



EQUALITY IMPACT ASSESSMENT

ONS Sexual Identity Project

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Note on the assessment

This is an independent equality impact assessment commissioned by ONS. It represents the views of Diversity Solutions and not ONS.

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ONS references

Published reports and latest information on the ONS Sexual Identity Project are available on the Office for National Statistics website at:

<http://www.statistics.gov.uk/about/data/measuring-equality/sexual-identity/question-development.asp>

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Executive summary

The executive summary outlines the aims and objectives of the Office for National Statistics' (ONS) Sexual Identity Project and summarises the positive and adverse equality impacts of the project. Where positive impacts are identified, the assessment makes recommendations to maximise the impacts. Where adverse impacts are identified, the assessment recommends ways of eliminating or mitigating their effects.

The assessment was written at an early stage in the development of the ONS Sexual Identity Project. Any further adverse equality impacts that may be identified during the course of the project must also be eliminated or mitigated.

An equality impact assessment is a systematic way of finding out whether a function, such as a policy or practice, has a differential impact on particular communities, or groups within communities. Equality impact assessments can be used to determine disadvantage for any one, or all, of the following:

- minority and majority ethnic communities
- women and men, including transsexual people
- disabled people
- lesbians, gay men, bisexual and heterosexual people
- people from different faith communities and with non-religious beliefs
- people of different age groups.

These groups are protected by equality legislation, and are sometimes called 'equality groups'.

The ONS Sexual Identity Project was initiated in April 2006. It is a high priority ONS project that requires an equality impact assessment.

Diversity Solutions conducted this independent assessment, which advises ONS on the positive and adverse equality impacts that are likely to be experienced by communities and groups within communities affected by the work of the project.

The assessment is based on an analysis of ONS documents available at November 2007; the consultations conducted to November 2007; and proposals for testing programmes available at November 2007. In addition, the author has drawn upon research she conducted on responses to ONS consultations for the 2011 Census, including consultation events held in Sheffield and London in March 2007.

The assessment makes recommendations that will assist ONS, during the course of the project, to develop and implement sexual identity survey questions in ways that:

- promote best equality practice and equality of outcomes
- ensure the greater involvement of equality groups in the project design
- comply with ONS statutory duties to promote race, disability and gender equality; and
- eliminate or mitigate adverse impacts across all equality strands.

The recommendations reflect the outcomes of ONS research that has been informed by the views of individuals who have participated in the User/Stakeholder Group and the Expert Research Group.

Project aims and objectives

The aim of the ONS Sexual Identity Project¹ is to provide advice on best practice related to collecting sexual orientation data and examine the feasibility of providing benchmark data.

The ONS Sexual Identity Project has three objectives, as follows:

- Question development: develop a question (or suite of questions) on sexual identity for use in social surveys and possibly for use in equality monitoring.
- Question testing and implementation: to test and evaluate (both quantitatively and qualitatively) the questioning to ensure that where possible they meet user requirements; are acceptable to respondents; and provide information of reasonable quality/accuracy. If acceptable questioning can be developed, it will be added to the Integrated Household Survey (IHS), which combines most ONS household surveys into one. This will allow for estimates of the size and characteristics of the lesbian, gay and bisexual (LGB) populations to be produced and evaluated.
- Guidance: to provide guidance for those administering the sexual identity question(s), and those who analyse the data.

Summary of positive impacts likely to result from the project

This section summarises the positive equality impacts that are likely to result from the ONS Sexual Identity Project. It also makes suggestions to maximise the impact.

1. Sexual identity questions in the Integrated Household Survey should, over time, result in improved LGB population data across all diverse communities.

¹ *In search of a question on sexual identity*, Amanda Wilmot, ONS, May 2007. Available online at <http://www.statistics.gov.uk/about/data/measuring-equality/sexual-identity/question-development.asp>

2. Developing a harmonised sexual identity question(s) for use in the Integrated Household Survey and other social surveys should reinforce positive change for heterosexual and homosexual people in all communities.
3. Raised awareness of the needs and requirements of lesbians, gay men and bisexual people, which should result from asking the sexual identity questions, should help to improve understanding of the LGB population, promoting cohesion across and within all communities.
4. The inclusion of sexual identity question(s) in the Integrated Household Survey should result in a positive impact for those who identify as lesbian, gay or bisexual as researchers and others understand better the size, distribution and changing social-demographic profile of the LGB population.
5. All communities should experience positive impact since the inclusion of harmonised sexual identity questions in other social surveys should lead to improvements across all business sectors, enabling the development and non-discriminatory targeting of appropriate products, facilities and services.
6. The availability of more reliable LGB population data should enable homophobic discrimination to be monitored; and enable the provision of goods, facilities and services that meet the community's particular needs and requirements.
7. The availability of authoritative and accessible guidance produced by ONS for those who administer the sexual identity question(s) and analyse the data should result in positive equality impacts for all communities.
8. Training interviewers to ask sexual identity questions in appropriate and sensitive ways will help to overcome any discomfort when asking such questions; and any embarrassment felt by respondents when asked about sexual identity issues.

9. Sharing corporate learning that results from implementing the interviewer training with other organisations that need to deliver similar training should result in positive equality impacts for all communities.
10. By working in partnership with other public bodies and the media, ONS can play an active role in improving the general population's knowledge of different sexual identities and acceptable descriptive words. This is likely to result in acceptability of harmonised sexual identity questions amongst the general population, and reliable data outputs. It is also likely to promote community cohesion within and between communities.
11. ONS is a model of good consultation practice and this includes organising effective consultations on the Sexual Identity Project. By publishing information papers on the outcomes of its consultation, including equality impacts, ONS should improve its good practice and contribute to that of other organisations.
12. This assessment should, in itself, have positive equality impacts by contributing to building trust and confidence of majority and minority communities in the Sexual Identity Project. If the assessment is published, it will enable ONS to consult on the assessment itself, which may not have considered every possible equality dimension or potential outcome.
13. Monitoring the equality outcomes of the Sexual Identity Project throughout the lifetime of the project will have positive equality impacts, assisting ONS to maintain accountability and transparency of the decision-making process related to developing sexual identity question(s); and to eliminate or mitigate any adverse equality impacts that are not already identified.

Recommendations to maximise positive impact

Recommendations to maximise the positive equality impacts of the ONS Sexual Identity Project are as follows:

Recommendation 1

ONS plans to produce an authoritative guide for those who administer the sexual identity question(s) and analyse the data. The guide should be available in accessible ways, including through the National Statistics website.

Recommendation 2

The corporate learning that results from the project should be shared across all sectors. ONS should share the learning by publishing practice notes, including the experience of training interviewers to ask personal and sensitive sexual identity question(s). This will enable other organisations to learn from the developing expertise of ONS in this area.

Recommendation 3

ONS should publish information papers on the outcomes of its consultation, and include equality impacts. This will improve ONS good practice and contribute further to that of other organisations.

Recommendation 4

This equality impact assessment should be published to enable consultation on the assessment, which may not have considered every possible equality dimension or potential outcome.

Recommendation 5

This equality impact assessment should be reviewed and updated at regular intervals, or additional equality impact assessments completed, as new data and information emerges during the course of the Sexual Identity Project.

Recommendation 6

Recommended actions for partnership working are as follows:

- a) A media campaign and press release should be agreed at an early stage so that various UK media can assist with raising awareness and highlight the benefits of asking and responding to sexual identity question(s).
- b) ONS should encourage central and local government to publish the press release in their internal and external newsletters. This would assist with awareness-raising across a broad range of communities.
- c) ONS should encourage the national voluntary sector umbrella organisations for England, Wales and Scotland to issue the press release to their members, asking them to publish it in their local community newsletters. The National Association for Voluntary and Community Action works with 164,000 third sector groups in England. The Wales Council for Voluntary Action works with 30,000 third sector groups in Wales. The Scottish Council for Voluntary Organisations works with 45,000 third sector groups in Scotland.

Summary of adverse impacts likely to arise from the project

This section summarises the adverse equality impacts that may result from the Sexual Identity Project, together with recommendations for eliminating or mitigating the impact.

1. Collecting sexual identity data from proxy respondents - Adverse impact on minority sexual identity:

Collecting data by proxy, where one person answers questions on behalf of the household, may result in under-reporting of minority sexual identity by all communities. The respondent may assume that all household members are heterosexual; and they may be unaware of, or unwilling to disclose, the minority sexual identity of another household member. Since this survey methodology will affect the reliability of minority sexual identity

data, greater adverse impact is likely to be experienced by LGB people in all equality groups compared to heterosexual people in all equality groups.

2. Miscomprehension of formal and non-formal sexual identity words - Adverse impact on minority and majority sexual identity and race equality:

Miscomprehension of the formal word 'heterosexual' and non-formal words such as 'straight' may result in misreporting or under-reporting of minority sexual identity. This may be greater in some communities compared to others, including minority ethnic communities where different sexual identity language is used.

Using an 'other' category when many individuals from all communities may not think about themselves in terms of sexual identity may result in under-reporting since the question may be misinterpreted or ignored.

Knowledge and use of sexual identity language is low in the heterosexual population. As a consequence, heterosexual respondents in all communities are likely to under-report or misreport sexual identity.

3. Acceptability and understanding of informal sexual identity terms - Adverse impact on minority sexual identity:

- a. Comprehension is a major issue for the development of the sexual identity question(s). Colloquial sexual identity words are often offensive and used in offensive ways. In the wider population, such words may be misunderstood, or not understood.

- b. Because of negative sub-textual meanings, some LGB people consider the word 'straight' to be offensive when used within particular contexts. If 'straight' is used to support the description of 'heterosexual' in sexual

identity survey questions, this may result in adverse impact for LGB people.

- c. Both the accepted and sub-textual meanings of informal words such as 'straight' may offend some people. This may result in misreporting or under-reporting of minority sexual identity by all communities.
 - d. Meanings and acceptability of colloquial words such as 'straight' change over time, and sometimes very quickly. This may result in misreporting or under-reporting of minority sexual identity by all communities.
 - e. Some groups, such as young people and people from minority ethnic communities, may ascribe different meanings to sexual identity words. This may result in misreporting or under-reporting of minority sexual identity.
4. Provision of question refusal categories - Adverse impact on minority sexual identity:
- a. The inclusion of 'object to answer' or 'prefer not to say' options may result in persistent under-reporting if the categories enter the mainstream equality monitoring practice of UK public bodies and elsewhere. This may result in under-reporting of minority sexual identity by all communities.
 - b. Since there are no reliable data on minority sexual identity, giving respondents an 'object to answer' category would affect the reliability of LGB population data, resulting in under-reporting of minority sexual identity across all equality groups. This would have an adverse impact on the LGB population since they would be under-counted. Equality

monitoring guidance issued by the Equality and Human Rights Commission and the former equality commissions warns against the inclusion of easily allowing such 'refusal' options.

5. Design and administration of the sexual identity question in social surveys
- Adverse impact on minority sexual identity and race, gender, disability, religion and belief, and age equality:

a. ONS considers that the sexual identity question should be answered through computer-assisted self interviewing (CASI) since it is regarded as a sensitive question. This approach highlights sexual identity as a 'problem' question and may result in under-reporting of minority sexual identity by all communities.

b. Although interviewers were told not to ask the sexual identity question and only to allow respondents to self-complete, in some cases the question was asked as follows:

- by the interviewers where respondents requested this; or
- where the interviewers felt confident in asking the question.

c. Interviewers felt that CASI drew attention to the question and broke up the interview. Interviewers had various solutions, for example combining other 'sensitive' questions such as ethnicity, religion and income into a self-completion module, which might also improve the quality of data for those questions.

d. CASI would not be appropriate or practical in the majority of equality data-gathering methodologies used elsewhere in the public sector.

e. The professional and community caution about the social desirability of

the sexual identity question is similar to that expressed when ethnic group questions were being developed in the 1980s. The impact of these concerns on question development and administration may result in under-reporting of sexual identity in all equality groups.

- f. Interviewer discomfort with using or explaining the sexual identity question may lead to question skipping and under-recording. This may result in under-reporting of minority sexual identity by all communities.

- g. Interviewers are highly unlikely to have the professional competence to judge the capacity of respondents to self-complete the sexual identity question. Subjective interviewer judgments are likely to exclude disabled people, older people and people whose first language is not English, resulting in under-counting of these groups. This would have particular adverse impacts for LGB people in these equality groups, including the potential for under-provision of appropriate services by public bodies.

- h. The CASI mode of interviewing may result in under-reporting and misreporting by disabled people and people with language issues such as
 - dyslexia
 - visual and motor impairments
 - non/low-literacy
 - English as a second language
 - British Sign Language users

- i. Subjective interviewer judgments related to privacy issues may lead to question skipping and under-recording. This may result in under-reporting of the sexual identity of opposite-sex respondents,

respondents from majority and minority ethnic communities, people from particular religions or denominations, disabled people and older people, since they may be asked sexual identity questions less frequently than respondents in other groups.

- j. Lack of appropriate training would result in misinformation, question skipping and under-recording. This may result in under-reporting of majority and minority sexual identity of respondents, including respondents from majority and minority ethnic communities, people from particular religions or denominations, disabled people and older people, who may be asked sexual identity questions less frequently as a result of subjective interviewer judgments.

Recommendations to eliminate or mitigate adverse impact

Recommendations to eliminate or mitigate the adverse equality impacts of the ONS Sexual Identity Project are as follows:

Recommendation 7

As with the introduction of equality monitoring for other groups, early data outputs should be viewed with caution since it is likely that the LGB population will be under-counted. As sexual identity data outputs grow, comparative analysis should be undertaken with sexual identity datasets from other public bodies as a means of quality assuring the outputs.

Recommendation 8

The implementation of the sexual identity question should be accompanied by guidance and awareness-raising information that explains, in plain English, why the question(s) are being asked and all of the terms used in the question(s).

A media campaign, such as that already recommended, should result in improved question acceptability and reliability of data outputs from an early stage compared to non-implementation of such a campaign.

Recommendation 9

ONS should test whether the list of sexual identity categories is exhaustive and the need for alternatives such as 'none of the above'.

Recommendation 10

ONS should keep under regular review the use of colloquial words such as 'straight' to confirm their continuing acceptability and meaning within majority and minority sexual identity communities.

Recommendation 11

A full risk assessment should be conducted on the inclusion of 'object to answer' or 'prefer not to say' options to identify if either of these options might result in persistent under-reporting if they enter the mainstream equality monitoring practice of UK public bodies and elsewhere.

Recommendation 12

- a. Lesbians, gay men, bisexual and heterosexual people in all equality groups should be consulted about data collection and survey implementation methodologies.
- b. Data collection methodologies should be kept under review.
- c. All interviewers implementing the sexual identity question(s) should receive training in the following:
 - LGB history and culture;
 - the reasons why the question is asked;

- the value of the data outputs to LGB people;
- how to ask sexual identity questions of any person in an appropriate and sensitive manner;
- data confidentiality.

Recommendation 13

Groups of disabled women and men *with a range of impairments* should be involved from an early stage so that they can comment on the design and implementation processes of the sexual identity question(s).

Recommendation 14

Groups of disabled women and men from *majority and minority ethnic communities and the Deaf Community* should be involved from an early stage so that they can comment on the design and implementation processes of the sexual identity question(s).

Chapter 1

Introduction

In September 2007, Diversity Solutions was commissioned by the Office for National Statistics to conduct a equality impact assessment of the ONS Sexual Identity Project.

The purpose of this equality impact assessment is to highlight the potential impact on race, gender, disability and other equality dimensions by the development and implementation of sexual identity questions. It is anticipated that the questions will be asked in the Integrated Household Survey from January 2009. The assessment will enable ONS, during the project development phase, to maximise the potential for positive equality impacts and eliminate or reduce the potential for adverse equality impacts.

The aim of the ONS Sexual Identity Project² is to provide advice on best practice related to collecting sexual orientation data and examine the feasibility of providing benchmark data.

The Sexual Identity Project has three objectives, as follows:

- Question development: develop a question (or suite of questions) on sexual identity for use in social surveys and possibly for use in equality monitoring.
- Question testing and implementation: to test and evaluate (both quantitatively and qualitatively) the questioning to ensure that where possible they meet user requirements; are acceptable to respondents; and provide information of reasonable quality/accuracy. If acceptable questioning can be developed, it will be added to the Integrated

² *In search of a question on sexual identity*, Amanda Wilmot, ONS, May 2007. Available online at <http://www.statistics.gov.uk/about/data/measuring-equality/sexual-identity/question-development.asp>

Household Survey (IHS), which combines most ONS household surveys into one. This will allow for estimates of the size and characteristics of the lesbian, gay and bisexual (LGB) populations to be produced and evaluated.

- Guidance: to provide guidance for those administering the sexual identity question(s), and those who analyse the data.

The equality impact assessment is based on an analysis of ONS documents available at November 2007. It includes an analysis of ONS consultations with a range of experts, including LGB groups, and planned testing programmes.

The assessment takes all relevant UK equality legislation into account, including the Employment Equality (Sexual Orientation) Regulations 2003 and the Equality Act (Sexual Orientation) Regulations 2007.

The recommendations reflect the outcomes of ONS research that, in turn, has been informed by the views of individuals who have participated in the following groups:

- User/Stakeholder Group, which is made up primarily of representatives from different government departments and LGB groups. The first meeting was held in July 2006 in order to discuss user requirements. The group meets twice yearly, and at key stages in the project.
- Expert Research Group, made up primarily of academics and researchers with experience in this field. The first meeting was held in September 2006. The group meets twice yearly, and at key stages in the project. The group members commented on the Research Plan drafted by ONS.

The views of users and stakeholders will be supplemented by the outcomes of six focus groups conducted in October and November 2007. The outcomes are unavailable at the time of writing this equality impact assessment.

What is an equality impact assessment?

An equality impact assessment is a systematic way of finding out whether a function, such as a policy or practice, has a differential impact on particular communities, or groups within communities. Equality impact assessments can be used to determine disadvantage for any one, or all, of the following:

- minority and majority ethnic communities
- women and men, including transsexual people
- disabled people
- lesbians, gay men, bisexual and heterosexual people
- people from different faith communities and with non-religious beliefs
- people of different age groups.

These groups are protected by equality legislation, and are sometimes called 'equality groups'.

An equality impact assessment provides evidence that 'due regard' is given to the impact of policies and practices on particular communities, or on groups within communities. Impact may be positive, adverse or neutral. Where adverse impact occurs, this must be justified. All reasonable attempts must be made to mitigate adverse impact and promote positive impact.

Applying the principle of 'due regard' is required by the Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Gender Duty of the Sex Discrimination Act 1975, as amended by the Equality Act 2006.

'Due regard' comprises two linked elements: proportionality and relevance. This means that, in all their decisions and functions, ONS has a statutory duty to give due weight to the need to promote race, disability and gender equality.

Detailed information about 'due regard' is available in the statutory codes of practice on the race, disability and gender equality duties. These codes are available on the website of the Equality and Human Rights Commission, as follows:

<http://www.equalityhumanrights.com>

Background

Heterosexual culture is the norm in human society and most people know little about the culture and experiences of LGB people. LGBT History Month was launched in 2005 to profile the achievements of the community and help to uncover its history and culture. The hidden nature of the community's history may be due to the former criminalisation of gay men and to the types of discrimination experienced by LGB people in general.

The Wolfenden Report, published by the Government in 1957, began the process of decriminalisation of gay men by recommending that sexual relations in private between consenting adults of the same sex should no longer be a criminal offence. Ten years later, the Sexual Offences Act 1967 implemented the Wolfenden proposals. The 1967 Act exempted gay men from criminal prosecution if consensual sex took place in private between two consenting males aged 21 or over.

In 1980 the Criminal Justice (Scotland) Act decriminalised homosexuality on similar terms to the 1967 Act. In 1982, following an appeal to the European Court of Human Rights, decriminalisation was extended to Northern Ireland. In 1994 the age of consent for gay men was reduced from 21 to 18, and then to 16 in 2001. The Sexual Offences Act 2003 finally removed from the statute books sexual offences that criminalised gay men.

In recent years, significant social and legal change has had a positive impact on the LGBT community and on the lives of individual lesbians, gay men and

bisexual people. However, lack of quantitative data on sexual identity/sexual orientation is identified as an area of concern by many public bodies.

The Final Regulatory Impact Assessment carried out for the Civil Partnership Act 2004 confirmed that there is very little reliable data about the size of the LGB population³.

The Cabinet Office Equalities Review⁴ reported that the lack of robust data on inequality within certain groups, most notably sexual orientation and transgender make it

“...more difficult to determine which inequalities are persistent, what actions are likely to succeed in addressing them, and whether the desired outcomes are being achieved. Good evidence-based policy making requires the use of both up-to-date quantitative data, collected across a wide sample base, and qualitative information to help refine our understanding of it.”

In its review of equalities data⁵, conducted in response to the Cabinet Office Equalities Review, the task force led by ONS recommended that:

- As a matter of urgency ONS completes preparatory work regarding a question on sexual orientation to allow it to be introduced into the Integrated Household Survey; and
- Harmonised questioning on sexual orientation should then be agreed and used by ONS, Communities and Local Government and Home

³ See *Civil Partnership Act 2004 Final Regulatory Impact Assessment*, page 13, footnote 14. The assessment can be viewed at www.berr.gov.uk/files/file23829.pdf

⁴ *Fairness and Freedom*, Cabinet Office, February 2007. Available online at <http://archive.cabinetoffice.gov.uk/equalitiesreview/>

⁵ *Report from the review of equality data*, ONS, October 2007, R5.1, page 12. Available online at <http://www.statistics.gov.uk/about/data/measuring-equality/review.asp>

Office in the Integrated Household Survey, the Citizenship Survey and the British Crime Survey.

This equality impact assessment is part of the preparatory work.

Defining sexual identity or orientation

ONS currently defines the meaning of the sexual identity question as follows:

“Sexual orientation is one of the six equality strands covered by a range of legislation, along with race, gender, disability, religion and belief, and age. ‘Sexual orientation’ is an umbrella term which encompasses several dimensions, including sexual identity, attraction and behaviour. For the purposes of the legislation, sexual orientation is not defined in terms of any specific dimension. The prototype question developed by ONS is intended to ask about sexual identity, which is the dimension most related to certain groups’ experience of disadvantage and discrimination.

Self-perceived sexual identity is a subjective view of oneself. It is asked as an opinion question, so it is up to respondents to decide how they define themselves based on a few broad categories. Essentially, it is about what a person is, not what they do. It is about the inner sense of self, and perhaps sharing a collective social identity with a group of other people.

ONS’s research has found that understanding of the concept of sexual identity varied across groups, being more salient for lesbian and gay people than for heterosexuals or bisexuals. It is important to recognise that the question is not specifically about sexual behaviour or attraction, although these aspects might relate to the formation of identity. A person can have a sexual identity while not being sexually active. Furthermore, reported sexual identity may change over time or in different contexts (e.g. at home versus in the workplace).”

This equality impact assessment makes no comment on the definition since, as a working definition, it continues to be subject to consultation and review.

Purpose of the Sexual Identity Project

The Office for National Statistics (ONS) is the government department responsible for collecting and publishing official statistics about the UK's society and economy.

Impartial information is vital to an open and democratic society. ONS is the principal provider of official statistics about the UK. Its information is used by government to make decisions about society and the economy, and by people to better understand their country.

ONS recognises that:

- sexual identity/orientation is an important issue for government, service providers, and the Lesbian, Gay, Bisexual (LGB) community;
- there is a strong user requirement for information on sexual identity; and
- ONS is best placed to lead on developing harmonised measures of sexual identification.

To this end, and as a result of representations made during the consultation programme for the 2011 Census, the Sexual Identity Project has been initiated by ONS as a high priority project.

Together with other members of the European Community, and the devolved administrations in Scotland and Wales, ONS is investigating ways to collect data on sexual orientation, “in order to help ensure the equal provision of services to Lesbian, Gay and Bisexual (LGB) communities, monitor discrimination and provide figures on the proportion of their citizens who would classify themselves as LGB, against which other data sources could be benchmarked.”⁶

⁶ Amanda Wilmot, ONS, May 2007: *In search of a question on sexual identity*, a paper presented at the 62nd Annual Conference of the American Association of Public Opinion Research.

How the project fits with ONS customer objectives

Information derived by public, private and voluntary sector organisations from government surveys such as the Integrated Household Survey, assists these ONS customers to do the following, as appropriate to their sectors:

- identify the diversity of the communities, clients and customers they serve;
- consider how they may develop and improve the provision of goods, facilities, services and access to all sections of communities across a range of variables including ethnicity, disability, gender, sexual orientation, religion or belief and age;
- learn from and enhance good practice identified through equality monitoring;
- Use the results of equality monitoring to mitigate any adverse impact of their goods, facilities, services and access on diverse communities, and on groups within communities;
- eliminate any unlawful discrimination identified through equality monitoring;
- promote good community relations.

Communities and individuals also use government survey data for a variety of reasons, including demonstrating need and monitoring the provision of goods, facilities, services and access to all sections of their communities.

Chapter 2

Likely positive impacts of the project

The Cabinet Office Equalities Review identified that lack of robust sexual identity data makes it “extremely difficult to establish what needs to be done”. This view is echoed by others across all business sectors. The LGBT community is increasingly frustrated at equality monitoring that excludes any attempt to measure the community’s needs.

In May 2005, ONS published a consultation document ‘The 2011 Census: Initial view on content for England and Wales’. Responses were received from nearly 500 users, presenting arguments for the inclusion of around 70 topics. Over 100 responses were received commenting on the subject of sexual orientation from a variety of central government, local authority and other data users, including Stonewall. In its initial assessment of user requirements⁷, ONS said

“A key use of information on sexual orientation would be ensuring fair access to services for the Lesbian, Gay and Bisexual (LGB) community. A large number of users comment specifically on health issues and the inequalities that the LGB population face. Information on sexual orientation could be used to plan and provide health care services, including sexual health provision and mental health care...Other key services that are mentioned by users include: education, employment, housing, social services and homophobic crime reduction services. Stonewall states that the Census will provide an opportunity to *“properly assess at a national level whether or not LGB people’s life chances are equal to their heterosexual counterparts,*

⁷ *The 2011 Census: Assessment of initial user requirements on content for England and Wales - Sexual orientation*, ONS, March 2006, pp. 3-4.

enabling service providers to plan, design and deliver their service equitably and allocate resources appropriately”.

A number of central government departments, local authorities, health service providers, education services and police authorities agree that collecting information on sexual orientation in the Census would allow effective and targeted allocation of resources...

Collection of information on sexual orientation will allow the development and monitoring of policies that tackle the issues of social exclusion. A number of other respondents also discuss the use of the information in policy development and monitoring, focusing on equality of opportunity and ensuring diversity in the workforce.”

ONS had “significant concerns surrounding the issues of privacy, acceptability, accuracy, conceptual definitions and the effect that such a question could have on the overall response to the Census⁸” and initiated the Sexual Identity Project to determine the most suitable way to meet this need. The first meeting of key interested parties across government and the UK took place in April 2006. The ONS Sexual Identity Project aims to provide advice on best practice related to collecting sexual orientation data and examine the feasibility of providing benchmark data. The work of the project, including the development of harmonised sexual identity question(s), should result in positive equality impacts across and within all UK communities.

Raised awareness of the culture and experiences of the LGB population, resulting from improved knowledge of the community, should have a positive impact on cohesion across and within all communities.

⁸ *ibid*, page 7.

Developing a harmonised sexual identity question(s) for use in the Integrated Household Survey and other social surveys is likely to reinforce this positive change for heterosexual and homosexual people in all communities. Raised awareness of the needs and requirements of lesbians, gay men and bisexual people, which should result from asking the sexual identity questions, will help to improve understanding of the LGBT community, promoting cohesion across and within all communities.

Sexual identity questions in the Integrated Household Survey will, over time, result in improved LGB population data across all diverse communities. The current estimated proportion of 5% to 7% for the LGB population, cited in the Civil Partnership Act 2004 Final Regulatory Impact Assessment, was based on the findings from a number of different studies. The regulatory assessment⁹ states the following:

“There is very little reliable data about the size of the LGB population. This figure (of 5-7%) is based on the findings in a number of different studies. The National Survey of Sexual Attitudes and Lifestyles (NATSAL 2000) of 16-44 year olds, found that 5.4% of men and 4.9% of women had ever had a same sex partner compared to just 2.6% of both genders who had had recent experience in Johnson et al, Sexual behaviour in Britain: Partnerships, Practices and HIV Risk Behaviours, The Lancet, Volume 358, Number 9296, Dec 1, 2001, pp 1835-42. About 5% of those questioned in exit polls identified themselves as ‘gay’ in US Voter News Service exit polls 1996 and 2000. Plug, E and Berkhout, P (2001) found that about 5% of their Dutch sample had gay, lesbian or bisexual sexual preferences in Effects of Sexual Preferences on Earnings in the Netherlands. About 6% of a national sample of Americans identified as gay or lesbian in Yankelovich Monitor Research (1994). Laumann et al found the incidence of homosexual desire was just over 7% of both men and women in the USA. Janus and Janus (1993) found that 9% of men and

⁹ See *Civil Partnership Act 2004 Final Regulatory Impact Assessment*, page 13, footnote 14. The assessment can be viewed at www.berr.gov.uk/files/file23829.pdf

5% of women identified as gay or lesbian. Some studies have found higher estimates, such as Kinsey (1948) and Sell et al (1995), whilst others using estimates of cohabiting same-sex couples have found much lower estimates, for example the Labour Force Survey finds just 0.2% of UK households consist of same-sex couples.”

The sexual identity question(s) in the Integrated Household Survey should result in a positive impact for those who identify as lesbian, gay or bisexual as researchers and others understand better the size, distribution and changing social-demographic profile of the LGB population. The availability of more reliable LGB population data should enable homophobic discrimination to be monitored; and enable the provision of goods, facilities and services that meet the LGBT community’s particular needs and requirements.

All communities should experience positive impact since the inclusion of harmonised sexual identity questions in other social surveys should lead to improvements across all business sectors, enabling the development and non-discriminatory targeting of appropriate products, facilities and services.

Public authorities, including ONS, routinely conduct equality monitoring to ensure there is no unlawful direct or indirect discrimination that may result in unfair outcomes for any community or group within a community. However, most of the authorities find it difficult to formulate and ask questions on sexual orientation or sexual identity as part of routine equality monitoring. This may be because sexual identity is seen as a private matter and there are concerns that such questions are intrusive. Sometimes, it is because individual employees find it embarrassing to ask such questions.

The sexual identity questions that are being devised by ONS could (subject to testing) provide model questions that can be used and adapted by other public authorities. This is a positive impact since the resulting data will enable

public authorities to understand better the diversity of the populations to which they provide services, and to include sexual identity criteria when benchmarking their services.

In a world where heterosexuality is the majority sexual identity, the needs and requirements of people with minority sexual identity may not be known or understood. Over time, as more public authorities integrate harmonised sexual identity questions in routine equality monitoring, the monitoring results will help to improve equality of outcomes for people who identify as belonging to minority sexual groups, compared to people who identify as belonging to the majority sexual group.

ONS is breaking new ground with the Sexual Identity Project. The learning that results from the project should be shared across all sectors. ONS plans to produce an authoritative guide for those who administer the sexual identity question(s) and analyse the data. The guide should be available in accessible ways, including through the National Statistics website. This guide should result in positive equality impacts for all communities.

Recommendation 1

ONS plans to produce an authoritative guide for those who administer the sexual identity question(s) and analyse the data. The guide should be available in accessible ways, including through the National Statistics website.

Shared corporate learning should include the experience of training interviewers to ask personal and sensitive sexual identity question(s). The question(s) could lead to discomfort and embarrassment, even abuse, if interviewers are not trained to ask the question(s) in appropriate ways. Sharing learning that results from implementing the interviewer training with other organisations that need to deliver similar training should result in positive equality impacts for all communities.

Recommendation 2

The corporate learning that results from the project should be shared across all sectors. ONS should share the learning by publishing practice notes, including the experience of training interviewers to ask personal and sensitive sexual identity question(s). This will enable other organisations to learn from the developing expertise of ONS in this area.

Consultation with affected communities

The Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Gender Duty of the amended Sex Discrimination Act 1975 require public bodies to consult on the likely impact of proposed policies on the promotion of race, disability and gender equality. Consultation is an essential part of an equality impact assessment and should take place in proportionate ways with equality groups affected by the policy.

ONS is a model of good consultation practice and has considerable expertise in organising effective and inclusive consultations. Good practice includes publishing information papers that give important progress information to all business sectors and the wider community. By publishing information papers on the outcomes of its consultation, including equality impacts, ONS should improve its good practice and contribute further to that of other organisations.

Recommendation 3

ONS should publish information papers on the outcomes of its consultation, and include equality impacts. This will improve ONS good practice and contribute further to that of other organisations.

ONS has planned a programme of consultations and focus groups that will gather the views of lesbians, gay men, bisexual and heterosexual people,

experts, users of statistical data and others. A comprehensive question testing programme is planned, which forms part of the wider consultation programme. A full trial will run from April to September 2008, with a report published in winter 2008. A guide on collecting sexual identity data will be published in April 2009. The first set of experimental statistics will be released in Autumn 2010, together with a series of evaluation reports assessing the reliability and the precision of the estimates.

ONS held an exploratory meeting in April 2006 with interested parties, including representatives from other Government departments and non-governmental organisations, academics, researchers and lesbian, gay and bisexual (LGB) groups. This group agreed that initially the focus should be on measuring sexual identity (rather than sexual orientation or behaviour). Following this meeting, two groups were formed to assist the project:

- User/Stakeholder Group – made up primarily of representatives from different government departments and LGB groups.
- Expert Research Group – made up of primarily academics and researchers with experience in this field.

These groups met in the summer of 2006 and are operating through a combination of meetings and the provision of advice and comment through correspondence and one-to-one discussions.

ONS is holding exploratory focus group meetings during October and November 2007 with members of the public in five sub-groups: gay men; lesbians/gay women; bisexual women and men; heterosexual men; heterosexual women. The focus groups will investigate people's attitudes to being asked questions on sexual identity, particularly in the context of a general household survey that included questions on a range of social topics.

Focus group members will be mainly drawn from ONS Omnibus Survey respondents, and a few will be recruited through lesbian, gay and bisexual organisations. The groups will explore topics relating to the conceptualisation of sexual identity/orientation; terminology used and understood; administration in different contexts; confidentiality and acceptability.¹⁰ At the time of writing this assessment, the outcomes of the focus groups were not available.

This assessment has analysed the detailed minutes of consultation meetings that took place with the User/Stakeholder Group and the Expert Research Group. In addition, the author has drawn upon research she conducted on responses to ONS consultations for the 2011 Census, including consultation events held in Sheffield and London in March 2007.

The assessment makes recommendations that will assist ONS to:

- promote best equality practice and equality of outcomes
- ensure the greater involvement of equality groups in the project design
- comply with ONS statutory duties to promote race, disability and gender equality; and
- eliminate or mitigate adverse impacts across all equality strands.

Publishing the assessment

The Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Gender Duty of the Sex Discrimination Act 1975 require ONS to make arrangements to publish the results of equality impact assessments, Equality impact assessments are a positive, valuable means by which ONS shows due regard and a robust approach to promoting race, disability and gender equality.

¹⁰ *Proposal and briefing guide for Sexual Identity Project exploratory focus groups*, Peter Betts, ONS, September 2007

This assessment should have positive equality impacts, contributing to building trust and confidence of majority and minority communities in the ONS Sexual Identity Project, the development of sexual identity questions, and the implementation of the final questions.

If the assessment is published, it will enable ONS to consult on the assessment itself, which may not have considered every possible equality dimension or potential equality outcome.

Recommendation 4

This equality impact assessment should be published to enable consultation on the assessment, which may not have considered every possible equality dimension or potential outcome.

Monitoring project outcomes

The Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Gender Duty of the Sex Discrimination Act 1975 require ONS to make arrangements to monitor the impact of its policies on its duty to promote race, disability and gender equality. Policy outcomes must be monitored, and any adverse equality impacts eliminated or mitigated, to satisfy specific requirements of the Acts.

Monitoring the outcomes of the Sexual Identity Project throughout the lifetime of the project will have positive equality impacts. The monitoring will assist ONS to maintain accountability and transparency of the decision-making process related to developing sexual identity question(s); and to eliminate or mitigate any adverse equality impacts that are not already identified.

Recommendation 5

This equality impact assessment should be reviewed and updated at regular intervals, or additional equality impact assessments completed, as new data and information emerges during the course of the Sexual Identity Project.

There is likely to be keen interest from various UK media in the inclusion of sexual identity questions on the Integrated Household Survey. These media include television, press, professional journals, central and local government external and internal communications, community and other websites.

The media can play a positive role in raising awareness about the sexual identity topic, and the language and definitions that will be used in the Integrated Household Survey and other social surveys. Hard copy newsletters and website features produced and distributed by central and local government, and the voluntary and community sector, can play an important role in raising general community awareness of the topic.

By working in partnership with other public bodies and the media, ONS can play an active role in improving the general population's knowledge of different sexual identities and acceptable descriptive words. This activity is likely to result in the greater acceptability of harmonised sexual identity questions amongst the general population, and more reliable data outputs from an earlier stage, than would occur if the activity does not take place. It is also likely to promote community cohesion within and between communities.

Recommendation 6

Recommended actions for partnership working are as follows:

- d) A media campaign and press release should be agreed at an early stage so that various UK media can assist with raising awareness and highlight the benefits of asking and responding to sexual identity question(s).
- e) ONS should encourage central and local government to publish the press release in their internal and external newsletters. This would assist with awareness-raising across a broad range of communities.
- f) ONS should encourage the national voluntary sector umbrella organisations for England, Wales and Scotland to issue the press release to their members, asking them to publish it in their local community newsletters. The National Association for Voluntary and Community Action works with 164,000 third sector groups in England. The Wales Council for Voluntary Action works with 30,000 third sector groups in Wales. The Scottish Council for Voluntary Organisations works with 45,000 third sector groups in Scotland.

Chapter 3

This chapter sets out the likely adverse equality impacts identified by this equality impact assessment. The assessment was written at an early stage in the development of the ONS Sexual Identity Project. Any further adverse equality impacts that may be identified during the course of the project must also be eliminated or mitigated.

Likely adverse impacts of the project

This section of the equality impact assessment identifies the potential for adverse impact on any equality group. Recommendations are made to mitigate any identified adverse impacts. The equality groups considered are as follows:

- minority and majority ethnic communities
- women and men, including transsexual people
- disabled people
- lesbians, gay men, bisexual and heterosexual people
- people with different religions and beliefs, and none
- people of different age groups.

Although many of the adverse impacts described below may be experienced by all equality groups, the majority of adverse impacts are likely to have a greater adverse impact on LGB people in all equality groups compared to heterosexual people in all equality groups.

Current equality law means that ONS has a statutory duty to consider the potential for adverse impacts related to promoting race, disability and gender equality. Since sexual identity is part of the personhood of every individual, this assessment also includes other equality dimensions. Clearly, it must

include an assessment of the differential impacts on homosexual and heterosexual groups. In addition, sexual identity may have a differential impact on individuals who belong to some religious groups and denominations compared to others. There are also differential impacts for particular age groups.

There is no known research on the differential impact that might be experienced by people with non-religious philosophical beliefs and this remains a matter for future investigation.

Collecting sexual identity data from proxy respondents

This is where one person, called the respondent, answers the sexual identity question(s) on behalf of all household members. Proxy data collection may result in under-reporting amongst all communities because the respondent

- assumes that all household members are heterosexual;
- is unaware of the minority sexual identity of one or more household members;
- is unwilling to disclose minority sexual identity.

Since this survey methodology will affect the reliability of minority sexual identity data, greater adverse impact is likely to be experienced by LGB people in all equality groups compared to heterosexual people in all equality groups.

Lesbians, gay men, bisexual and heterosexual people in all equality groups should be consulted about data collection and survey implementation methodologies.

Data collection methodologies should be kept under review.

Recommendation 7

As with the introduction of equality monitoring for other groups, early data outputs should be viewed with caution since it is likely that the LGB population will be under-counted. As sexual identity data outputs grow, comparative analysis should be undertaken with sexual identity datasets from other public bodies as a means of quality assuring the outputs.

Miscomprehension of formal and non-formal sexual identity words

The sexual identity word 'homosexual' is understood by many people. It has been used often by courts and the media to describe gay men in relation to criminalisation of consensual same sex activity. However, the sexual identity word 'heterosexual' is not often used and is not readily understood by many people. This may result in misreporting of sexual identity. It has been found in the United States, for example, that many people do not know what 'heterosexual' means and choose other responses, for instance 'other' and 'bisexual', due to thinking it meant two sexes.

In some minority ethnic communities, formal sexual identity words may not be readily understood if there are no equivalents in a community's language or dialect.

In the second Omnibus Trial, the addition of the word 'straight' to the response category for heterosexual may have improved comprehension of the question. Adding 'straight' resulted in different LGB estimates (1.4%) than those obtained from the first trial (2.5%).

However, as with the mitigations described for proxy data collection, early

data outputs should be viewed with caution.

Since miscomprehension of formal sexual identity words may affect the reliability of minority sexual identity data outputs, greater adverse impact is likely to be experienced by LGB people in all equality groups compared to heterosexual people in all equality groups. There may be additional adverse impact for LGB people in some minority ethnic communities if equivalent words are not present in a community's own language or dialect

Use of an 'other' category

Using an 'other' category might result in inappropriate responses that are confused with 'other' sexual or gender identity such as transgender. In the Omnibus trials, the majority of the few 'other' cases were due to miscomprehension of terms.

Miscomprehension is most likely to affect heterosexual people. LGB people are accustomed to sexual identity language and are likely to use one of the main categories.

However, less is known about how heterosexual people may respond to the 'other' category. Large proportions of the population may not think about themselves in terms of sexual identity. This could result in under-reporting since the question may be misinterpreted or ignored.

Acceptability and understanding of informal sexual identity terms

LGB people experience discrimination because of their minority sexual identity. This experience accounts for their high level of comprehension of sexual identity terminology. 'Straight' is a colloquial word for 'heterosexual', which is in common use within the LGBT community. In Omnibus Trials,

'straight' has been added to 'heterosexual' to test its impact on response rates to the sexual identity question.

However, the level of comprehension amongst heterosexual people of formal and colloquial sexual identity words is not known. Many individuals do not discuss sexuality in an open and informed way, and this has an impact on the comprehension of formal and colloquial sexual identity words.

Miscomprehension has been a feature of early sexual identity question testing.

Aspects of sex and relationship education form part of the National Curriculum in schools. Schools, which might be expected to play an important role in educating pupils about sexual identity language, achieve uneven results. Ofsted, the Inspectorate that reviews standards in schools, says the following:

“Young people report that many parents and teachers are not very good at talking to them about sensitive issues, such as sexuality. Teachers, governors and parents have not received sufficient guidance and support to deal successfully with these aspects.”¹¹

Key points from schools inspection evidence include the following:

“...pupils' knowledge and understanding at Key Stage 4 were least secure in relation to sexuality. Despite further advice on teaching about it, many teachers remain nervous about approaching the matter and deal with it only superficially.”¹²

¹¹ *Time for change? Personal, social and health education*, Ofsted, 2007, page 3. Available online at http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/Files/2007/apr/timechngeP SHE.doc

¹² *Sex and relationships*, Ofsted, 2002, page 9. Available online at http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/Files/sexandrelshps.pdf

Knowledge and use of sexual identity language is low in the heterosexual population. As a consequence, heterosexual respondents are likely to under-report or misreport sexual identity. The reliability of LGB population data will be affected and this would have an adverse impact on the LGBT community.

ONS can play an active role in improving the general population's knowledge and use of sexual identity by working in partnership with other public bodies and the media.

To assist the UK's majority and minority ethnic communities to improve their comprehension of formal sexual identity language, the implementation of the sexual identity question should be accompanied by guidance and awareness-raising information that explains, in plain English, all of the terms used in the question(s).

A media campaign, such as that suggested in Recommendation 6, should result in improved question acceptability and reliability of data outputs from an early stage compared to non-implementation of such a campaign.

ONS should encourage local authorities to publish press releases in their internal and external newsletters. This would assist with awareness-raising across a broad range of communities.

g) ONS should encourage the national voluntary sector umbrella organisations for England, Wales and Scotland to issue the press releases to their members, asking them to publish it in their local community newsletters. NAVCA (the National Association for Voluntary and Community Action) works with 164,000 third sector groups in England. The Wales Council for Voluntary Action works with 30,000 third sector groups in Wales. The Scottish Council for Voluntary Organisations works with 45,000 third sector groups in Scotland.

Recommendation 8

The implementation of the sexual identity question should be accompanied by guidance and awareness-raising information that explains, in plain English, why the question(s) are being asked and all of the terms used in the question(s).

Colloquial words

Comprehension is a major issue for the development of the sexual identity question(s). Colloquial sexual identity words are often offensive and used in offensive ways. Also, such words may be misunderstood, or not understood.

Words that are accepted within a community may be offensive to others both within and outside the community. For example, language used to describe people from different ethnic groups, such as the 'N' word, is acceptable to some people when used within the group. At the same time, it is considered to be highly offensive when used by others who do not belong to that group. There is a similar situation within the LGBT community, where words like 'queer' are used by some people within the community but are considered to be highly offensive when used by heterosexual people. Similarly, the word 'straight' is used within the LGBT community to describe heterosexual people.

Some LGB people consider the word 'straight' to be offensive when, within a particular context, its use implies negative meanings for minority sexual identity words. The sub-text of 'straight' implies positive descriptions of heterosexual people, such as 'honest' and 'pure'. The opposite sub-text of 'straight' is the negative, homophobic description of LGB people as 'bent' or 'dishonest'.

Such sub-textual meanings can reinforce negative ideas of minority sexual identity in powerful ways. If 'straight' is used to support the description of

'heterosexual' in sexual identity survey questions, this may result in adverse impact for LGB people.

The word 'gay', for example, is currently used as a pejorative term in school playgrounds across the UK. Research conducted by Stonewall in 2006 found the following:

“Even if gay pupils are not directly experiencing bullying, they are learning in an environment where homophobic language and comments are commonplace. Ninety eight per cent of young gay people hear the phrases “that’s so gay” or “you’re so gay” in school, and over four fifths hear such comments often or frequently.

Ninety seven per cent of pupils hear other insulting homophobic remarks, such as “poof”, “dyke”, “rug-muncher”, “queer” and “bender”. Over seven in ten gay pupils hear those phrases used often or frequently.”

Extract from “The experiences of young gay people in Britain’s schools”, Ruth Hunt and Johan Jensen, published by Stonewall. Available online at

http://www.stonewall.org.uk/documents/school_report.pdf

The meanings of words can change over time, and sometimes very quickly within particular groups and communities. If adopted in the final sexual identity question(s), the use of colloquial words such as 'straight' should be kept under regular review to confirm their continuing acceptability and meaning, including sub-text.

Recommendation 9

ONS should test whether the list of sexual identity categories is exhaustive and the need for alternatives such as 'none of the above'.

Recommendation 10

ONS should keep under regular review the use of colloquial words such as 'straight' to confirm their continuing acceptability and meaning within majority and minority sexual identity communities.

Acceptability issues

ONS has reviewed the experiences of other UK organisation which have asked about sexual identity. The review found that response to the sexual identity categories was higher on interviewer-administered questions (using show cards and generally without 'do not wish to answer' or similar), than on self-administered questions, most of which had an obvious category for respondents to avoid giving their identity or could just be left blank.

Provision of 'object to answer' or similar category

The need to provide respondents with a category to avoid providing their sexual identity is being explored by ONS. Potential design features are being tested, such as an 'object' or 'prefer not to say' category, self-completion in an otherwise interviewer administered survey, and a special introduction. These features all gave respondents the message that 'this is a problem question'.

ONS is reviewing whether or not the sexual identity question should be administered in the same way as any other. Respondents to ONS social surveys are told they can refuse any question.

The ONS trialled different versions of the sexual identity question on the NS Omnibus Survey and, of the 1.5% of respondents who answered using the 'prefer not to say' option, found that only 20% of these respondents objected

to the question being asked. As a result of these trials, ONS is considering other answer categories, including 'object to answer'.

A suggested alternative response category was 'I don't understand the question'. ONS considers that such a category could provide a useful measure of how awareness and understanding of majority and minority sexual identity changes over time.

Since there are no reliable data on minority sexual identity, giving respondents an 'object to answer' category would affect the reliability of LGB population data, resulting in under-reporting of minority sexual identity across all equality groups. This would have an adverse impact on the LGB population since they would be under-counted. Equality monitoring guidance issued by the Equality and Human Rights Commission and the former equality commissions warns against the inclusion of easily allowing such 'refusal' options.

Either of the suggested options may result in persistent under-reporting if they enter the mainstream equality monitoring practice of UK public bodies and elsewhere. In its ethnic monitoring guidance to public authorities, the Equality and Human Rights Commission gives the following advice:

“We recommend that you do not say anything in your explanation to the ethnic background question that might encourage people not to answer it. For example, do not say 'This question is entirely voluntary', or offer a 'Would rather not say' option. However, you should not say, or imply, that the question is compulsory. Staff who have to deal with enquiries about the question should make it clear, if asked, that the question is not compulsory. If you are considering using 'other-classification' (see below) to top up your data, you should also make this clear. If you are asking for the information electronically, you should not make the ethnic origin field a compulsory one (in other words, people should be able to skip this field). Again, we would recommend that you do not include a 'prefer not to say' option.”

“Ethnic monitoring: a guide for public authorities, Commission for Racial Equality, available online at

<http://www.equalityhumanrights.com/Documents/Race/Public%20sector/Ethnic%20monitoring%20a%20guide%20for%20public%20authorities.pdf>

Recommendation 11

A full risk assessment should be conducted on the inclusion of ‘object to answer’ or ‘prefer not to say’ options to identify if either of these options might result in persistent under-reporting if they enter the mainstream equality monitoring practice of UK public bodies and elsewhere.

Respondent issues with the trial question

Two Omnibus Survey trials were used to test the sexual identity question and self-administration issues. The question was administered by computer-assisted self interviewing (CASI). With the CASI method of interviewing, the interviewer hands a laptop computer to the respondent so that they can answer sensitive questions themselves. The interviewer asks all non-sensitive questions.

During the four-month trial period, the question was well received by respondents and interviewers. There was no evidence that survey response had been affected by the inclusion of the sexual identity question.

A small group of respondents appeared to be ‘reluctant responders’, unwilling both to answer sensitive questions and to agree to be contacted for future research.

ONS followed up with respondents who took part in the first Omnibus Trial. Respondents’ were asked about their feelings toward the sexual identity, income and ethnicity questions. The interviews identified problems relating to

comprehension, discomfort with opposite sex interviewers and confidentiality, despite the self-administration and reassurances given.

Design and administration issues

ONS considers that the sexual identity question should be answered through self-completion since it is regarded as a sensitive question. However, this highlights sexual identity as a 'problem' question and other survey questions are not asked in this way.

Due to the cautious design of the first Omnibus trial, 15% of Omnibus respondents were not asked the sexual identity question by the interviewer. Skipping was highest when the interviewer was male and the respondent female was aged over 60 years.

In the second Trial, the most common reasons for skipping the sexual identity question were as follows:

- interviewers judging that respondents were not capable of self-completion;
or
- privacy not being ensured.

In a few cases, respondents returned the laptop indicating they were not confident in what they were doing.

Interviewers may feel able to judge the capacity of respondents to self-complete the sexual identity question. However, they are highly unlikely to have the professional competence to make such decisions. On full implementation of the sexual identity question(s), such subjective judgments leading to exclusion are likely to be experienced more by disabled people, older people and people whose first language is not English than by other equality groups. This is likely to result in under-counting of LGB people who are disabled, older and from minority ethnic communities. This would have

particular adverse impacts for LGB people in these equality groups, including the potential for under-provision of appropriate services by public bodies.

To mitigate the potential for subjective judgments, appropriate training must be given to all interviewers.

Although interviewers were told not to ask the sexual identity question and only to allow respondents to self-complete, in some cases the question was asked as follows:

- by the interviewers where respondents requested this; or
- where the interviewers felt confident in asking the question.

Respondents were sometimes surprised that the question was self-completion.

Interviewers felt that CASI drew attention to the question and broke up the interview. Interviewers had various solutions, for example combining other 'sensitive' questions such as ethnicity, religion and income into a self-completion module, which might also improve the quality of data for those questions.

Interviewers testing the ONS sexual identity question reported that privacy issues were sometimes a problem. If interviewers are not trained to deal effectively with privacy issues, this may lead to unnecessary embarrassment resulting in question skipping and under-recording. This may result in under-reporting of the sexual identity of opposite-sex respondents, respondents from majority and minority ethnic communities, people from particular religions or denominations, disabled people and older people, who may be asked sexual identity questions less frequently as a result of subjective interviewer judgments. This would have an adverse impact on the LGB population in all equality groups since less reliable data outputs would be produced.

The professional and community caution expressed by ONS and its consultees about the social desirability of the sexual identity question is similar to that expressed when ethnic group questions were being developed in the 1980s. The impact of these concerns on question development and administration by CASI mode may result in under-reporting of sexual identity in all equality groups.

When ethnic monitoring questions were introduced in Lambeth Council and the Greater London Council (GLC) in the early 1980s, a high level of resistance by all ethnic groups was anticipated to the questions, which were then regarded as sensitive questions. These public sector bodies were instrumental in overcoming this early resistance. The GLC, for example, conducted grass-roots consultations with minority ethnic communities and involved them in question design. Officials explained the positive uses of such data, which would enable evidence-based changes in policy and practice aimed at reducing racial discrimination and removing barriers to equal access. Many people feared that ethnic monitoring would enable racist employees to engage in targeted discrimination against individuals from minority ethnic groups. Officials explained the confidentiality and ethnic monitoring measures that would safeguard the data and enable racist employees to be disciplined.

The 1991 National Census contained, for the first time, an ethnic group question. In their analysis of the question design process for the 1991 ethnic group question, Sillitoe and White concluded that

“The evidence of the final census test was that the presence of a question on ethnic group was not a significant cause of non-response in the test as less than ½% of potential form fillers declined to co-operate because of the question. Also, the accuracy of the answers given to the question was of a sufficiently high standard for inclusion in the census.

“...The 1986 (test) question included a black British category which it had been thought explained its relative popularity with black groups. There is no obvious explanation for why the 1989 (test) question did not give rise to the same level of objections from blacks as other questions tested since January 1986. It may be that the effort which had gone into consultation about the question and explaining the reasons for the census test itself to the public had borne fruit and that the general level of concern about a question on ethnic group has been much reduced. It may also be attributable to the fact that in recent years ethnic monitoring has become much more widespread. It is now accepted in local government, the public services generally and among the larger private employers. Familiarity with answering questions about ethnic group in other contexts (e.g. when applying for jobs or housing) will make it seem more natural and less objectionable to do it in a census.

“...in 1989, 1 in 5 members of black ethnic minorities, when pressed, voiced objections to the question even though only 1% of black households refused to complete the census form because of the question. It will be essential that adequate publicity is arranged at census time to reassure members of ethnic minority groups and to explain the purpose of the question and how the data will be used.”¹³

Training public sector employees to understand why ethnic monitoring questions were being asked, and how to ask them in appropriate and sensitive ways, proved to be a key factor in achieving question acceptability amongst majority and minority ethnic communities.

Equality monitoring questions are now routinely administered by public authorities. Its successful implementation relies on a positive approach to

¹³ *Ethnic group and the British Census: the Search for a Question*, K. Sillitoe and P.H. White, *Journal of the Royal Statistical Society, Series A: Statistics in Society* 155 (1): 141-163 (1992)

awareness-raising, and on building trust and confidence with members of the public. Over more than two decades, the great majority of people have proven willing to give personal and sensitive data related to their ethnic group, disability, gender, age, religion and similar beliefs. They give the information in the expectation that it will be used to identify and eliminate or mitigate discrimination on equality grounds. They do this on a regular basis in public and private settings when applying for, and receiving, many types of public sector services.

Sexual identity monitoring is not yet properly developed through the adoption of a harmonised question and the work of the ONS Sexual Identity Project should change this situation. Public bodies currently rely on community pressure and anecdotal evidence to devise acceptable sexual identity monitoring questions, assess needs and deliver services to LGB people. Some LGB people add their own 'tick box' to equality monitoring forms as a way of protesting against their exclusion from equality monitoring data.

In response to pressure from LGBT community groups, increasing numbers of local authorities are introducing sexual orientation monitoring. Waltham Forest Council, for example, introduced sexual orientation monitoring in the late 1990s and includes a sexual orientation monitoring question in its complaints monitoring form. Brent Council includes a sexual orientation monitoring question on applications for allotments. Southwark Council asks a sexual orientation monitoring question in its staff surveys. Manchester City Council recently introduced sexuality monitoring of the workforce "to make sure that all employees are treated equally and recruitment and employment policies are fair".

Stonewall, the LGB lobbying group, has produced guidance on monitoring sexual orientation in the workplace¹⁴. Increasing numbers of trades unions are

¹⁴ *Monitoring: how to monitor sexual orientation in the workplace*, Stonewall, July 2006.

also producing guidance for their members on monitoring sexual orientation in the workplace.

LGBT community groups report that resistance within public bodies to introducing sexual identity monitoring stems partly from the discomfort of managers at introducing the question in the first place, and the discomfort experienced by staff who are not trained to ask individuals this personal identity question.

Asking sexual identity questions of individuals in their homes, as ONS interviewers do, raises privacy issues that are relevant across the public sector. Sexual identity questions, for example, are increasingly asked by social workers when making needs assessments of young people, adults and older people.

Concern has also been expressed by communities and across all business sectors about the potential for conflict between groups with particular religious values and minority sexual identity. The perceived 'religious conflict' barrier was tested by the introduction of civil partnership ceremonies in Register Offices throughout the UK. Concerns about the religious values of some staff conflicting with the minority sexual identity of prospective civil partners proved to be unfounded. Register Office employees were trained to understand the new requirements of their jobs and, in general, have implemented them successfully.

Training is a key element of successful implementation when asking all types equality identity questions, and when introducing new equality monitoring requirements. ONS corporate learning, including the experience of training interviewers, should be published as practice notes to enable other

organisations to learn from the developing expertise of ONS in this area. This activity is part of recommendation 1.

Recommendation 12

- a. Lesbians, gay men, bisexual and heterosexual people in all equality groups should be consulted about data collection and survey implementation methodologies.
- b. Data collection methodologies should be kept under review.
- c. All interviewers implementing the sexual identity question(s) should receive training in the following:
 - LGB history and culture
 - the reasons why the question is asked
 - the value of the data outputs to LGB people
 - how to ask sexual identity questions of any person in an appropriate and sensitive manner
 - data confidentiality

Disabled people and adverse impacts

The sexual identity questions will have particular adverse impacts on disabled people in all communities. It is not likely that the experience of disabled people being asked sexual identity questions will be different to the experience of non-disabled people being asked the same question(s). The risk is that disabled people in some groups will not be asked the question because of subjective judgments and/or question accessibility. This means that there will be additional adverse impacts for some groups of disabled people.

Self-reporting, for example, would result in under-reporting and misreporting

by people who find it difficult or impossible to read and write, such as

- people with dyslexia and other learning disabilities
- people with visual and motor impairments.

Other ways of administering the sexual identity question, other than through the CASI mode of self-administration, must be considered by ONS so that the question can also be answered by people who are unable to use a laptop computer.

Adverse impact may be experienced by particular groups of disabled people who may answer questions by proxy to a greater degree than others. Groups that may be adversely affected include some people with learning disabilities, adults of all ages who live in care homes or supported settings, and people with visual, communication and motor impairments.

The sexual identity of disabled people may not be recognised or acknowledged by non-disabled people. As a consequence, they may not be asked proxy questions about their sexual identity. Since disabled people may wrongly be considered to be asexual by their families, carers or professionals, this may result in the exclusion from the data of disabled people in all age groups. For example, the report by Jenny Morris highlights some of the sexuality issues affecting young disabled people:

“Sex and sexuality figure as important issues in the transition to adulthood for non-disabled young people but adults do not always recognise that disabled young people will have the same sexual feelings as others of their age. This can result in a lack of information and in inappropriate advice, creating confusion for young people, their parents and carers.”

Moving into adulthood: Young disabled people moving into adulthood, Jenny Morris, published by the Joseph Rowntree Foundation, 2002 - *Foundations* Ref 512. Available online at

<http://www.jrf.org.uk/knowledge/findings/foundations/512.asp>

In her report on moving into adulthood, Jenny Morris points out that

“Young people from black and minority ethnic communities are also particularly disadvantaged. Services know little about their needs and views, and these families and young people find it especially difficult to get information about options and possibilities.

We know relatively little about the experience of young South Asian disabled people and their families. This poor understanding is evident in policy and practice and often results in inaccessible and insensitive service provision. ...Young people and their families... often find services unable to respond to their needs; excluded from services on the basis of language; experience insensitivity to cultural diversity; and subject to myths and stereotypes that deny them the support they need.

Hussain, Atkin and Ahmad, 2001” (ibid.)

Deaf and hearing impaired people

Deaf and hearing impaired people face many barriers to their inclusion in the activities of the wider community. These barriers often result in unlawful discrimination as defined by the Disability Discrimination Acts of 1995 and 2005.

Although people who use British Sign Language (BSL) do not necessarily consider themselves to be disabled, the impact of being excluded from the sexual identity question is likely to result in adverse equality impact for this group. BSL is a distinct language, with its own grammatical construction. The

design and development of the sexual identity question(s), and the guidance issued by ONS, must take the requirements of BSL and its users into account.

ONS must do everything reasonably possible to ensure that everyone from majority and minority ethnic communities, and the Deaf Community, can access and respond to the sexual identity questions.

Recommendation 13

Groups of disabled women and men *with a range of impairments* should be involved from an early stage so that they can comment on the design and implementation processes of the sexual identity question(s).

Recommendation 14

Groups of disabled women and men *from majority and minority ethnic communities and the Deaf Community* should be involved from an early stage so that they can comment on the design and implementation processes of the sexual identity question(s).

Appendices

Appendix 1: Developing a measure of sexual identity

Sexual Identity Project timetable: key dates

Appendix 2: Definitions of terms used in the assessment

Appendix 3: Constraints on the Sexual Identity Project

Appendix 4: Resources used to inform the assessment

Appendix 1: Background documents

Developing a measure of sexual identity

(The document below, produced by ONS in August 2007, summarises the Sexual Identity Project's work. It was written as a briefing document for the National Statistics User/Stakeholder Group on Sexual Identity.)

Information about work by Office for National Statistics to develop a measure of sexual identity

Background

ONS is aware of a strong user requirement for information on sexual identity. The consultation on the content of the 2011 Census established this requirement and although, as announced in Spring 2006 a question on sexual identity is unlikely to be included in the 2011 Census, a programme of work has been established to meet user requirements.

The aim of the programme of work is to develop a question (or set of questions) on sexual identity that can be used on social surveys and for equality monitoring purposes (The Sexual Identity Project). The Sexual Identity Project has been identified as high priority by ONS.

ONS held an exploratory meeting in April 2006 with interested parties, including representatives from other Government departments and non-governmental organisations, academics, researchers and lesbian, gay and bisexual (LGB) groups. This group agreed that initially the focus should be on measuring sexual identity (rather than sexual orientation or behaviour).

Following this meeting, two groups were formed to assist the project:

- User/Stakeholder Group – made up primarily of representatives from different government departments and LGB groups.
- Expert Research Group – made up of primarily academics and researchers with experience in this field.

These groups met in the Summer 2006 and are operating through a combination of meetings and the provision of advice and comment through correspondence and one-to-one discussions. A cross Government Steering Group for the project has also been formed and will meet for the first time shortly.

Objectives of the ONS Sexual Identity Project

The ONS Sexual Identity Project has three main objectives:

- To develop a question (or set of questions) on sexual identity that can be used on social surveys and for equality monitoring purposes. If an acceptable question can be developed, it is expected that after testing it would be added to the Integrated Household Survey (IHS), allowing estimates of the size and characteristics of the lesbian, gay and bisexual (LGB) populations to be produced.
- To test and evaluate (both quantitatively and qualitatively) the questions to ensure that they meet user requirements, are acceptable to respondents and provide information of reasonable quality/accuracy.
- To provide guidance on the administration of the question(s), both to those administering the questions and to users of the questions.

Key Activities

The project is organised into different phases:

- Exploratory phase - This phase involves understanding concepts and initial exploratory testing.
- Main phase – Design and administration of a sexual identity question(s).
- Full quantitative trial – testing the question(s) on a large ONS survey.

Exploratory phase

The exploratory phase involves understanding concepts and initial exploratory testing. ONS have completed the initial stages of the question development process, which includes:

- Defining concepts and user requirements undertaken through the User/Stakeholder Group and Expert Research Group.

- A review of existing literature and previous research.
- Reviewing experiences of organisations which have collected quantitative data on sexual orientation/identity (UK and overseas).
- Paper summarising the sexual orientation legal context. (currently in draft form).
- Two 2-month trials were carried out on the ONS Omnibus survey in 2006 to assess initial feedback from respondents and interviewers, including analysis of people answering 'Prefer not to say'. This was not intended to produce sufficient sample size to provide estimates of the LGB population.

Findings from these will be published on the ONS website soon.

Focus groups

The next stage of the exploratory work will use focus groups to investigate people's attitudes to being asked questions on sexual identity in the context of a household survey on a range of social topics. Five focus groups (with heterosexual men; heterosexual women; gay men; gay/lesbian women; and bisexual men and women) have been planned. The groups will explore topics relating to the conceptualisation of sexual identity/orientation; terminology used and understood; administration in different contexts; confidentiality and acceptability. The focus groups are scheduled to be held in autumn 2007.

Main Phase

Findings from the exploratory work will inform the design and administration of a question (or questions). To ensure that the proposed sexual identity questions are accurate and acceptable, the questions will then be tested using cognitive/in-depth interviews with people from a variety of different backgrounds.

Cognitive testing takes place in the course of one-to-one interviews. It explores the mental process by which respondents reach an answer to a question and in so doing it can show whether or not the question is working as intended.

The cognitive interviews will be combined with in-depth enquiry to further explore conceptual issues related to the question sets, where appropriate. Small sub-groups that could not form part of the focus groups work or for which it was inappropriate from a methodological perspective to include them in the focus groups will also be covered at this stage of the project. For example, the transgender community, those in the youngest and older age-groups, those with more severe disabilities, those with certain religious, political or cultural beliefs, and those living in more rural communities.

The cognitive testing phase is scheduled for the beginning of 2008.

A major issue is whether the figures produced will seriously underestimate the size of the LGB population because people do not wish to disclose this information to survey interviewers.

Proxy responses

We will be investigating the consequences of asking, or not asking, the sexual identity question by proxy. On some surveys, people answer questions on behalf of somebody else in their household; these are known as 'proxy' interviews/responses. This will involve assessing the proportion of proxy interviews that are taken on the main ONS surveys and how the characteristics of proxy respondents differ from those of other respondents. This analysis is scheduled to take place in September/October 2007.

Full Quantitative trial

Assuming we are able to formulate an acceptable question and testing shows that its inclusion will be feasible; the question will be trialled on an ONS survey. Results from the trial will be analysed before introducing it more widely to a range of ONS surveys in future years. In particular we will assess the quality and accuracy of the estimate provided. If the question is feasible quantitative testing will take place from July 2008

Document ends.

Sexual Identity Project timetable: key dates

The table below shows some key dates for the Sexual Identity Project timetable:

Sexual Identity Question Development	
'In Search of a Question on Sexual Identity' Paper	Paper published May 2007
Review of UK experiences of administering survey questions on sexual identity/orientation	Report published January 2008
Review of the legislative context	Report published May 2008
Review of international organisations experiences of administering survey questions on sexual identity/orientation	Report published May 2008
Cognitive testing	Scheduled for June – July 2008
Question Testing and Implementation	
NS Omnibus Survey Trials 1 & 2	Report published January 2008
NS Omnibus Survey Trial 3	Report to be published summer 2008
NS Omnibus Survey Trial 4	This trial is being run on the NS Omnibus Survey in November and December 2007 and January 2008. Findings will be published in summer 2008
Focus groups	Focus groups took place between October and November 2007. Findings will be published summer 2008.

Proxy response report	Report to be published summer 2008
Estimating precision and reliability report	Report to be published summer 2008
Full quantitative trial on ONS General Household Survey Longitudinal (GSL)	The trial will run from April to September 2008. Report will be published winter 2008.
User Guidance	
Guide on collecting data on sexual identity	Scheduled for April 2009
Data Quality Review	
Experimental statistics first release	Scheduled for autumn 2010
Statistical evaluation report	Scheduled for autumn 2010

Appendix 2: Definitions

The definitions below explain terms used in the assessment.

Adverse or negative impact

Adverse impact is where functions disadvantage equality groups. This may also be differential, in that the adverse impact on one group is likely to be greater than on another. Some adverse impacts might be intended. For example, when providing a dedicated service for women who suffer domestic violence, the service might exclude some groups. If an adverse impact is considered to be unlawful this would result in either direct or indirect discrimination. Action must be taken immediately to either develop/change or even abandon the functions.

Bisexual

A person who identifies as bisexual is sexually attracted to both men and women.

Cognitive testing

Cognitive testing is a recognised method for pretesting questions and questionnaires. By using techniques such as paraphrasing, think-aloud, concurrent, and retrospective probing, developers are able to identify problems with the questionnaire, to ensure that respondents understand questions, concepts and tasks in a consistent way; feel able and willing to answer; and provide answers that are valid, reliable, sensitive and accurate.

Discrimination - direct

Direct discrimination occurs when a person is treated less favourably than someone else for reason of their sex, ethnic origin, disability, age, sexual orientation, religion/belief etc. Also, it occurs under the Disability Discrimination Act, when organisations fail to make reasonable adjustments to meet the needs of a disabled person (unless failure can be justified).

Discrimination - indirect

Applying a rule or requirement, which effectively leads to less favourable conditions or treatment for a particular group of people.

Diversity

Diversity is the difference in beliefs, values, attitudes, culture, ethnic background, sexual orientation, skills, knowledge, and life experiences etc of each individual in any group of people.

Due regard

Applying the principle of 'due regard' is required by the Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Gender Duty of the Sex Discrimination Act 1975, as amended by the Equality Act 2006.

'Due regard' comprises two linked elements: proportionality and relevance. This means that, in all their decisions and functions, ONS has a statutory duty to give due weight to the need to promote race, disability and gender equality.

Detailed information about 'due regard' is available in the statutory codes of practice on the race, disability and gender equality duties. These codes are available on the website of the Equality and Human Rights Commission, as follows:

<http://www.equalityhumanrights.com>

Equality of opportunity

Making certain that no section of the population receives less favourable treatment because of their sexual orientation or identity, race, ethnicity, gender, gender identity, disability, religion or belief, age, or any other status.

Ethnicity

A sense of cultural and historical identity based on belonging by birth to a distinctive cultural group.

Gay

A man who identifies as a gay man is sexually attracted to other men.

A woman who identifies as a gay woman is sexually attracted to other women.

Heterosexual

'Heterosexual' is the general term used to describe men and women who are sexually attracted to people of the opposite sex. The alternative word in common use is 'straight'.

Homophobic

The term 'homophobic' is generally used to describe hatred or fear of homosexuals and homosexuality. It is also used to describe discrimination, or less favourable treatment, that results in unequal outcomes for homosexuals compared to heterosexuals.

Homosexual

'Homosexual' is the general term used to describe people who are sexually attracted to others of the same sex. It should not be used to describe individuals since it is offensive to many lesbians and gay men when used out of context.

Integrated Household Survey

The Integrated Household Survey (IHS) will be launched in January 2008. The IHS will bring together the ONS-led, continuous Government household surveys into one modular survey:

- Labour Force Survey (LFS)
- General Household Survey (Longitudinal)
- Expenditure and Food Survey
- Omnibus Survey
- LFS boosts

The IHS would have an annual independent achieved sample of nearly 270 thousand households and more than 500 thousand adults, making it the largest ever continuous survey to be conducted in England, Wales and Scotland. Data are collected under separate arrangements in Northern Ireland by the Northern Ireland Statistics and Research Agency (NISRA).

More details about the IHS are set out in the consultation document:

http://www.statistics.gov.uk/about/Consultations/ONS_consultations/download/IHSConsultResponse.pdf

Lesbian

A woman who identifies as a lesbian is sexually attracted to other women.

LGB

This is an acronym for lesbian, gay, and bisexual.

LGBT

This is an acronym for lesbian, gay, bisexual and transgender.

LGBT community

This is an accepted, inclusive term for the diverse community of lesbian, gay, bisexual and transgender people. It is the term used most often in formal settings. Some people use the term 'gay community'. However, this is regarded as potentially offensive since it implies exclusion of other sections of the community, such as lesbians.

Transgender people are an integral part of the community of the LGBT community. Most transgender people are heterosexual. Others identify as lesbian, gay or bisexual.

Omnibus Survey

The Omnibus Survey is a multipurpose survey developed by the ONS to be a fast, cost-effective and reliable way of obtaining information on a variety of topics too brief to warrant a survey of their own. The Survey is based on interviews with a sample of about 1,800 adults per survey month, with one adult selected from each household. The Survey covers Great Britain and data are available at standard region level.

Over 300 question modules have been included to date covering a very wide range including contraception, unused medicines, tobacco consumption, changes to family income, Internet access, arts participation, transport, fire safety and time use.

Positive impact

This is where functions have a positive influence on equality groups, or improve equal opportunities and/or relationships between different groups. The positive impact may be differential, where the positive impact on one group is likely to be greater than on another. For example, a targeted training and education programme for minority ethnic women would have a positive differential impact on minority ethnic women, compared with its impact on white women and all men. It would not, however, necessarily have an adverse impact on white women or men.

Qualitative evidence

Information that is people's perceived experiences. They are viewpoints and will often provide an explanation of the quantitative data, or produce different analyses.

Quantitative evidence

Information that is "numbers" - e.g. Census data. This can be statistically analysed and cross-referenced in different ways.

Sexual Identity

In this assessment, the term 'sexual identity' is used, and generally also encompasses 'sexual orientation'. However, it is difficult to determine a commonly agreed definition of either term. The surveys reviewed by the Sexual Identity Project refer to, variously, 'sexual orientation', 'sexuality' or were not explicit about which concept they were measuring. There has been much research into the concepts of sexual identity and orientation, with regard to different dimensions such as sexual attraction, behaviour, fantasies, emotional and social preferences, identification and lifestyle, and whether they can/should be measured individually or if it is possible to capture sexual identity/orientation with a single question.

The working premise of the Sexual Identity Project is that a question is developed which should ask about respondents' self-perceived sexual identity, allowing them to take into consideration whichever dimensions they so choose in order to determine their sexual identity. The intention is that sexual identity will not be defined for them as only being about a particular dimension (e.g. behaviour), or prescribe a formula to derive the overall identity. This multi-dimensional approach is informed by models of sexual orientation such as the Klein Grid and the Sell Assessment¹⁵. The feasibility of operationalising this intention in the social survey environment is one of the main focal points of the Sexual Identity Project.

Sexual Orientation

¹⁵ See http://www.gaydata.org/ms001_Index.html

Section 35 of the Equality Act 2006 states that “sexual orientation” means an individual’s sexual orientation towards (a) persons of the same sex as him or her, (b) persons of the opposite sex, or (c) both. Attraction is not mentioned.

Straight

‘Straight ’ is the term in common use to describe men and women who are sexually attracted to people of the opposite sex. The alternative word is ‘heterosexual’.

Transgender

The term ‘transgender’ covers both transsexual and transvestite people. The word ‘trans’ is often used as an inclusive term that covers all sections of the transgender community.

Transgender people are an integral part of the community of the UK’s LGBT community. Most transgender people are heterosexual. Others identify as lesbian, gay or bisexual.

Transsexual

Transsexual people are uncomfortable in their birth gender and have a strong desire to live and be accepted in the opposite sex. The technical description is gender dysphoria, which is a medical condition. Gender dysphoric people feel that they have a gender identity that is different from their anatomical sex.

Some transsexual people conform to the roles expected of them and live in their birth gender. Some resolve their situation by living in two identities, for instance depending on whether they are at work or in a less formal setting. Others undergo gender re-assignment surgery and other treatment.

Appendix 3: Constraints

Constraints on the Sexual Identity Project

The United Kingdom has a wide range of Government surveys that provide sources of social and economic information.

The Census of Population is the largest and best known, but there are many others covering topics, such as economic activity, income, expenditure, food, health, education, housing and transport.

Most of these are continuous household surveys. Others, covering topics such as crime, dental health and house condition, are repeated regularly. The Government also commissions single surveys from time to time on subjects of national importance, such as the prevalence of disability and mental ill health.

These surveys were designed at different times, to meet different needs, and have been commissioned by a range of departments. Consequently, the surveys were developed mostly in isolation from each other.

This resulted in a lack of cohesion. Differences arose in concepts, definitions, design, fieldwork and processing practices, or 'inputs', and also in the way results are released, or 'outputs'. This lack of cohesion was a source of frustration for many users. A major factor behind the creation of National Statistics in 1996 was the desire to improve the service being provided to users of statistics, and the availability and accessibility of those statistics.

A cross-governmental programme of work is looking into standardising inputs and outputs. This is known as harmonisation. For several years, the ONS has led this programme of work. The aim is to make it easier for users to draw clearer and more robust comparisons between data sources.

For information on the collection and classification of ethnic group statistics, go to

http://www.statistics.gov.uk/about/ethnic_group_statistics/downloads/ethnic_group_statistics.pdf

For information on harmonised questions for ethnic group, go to

<http://www.statistics.gov.uk/about/data/Harmonisation/downloads/P3.pdf>

For information on harmonised questions for national and religious identity, go to

<http://www.statistics.gov.uk/about/data/Harmonisation/downloads/s11.pdf>

There are several other factors that ONS must consider when developing sexual identity questions. These factors apply when deciding what question (or questions) should be asked so that it is understood and accepted. The various factors are outlined below:

- Impact on respondents:
 - acceptability of question (to ensure maximum response rates); and
 - respondent burden (so that respondents are not asked to complete a questionnaire or answer questions that are too long or complicated).
- Data quality:
 - questions will only be included where ONS is confident that the information collected will be of sufficient quality to be of use to users.
- Operational considerations:
 - cost of printing, delivery and collection (dependent on questionnaire length); and
 - cost of processing (dependent on questionnaire length and questions asked).
- Time:
 - for delivery and collection (dependent on questionnaire length); and
 - for processing (dependent on questionnaire length and questions asked).

Appendix 4: Resources used to inform the assessment

Sexual Identity Project Initiation Document, ONS, September 2007

Proposal and briefing guide for Sexual Identity Project: exploratory focus groups, ONS, September 2007

Developing survey questions on sexual identity: UK experiences of administering survey questions on sexual identity/orientation, ONS, September 2007

Minutes of National Statistics Expert Research Group, ONS, 13 August 2007

Minutes of User/Stakeholder Group: Taking forward the demand for data on sexual identity across government surveys, ONS, 24 April 2006

The 2011 Census: Assessment of initial user requirements on content for England and Wales - Sexual orientation, ONS, March 2006

National Statistics Expert Research Group on Sexual Identity: Terms of reference, ONS, 2006

National Statistics User/Stakeholder Group on Sexual Identity: Terms of reference, ONS, 2006

Information about work by Office for National Statistics to develop a measure of sexual identity: LGB delegate pack, ONS, August 2007

LGBT History Month website: <http://www.lgbthistorymonth.org.uk/>

Civil Partnership Act 2004 Final Regulatory Impact Assessment

Fairness and Freedom: The Final Report of the Equalities Review, Cabinet Office, 2007

Time for change? Personal, social and health education, Ofsted, 2007

Sex and relationships, Ofsted, 2002

Ethnic monitoring: a guide for public authorities, Equality and Human Rights Commission, 2002

Ethnic group and the British Census: the Search for a Question, K. Sillitoe and P.H. White, *Journal of the Royal Statistical Society, Series A: Statistics in Society* 155 (1): 141-163 (1992)