

# Equality Impact Assessment for the 2021 Census

**UK Statistics Authority**  
**March 2020**

# Equality Impact Assessment for the 2021 Census

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<sup>1</sup> and person who do not; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not.

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 is an update to the Equality Impact Assessment published in December 2018 alongside the Government White Paper “Help Shape our Future”. The update covers:

- work undertaken as part of the passage of the Census (Return Particulars and Removal of Penalties) Act 2019
- further research on question guidance
- development of our operations for running the Census

As further developments occur in preparation for the 2021 Census, ONS will refresh and republish the Equality Impact Assessment iteratively. 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.

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<sup>1</sup> \* 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 at 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

## The public sector Equality Duty and the 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?

The UK Statistics Authority's recommendations set out in the White Paper remain unchanged.

## Census and Data Collection Transformation Programme strategic aims

The Census in 2021 forms part of the Census Data Collection Transformation Programme<sup>2</sup> which aims ultimately to replace the census with other means of gathering data. 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, as in 2011:
  - are nationally accurate as measured by a confidence interval of +/-0.2%, with bias less than 0.5% for England and Wales;
  - are of high-quality locally, with 95% confidence intervals for all local authorities of +/-3%;
  - have minimal variation within Local Authority area; and
  - have 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, including that the first results will be published within a year of the census.

The census is designed with respondents at its heart to meet the needs of high-quality data for decision-makers. We will, therefore, ensure that:

- the census is easy to complete, and rewarding for respondents, so 70% of respondents will provide data without follow-up, and with 75% of responses provided online;

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<sup>2</sup> <https://www.ons.gov.uk/aboutus/whatwedo/programmesandprojects/dacollectiontransformationprogrammedctp>

- ONS protects respondents' data, ensuring it is used for statistical purposes only and we are seen to protect respondents' data in everything we do; and
- census data reflect the needs of today's society, with 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; and
- 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**

The individual's census data, once supplied, cannot be used for 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.

It is important for the success of the census that return rates cover as much of the population as possible. We are developing action plans to support specific groups that have been identified as needing specific attention. These include groups defined by particular ethnicity (which may for example indicate a need for translation) or religion, people with specific disabilities and groups defined by age.

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 who need it. Translation services will be provided under contract 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 and take on board any learning generated from the census rehearsal.

Following publication of the White Paper, work has continued to identify groups which are at risk of having a lower response rate to the census, with a view to developing specific approaches to ensure that they are not disadvantaged by having a low response

rate to it. Some of these have specific associations with characteristics protected by the 2010 Act (for example particular religious and ethnic groups), but the range includes other groups who may be at risk of lower response rates because of housing characteristics or other factors. Other groups will be considered as they are identified.

We propose comprehensive arrangements to make sure that everyone can complete their questionnaire. Support will include local centres where people can get help to fill out their questionnaire online, assistance from our contact centre staff, online help and translation materials in the most commonly spoken languages.

There will be some people who prefer, or need, a paper questionnaire, so paper questionnaires will be available to everyone who asks for them.

To raise awareness of the census and to promote high levels of response, ONS will run a national publicity campaign designed to reach the entire population.

A broad mix of communication channels will be used to attempt to expose everybody in England and Wales, at some point, to the census campaign via advertisements on TV and radio, billboard posters, online advertising and in print. In Wales, the campaign will be conducted bilingually.

Even with a national campaign, evidence from previous censuses show that some groups within England and Wales are less likely to complete the census without intervention. These key population groups can be harder to engage because, for example, they can comprise of mobile populations, recently arrived migrants or people for whom English is not their first language or they need assistance to be able to complete their census return, such as the very elderly.

In planning end to end activities for the census, these key population groups will always be considered, while keeping the overall objective in mind.

For each key population group the targeted interactions will include:

- general or special enumeration procedures
- communication activities including advertising, PR, social media and media relations
- liaison through community groups and local authorities

Not all these interactions will be used for all key population groups as some interactions are only appropriate for certain groups, but most groups will experience one or more interaction.

### **Communication activities**

Local, regional and community media are integral to engaging key population groups as these channels are trusted sources and talk directly to the relevant population groups.

Combining local census staff with local communication channels will be effective in spreading the census messages.

We will produce translation booklets, information packs and targeted media messages (in various formats and languages). These will be designed to assist communities and their representatives in understanding how to complete the questionnaires, how they can help support the 2021 Census and provide information about the process itself, benefits derived from the census and highlight the security and confidentiality of personal census data.

As part of the communications campaign ONS will be promoting the use of the search-as-you-type and write in options to encourage people to use this option if the religion, ethnicity, gender identity or sexual orientation they identify with is not listed as a tick-box.

### **Community liaison**

ONS is running a programme of national community engagement that is intended to raise awareness of, and participation in, the census amongst key population groups.

Key to success is developing strategic partnerships with community groups, faith groups, charities and other third-sector bodies that represent the interests of the key population groups and who can help ONS engage these groups and encourage participation.

Experience from the 2011 Census showed that these partnerships provided valuable insight into the barriers and motivational reasons some communities faced in participating in the census. They were also able to provide reach into these communities through their networks and communication channels.

From summer 2020, ONS will employ engagement staff to raise awareness of the census and encourage participation by communities in every part of England and Wales. As far as possible, ONS aims to recruit people that reflect the diverse communities in which they will work. Some of these local engagement roles will be employed to engage with specific key population groups which will require them to speak one of the key community languages to ensure they are more able to positively connect and effectively communicate with the greatest number of their key population group.

Engagement staff will carry out direct liaison with organisations and community leaders with the aim of gaining support and practical offers of help to enable members of the community to complete their census questionnaire.

One initiative is to deliver completion events. These events will provide opportunities for people to complete the census in a familiar environment with support and assistance.

Completion events will take place in a range of venues. Examples from 2011 Census engagement include: places of worship, community centres, adult learning centres,

leisure centres, supermarkets, and public advice centres, as well as libraries. The ONS has already received offers for events like this from religious organisations and local community networks ahead of the 2021 Census. In 2011, these events were community-led and the ONS is planning to use the same approach for the 2021 Census.

Community completion events form part of the wider support services that are being developed to assist the public in 2021.

These combined measures will enable people of all communities to be sure they are included in the 2021 Census.

## 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) as well as related questions that follow the question the person is currently answering. There will be cases on the paper form where response options include both tick-boxes and 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 ethnic group or religion); and
- the online form provides the opportunity to make the respondent experience simpler. For example, by routing respondents around questions which are not applicable and by providing technological help such as smart search-as-you-type capability with drop down lists for write-in boxes, enabling a wider range of choices to be suggested than can practically be provided by tick-boxes alone. The extent of these differences continues to be considered as we finalise the different modes of collection.

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 may have lower digital skills), people living in rural areas with low levels of internet access), ethnic minorities with less command of the 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.

We will ensure the paper form is as easy to complete as possible and our communication and engagement activities will mitigate this risk. Finally, predominantly 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 are a number of routes available for supplying high-quality data.

There is no added risk of prosecution for non-completion of questionnaires for those who are less able to use the online census. This is because adequate arrangements to support completion will be in place and a paper form designed for ease of use and accessibility will be available for those who need it.

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. Paper forms will be available to any who need or want one, with assistance 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. 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 online completion process is being fully tested for accessibility to ensure the process is designed around user's needs, so that everyone is enabled to complete the form with as little difficulty as possible. Testing is undertaken with a wide range of individuals and expert organisations (such as the Royal National Institute for the Blind, SCOPE, the Digital Accessibility Centre, and the National Deaf Association). This testing includes all age

groups, and a wide range of ethnic groups, language skills, and digital abilities. It includes technical aids to accessibility and the terms used in the online form to describe what is wanted.

We are considering how we can best provide support in British Sign Language, and there will be audio files in English, Welsh, and some other languages. The contact centre will support Next Generation Text Service.

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.

A separate equality impact assessment will be produced in respect of the additional staff who will be recruited for the census field force and other temporary census roles. This will ensure that recruitment will be fair and open access for all. This will comply with the Equality Act (2010) and mitigate against any conscious or unconscious bias by ensuring that all supplier staff are fully trained on and that equality is embedded in all processes.

## 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<sup>3</sup>. A further report on the continuing research on topics was published in 2017<sup>4</sup>, prior to the publication of the White Paper. Further information has since been published on the ONS website. These documents, and other material on our website, 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.

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<https://www.ons.gov.uk/file?uri=/census/censustransformationprogramme/consultations/the2021censusinitialviewoncontentforenglandandwales/assessmentofinitialuserrequirementsoncontentforenglandandwalesresponsetoconsultation.pdf>

<sup>4</sup> <https://www.ons.gov.uk/census/censustransformationprogramme/questiondevelopment/2021censustopicresearchdecember2017>

| 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); and
- 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. The 2021 Census will therefore include 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.

#### **ONS recommends the question on disability should be:**

- (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)

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 or not expanding the question even further 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.

Cognitive testing of the health questions has been undertaken alongside further engagement discussions with disability groups

This has resulted in guidance being developed to aid respondents in answering the questions. This will include additional information to explain to respondents with differing health conditions how they should record their health on the questionnaire.

Evidence from the testing has shown that the two-stage version of the question is better understood and so will provide more accurate data. Other improvements include using the term 'health condition' instead of 'health problem', which is thought to be too negative. Using the term 'reduce' instead of 'limit' when discussing a person's ability to carry out day to day activities is also thought to be more acceptable.

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); and
- 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 Identity**

### **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 have tested question designs and propose that a caveat should be included in the sex question to explain that a gender identity question will follow later, as this has been found to increase acceptability amongst those who do not self-identify with the gender that they were assigned at birth.

### **Assessment**

The new question on gender identity will help service providers identify areas of disadvantage (though possibly only at a national level). ONS recommends the question should ask whether the person describes their gender as being the same as the person's sex registered at birth (and if not stating the gender identity that they ascribe to themselves).

As defined in the Equality Act 2010, gender reassignment relates to a process of changing physiological or other attributes of sex. More widely, there are a range of people who identify with 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. Whilst this approach would best serve consideration of the matters set out in the public sector Equality Duty (PSED), using broader terminology in a question and going beyond the Act's specific definition of the protected characteristic would provide better insight in to the wider community of transgender people. Furthermore, equalities monitoring is not limited to matters falling strictly within the Equality Act 2010. Some transgender people will have the protected characteristic, but some will not, yet are living their lives in a gender different to the sex originally assigned on their birth certificate. Stakeholders strongly support going beyond the specific 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 confidentially request a new unique access code. The response given through this individual response will over-ride that given in the household return.

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 Census (Return Particulars and Removal

of Penalties) Act 2019, which gained Royal Assent on 8<sup>th</sup> October 2019, enables the question to be asked on a voluntary basis so that people who do not wish to say how they identify their gender are free not to do so.

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 sexual 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.

Further discussions have taken place with a range of representative groups and work developing the guidance to accompany the questions is continuing to ensure everybody can be clear how to answer these questions.

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 was found to be more acceptable in testing.

## **Marriage and civil partnership**

### **Proposal**

ONS proposes to use a redesigned question on marriage and civil partnership to allow for and to record marriages of same-sex couples. It also reflects the introduction of civil partnerships for opposite sex couples in December 2019.

### **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.

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.

## **Ethnic group and national identity**

### **Proposal**

ONS recommends including an additional response option for the Roma community in the ethnic group question. 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 the write-in option, assisted in

the online questionnaire by smart search-as-you-type technology, and targeted support including help to promote these options.

## Assessment

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

There are detailed design issues. A total of 55 new tick-boxes were requested for the 2021 Census (see Annex B for a full list). These cannot all be provided as there is insufficient room available in the questionnaires to accommodate this. Subsequently this may 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. These have been considered in detail alongside the Somali and Jewish communities. Options for specific response options are evaluated by means of a prioritisation tool<sup>15</sup>, alongside the 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.

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

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<https://www.ons.gov.uk/file?uri=/census/censustransformationprogramme/questiondevelopment/ethnicgroupnationalidentityreligionandlanguage/theethnicgroupprioritisationtool2021censusinenglandandwales.pdf>

## **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

ONS commissioned an independent research company who conducted focus groups, 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; and
- 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 ethnic group 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.

Work is under way to develop harmonised standards for asking questions on a range of identity questions, including ethnicity, by public authorities and others. This will increase the awareness of how gathering effective data on a range of protected characteristics related to identity can be used to monitor and combat a range of disparities. 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.

The Census Rehearsal in 2019 included the recruitment of community advisers to work with the Bangladeshi and Somali communities in Tower Hamlets and Hackney. This enabled ONS to rehearse and develop its plans for engagement and test ways of reaching particular groups.

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 proposed requires such individuals to record themselves as “other” or “no religion” and a proportion will 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 ethnicity, leading to more demand for tick-boxes than can be met. Representatives of the Jain community, 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. Testing supported inclusion of a caveat to the sex question to explain that a gender identity 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.

Guidance will be available for those who are unsure how to answer the sex question for example because they have variations of sex characteristics (sometimes known as intersex) or have changed their gender legally, socially or medically. Debates in Parliament during the passage of the Census (Return Particulars and Removal of Penalties) Act 2019 demonstrated particular concern that the guidance on these questions should be effective. Work on the detail of the guidance will continue.

## **Sexual orientation**

### **Proposal**

ONS recommends introducing a new question on sexual orientation. This question will be voluntary and asked only of people aged 16 and over.

### **Assessment**

A question on sexual orientation has not previously been included in the census. Asking a question on sexual orientation for the first time will 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 on the guidance to support the question and improve 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.

The fact that individuals will be able to confidentially request their own form to fill out for themselves if they wish will mitigate disclosure risks and, to an extent, under-recording (since anyone who wishes to record their sexual orientation without telling family members can do so).

As with the question on religious affiliation introduced in the 2001 Census and the new question on gender identity, we believe the sexual orientation question 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 Census (Return Particulars and Removal of Penalties) Act 2019, which gained Royal Assent on 8<sup>th</sup> October 2019, enables the question to be voluntary so that people who do not wish to state their sexual orientation are free not to do so.

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 significant impact is anticipated that would be relevant to pregnancy and maternity.

# **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

### Ethnicities requested (with number of requests)

Afghan [2]  
Black African Breakdown [4]  
Black Other Breakdown [2]  
Bulgarian [1]  
Central/South/Latin American [1]  
Congolese [1]  
Cornish [12]  
Cypriot [1]  
Eastern European [7]  
English [4]  
EU Breakdown [3]  
European [1]  
Filipino [1]  
French [1]  
Gurkha [1]  
Greek [1]  
Greek Cypriot [1]  
Gypsy [6]  
Gypsy/Roma/Irish Traveller [2]  
Irish Traveller [5]  
Italian [1]  
Jewish [4]  
Kashmiri [1]  
Korean [1]  
Kurdish [1]  
Latin American [3]  
Lithuanian [1]  
Mixed identities including Irish [1] Muslim [1]  
Nepalese (including Gurkha) [1]

Non-European [1]  
Northern Irish [1]  
Orthodox Jewish [1]  
Other category breakdown [1]  
Other nomadic [1]  
Polish [7]  
Roma [7]  
Romanian [5]  
Romany Gypsy [1]  
Scottish [2]  
Sikh [14]  
Somali [7]  
Sri Lankan/Tamil [1]  
Syrian [2]  
Tamil [2]  
Turkish [3]  
Turkish Cypriot [1]  
Vietnamese [1]  
Welsh [2]  
Western European [2]  
White British Breakdown [5]  
White European [2]  
White Other Breakdown [10]  
White Output Breakdown [1]  
Yemeni [1]