themselves as ethnically Sikh had a religious affiliation other than Sikh).

## **Jewish**

Following focus group testing through an external research agency on the ethnic group question, there was a strong consensus that a Jewish tick-box is unacceptable, irrespective of placement, and may cause people to question the census. Any reference to singling out or segregating groups ethnically, was unacceptable in an ethnic group question. However, respondents would still be likely to record themselves as 'Jewish' under religion as this is how they were accustomed to communicating their identity.

Stakeholder engagement with the Board of Deputies of British Jews and the Institute for Jewish Policy Research has shown that there are concerns around changes which might result in users being unable to tell if changes to data are due to a genuine population change or change in approach.

## **Somali**

Stakeholder engagement showed strong support for a Somali tick-box to obtain better Somali data. However, the focus groups, which were conducted by an independent research agency, found that the inclusion of a Somali tick-box, without other African ethnicity tick-boxes, was viewed as unacceptable. The addition of a Somali tick-box resulted in participants feeling they had to choose between being African or Somali.

Concerns have been raised that our guidance on harmonisation means some groups are not captured across equality monitoring in public services. This means needs are hidden and there is a potential for discrimination. We will be revising our guidance to ensure that public services are fully aware of their duties. In addition, our proposals will ensure that equality monitoring is carried out for all protected characteristics through use of the powers under the Digital Economy Act 2017.

No impact on other protected characteristics is foreseen.

## Religion or belief

### Proposal

The census first included a question on religion in 2001. ONS intends to have the same question on the 2021 Census to provide continuity with the 2001 and 2011 Census results. The same response options will be included on the question, which will remain voluntary, although we are considering some small changes to the way these are presented.

### Assessment

A question on religion has been asked in the census since 2001. The question is voluntary, and the data enable multivariate analysis using this protected characteristic.

There are detailed design issues, including difficulty for those individuals who regard themselves as non-religious but hold a strong philosophical belief (for example humanists). Such beliefs are included in the “religion or belief” characteristic protected under the Equality Act 2010. The question as currently proposed requires such individuals to record themselves as “other” or “no religion” and a proportion choose to write in their particular belief in the “other” write-in box. While smaller religious groups are also required to write in their preferred answer, they are not disadvantaged to the same extent, as they regard themselves as religious, and so will not be additionally put off by use of that term. Generally, the use of write-in boxes can lead to under-counting on paper-based systems. With online help, search-as-you-type and local/community engagement, these effects will be mitigated

There are similar “recognition” issues to those that arise for race/ethnicity, leading to more demand for tick-boxes than can be met. The Jains, for example, strongly wish to be recognised in this way. No other negative impacts on religion and belief groups are anticipated as a result of running the census, and no impacts are anticipated on other protected characteristics.

We explored changing the wording of the question to explicitly include the concept of “belief” in 2011. The testing showed that including the term “belief” within the question changed how respondents thought about religion, affecting the data then supplied. The need for continuity of data therefore argues against such a change.

Signposting and explaining the use of the write-in option ensures that those who choose to record themselves as humanist or as of other belief groups can do so. The use of write-in options and smart search-as-you-type technology will mitigate the impact of not having specific response options. Good guidance and support for people completing the census will help mitigate the undercount for belief and smaller religious groups.



We will be working with stakeholders to further increase our understanding of the specific issues. We will also develop good-quality guidance and promotional material to help gain co-operation of community group representatives. We want them to explain to their communities the benefits of taking part in the census to encourage high response rates.

## Sex

### Proposal

ONS proposes that the sex question remains unchanged. Subject to successful testing, we propose that a caveat should be included in the sex question to explain that a gender question will follow later. This has been found to increase acceptability amongst the transgender and non-binary population.

### Assessment

Maintaining the current question is important to preserve continuity of data in respect of the protected characteristic of sex. The question on sex (male or female) is established in the census, and it is essential to the evaluation of inequality related to that protected characteristic. Consideration has been given to amending the question to reflect a wider range of options, given that there is greater recognition than previously of individuals who reject the traditional “binary” view of sex. Nevertheless, the protected characteristic of sex as defined in the Equality Act 2010, and as relevant for the PSED, is whether a person is a man or a woman. This binary concept of sex is, in turn, fundamental to the Equality Act 2010 definition of sexual orientation and of gender re-assignment, and to the law on marriage and civil partnership and many other matters. Consideration of this question therefore needs to take these factors into account.

Amending the basic question to include other options, while of benefit to those individuals who reject the binary view, would threaten continuity of data, though that impact could be reduced by good design. There is a risk that redesign could increase the number of mischievous answers and generate uncertainty, as well as causing difficulty with third party completion.

There may be some negative impacts if rejection of a third category causes some census respondents to fail to respond or respond less fully. Such effects would be greater in some religious groups and amongst older members of the population. This would result in undercounts of these groups. Similarly, any confusion arising from misunderstanding of the revised question by people for whom English is a second language could cause difficulty. Instructions to respondents drawing attention to a later question on gender identity is likely to help mitigate negative impacts.

We will be working with stakeholders to further increase our understanding of the specific issues. We will also develop good-quality guidance and promotional material to help gain co-operation of community group representatives. We want them to explain to their communities the benefits of taking part in the census to encourage high response rates.

## Sexual orientation

### Proposal

ONS recommends introducing a new question enquiring about an individual's sexual orientation.

### Assessment

A question on sexual orientation has not previously been included in the census. Asking a question on sexual orientation for the first time would allow census data to be used directly to identify potential inequality associated with that characteristic through multivariate analysis of the census data. The decision to recommend a question for inclusion in the 2021 Census is based on the outcome of this testing alongside the strength of user need for this topic. The testing has shown that it would be broadly acceptable to include a question on the census and that it will deliver good-quality data with minimal effect on overall response. We will continue research to further improve the implementation of the question and the subsequent quality of the data collected.

There are potential disclosure risks associated with asking a question on sexual orientation. This is especially the case with young adults in households, or people who for one reason or another (for example age or disability) need help completing the form, or who need someone else to complete the form for them. There are risks of under-recording (reducing the benefit of asking the question) in certain circumstances. For example, in households where the person completing the form for the household does not ask members how they would wish to reply, or where other individuals in the household do not wish to be open about their sexuality.

We can mitigate the disclosure risks by providing good guidance to people completing forms on others' behalves. The fact that individuals will be able to request their own form to fill out for themselves if they wish will also mitigate disclosure risks and, to an extent, under-recording (since anyone who wishes to record their orientation without telling family members can do so).

As with the question on religious affiliation introduced in the 2001 Census, we believe the question on sexual orientation should be voluntary, that is, no one should have to answer the question if they prefer not to. The voluntary nature of the question will help to reduce disclosure risks. The government and UK Statistics Authority will consider the appropriate mechanism to ensure the question is voluntary.

Limiting the question to persons aged 16 years and over will mean any people under that age who wish to record their sexual orientation cannot do so. Such a question for persons aged under 16 years would carry a much higher risk of being unacceptable to respondents. It is permissible to treat persons aged under 18 years differently from others, when providing services or performing public functions, under Section 28(1)(a) of the Equality Act 2010. Other sources of data may be more appropriate in this case.

Provision of good information to the public about this question will also help ensure undercounting risks are minimised. We will be working with stakeholders to further increase our understanding of the specific issues. We will also develop good-quality guidance and promotional material to help gain co-operation of community group representatives. We want them to explain to their communities the benefits of taking part in the census to encourage high response rates.

### **Other protected characteristics**

No impact is anticipated on any other characteristic.

# Annex A

The public sector Equality Duty is as follows:

## s149. Public sector equality duty

- (1) A public authority must, in the exercise of its functions, **have due regard to the need to-**
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
  - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
  - (a) tackle prejudice, and
  - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to-

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

# Annex B

## Race question prioritisation tool

### 1 Strength of user need for information on the ethnic group

- 1.1 Group is of particular interest for equality monitoring and/or for policy development (for example particularly vulnerable to disadvantage)
- 1.2 Group is of particular interest for service delivery

### 2 Lack of alternative sources of information

- 2.1 Write-in answers are not adequate for measuring this group
- 2.2 Other census information is inadequate as a suitable proxy

### 3 Clarity and quality of information collected and acceptability to respondents

- 3.1 Without this tick-box respondents would be unduly confused or burdened and so the quality of information would be reduced (for example if a large, well-known, or highly distinct group was left out, and respondents from this group ticked a variety of options instead)
- 3.2 The addition of the tick-box and/or revised terminology is clear and acceptable to respondents (both in wording and in the context of the question, for example providing mutually exclusive categories) and provides the required information to an acceptable level of quality

### 4 Comparability with 2001 data

- 4.1 There will be no adverse impact on comparability

ONS gave a score (2, 1, 0) to each category for each principle in accordance with the level of supporting evidence and analysis (high, medium, low).

# Annex C

## Ethnicities requested (with number of requests)

Afghan [2]	Muslim [1]
Black African Breakdown [4]	Nepalese (including Gurkha) [1]
Black Other Breakdown [2]	Non-European [1]
Bulgarian [1]	Northern Irish [1]
Central/South/Latin American [1]	Orthodox Jewish [1]
Congolese [1]	Other category breakdown [1]
Cornish [12]	Other nomadic [1]
Cypriot [1]	Polish [7]
Eastern European [7]	Roma [7]
English [4]	Romanian [5]
EU Breakdown [3]	Romany Gypsy [1]
European [1]	Scottish [2]
Filipino [1]	Sikh [14]
French [1]	Somali [7]
Gurkha [1]	Sri Lankan/Tamil [1]
Greek [1]	Syrian [2]
Greek Cypriot [1]	Tamil [2]
Gypsy [6]	Turkish [3]
Gypsy/Roma/Irish Traveller [2]	Turkish Cypriot [1]
Irish Traveller [5]	Vietnamese [1]
Italian [1]	Welsh [2]
Jewish [4]	Western European [2]
Kashmiri [1]	White British Breakdown [5]
Korean [1]	White European [2]
Kurdish [1]	White Other Breakdown [10]
Latin American [3]	White Output Breakdown [1]
Lithuanian [1]	Yemeni [1]
Mixed identities including Irish [1]	