

# DCM: Gender identity phase 2B cognitive testing findings and question design recommendations

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## 1 Executive Summary

This report provides findings and recommendations from the Gender Identity Phase 2B cognitive test conducted by Data Collection Methodology. This phase tested ‘What is your gender? Female/Male/Any other gender’ and two variants of a question on transgender status or identity: ‘Is your gender the same as the sex you were registered at birth? Yes/No/Prefer not to say’ and ‘Do you consider yourself to be trans, or have a trans history? Yes/No/Prefer not to say’.

A separate test of the question ‘What is your sex?’ Female/Male’, plus three variants of a question on transgender status or identity, was conducted concurrently (Phase 2C) and reported on separately.

This 2B report does not make a recommendation as to whether ‘What is your gender?’ or ‘What is your sex?’ should be taken forward for the Census. It provides part of the evidence base to inform decisions on what questioning should be recommended.

The question ‘What is your gender?’ was answered in accordance with the intended meaning. It was well-received across most sample subgroups, however there were also objections to it being an alternative to a question establishing a person’s sex.

Should it be decided to take forward such a gender question with an ‘other’ response option, DCM recommends this design:

**What is your gender?**

Female / Male / Any other gender, please specify \_\_\_\_\_

DCM recommends the question below as the follow up question to establish a person’s transgender status:

**Is your gender the same as the sex you were registered at birth?**

Yes / No / Prefer not to say

DCM recommends that ‘Is your gender the same...’ be asked of people age 16 and over and that the above two questions be located consecutively, following Date of Birth, subject to testing.

DCM does not recommend taking forward the alternative trans status/identity question tested, ‘Do you consider yourself to be trans, or have a trans history?’ This is for reasons of comprehension, terminology and acceptability, and of the preferences expressed for the different designs. Should it be decided to take this option forward, DCM recommends this design:

**Do you consider yourself to be transgender?**

Yes / No / Prefer not to say

Recommendations are also made for the content of respondent guidance relating to the different question designs, and for further consideration, engagement and testing with regard to:

- potential problems regarding disclosure of trans status/identity
- the opinions of 'potential objectors', that is people who have an interest in the quality of data collected on the male and female population and might object to asking any question on gender
- how to meet the needs of people with intersex conditions/disorders of sexual development (dsd)
- proxy data collection
- the Census 100 year rule
- differences between UK and foreign countries' recognition of non-binary sex/gender and
- the use of social surveys to collect data on any or all of the topics of sex, gender, trans status/identity

## 2 Introduction

### 2.1 Objectives of this paper

- The objective of this report is to provide Census and PSD with findings and recommendations to help inform decisions on what questions around sex, gender and transgender status should be recommended for the Census White Paper, based on the results from DCM cognitive testing of the phase 2B question designs. Question design recommendations are made, where findings enable them. Where findings are less conclusive, points for consideration and suggestions for further research are made.
- Phase 2B was carried out concurrently with phase 2C. Phase 2C tested a sex question ('What is your sex?' with female and male response categories) plus two of the same alternative designs as tested in 2B (with one difference: the 2C questions which asked respondents to compare gender with sex registered at birth had a write in field when the answer indicated they were different; the write ins were not in the 2B version). 2C has been reported on separately<sup>1</sup>.

### 2.2 Objectives and Methodology of phase 2B cognitive testing

- Phase 2B tested a question on gender and a second question that aimed to capture a person's transgender status or trans identity. The follow-up gender question had two alternative designs. See Appendix A for the designs of the questions tested during phase 2B.
- Twenty-three face-to-face cognitive question testing interviews were conducted in spring 2018.
- The purposive sample included participants from the following subgroups: cisgender women and men, transgender women and men, non-binary people and with intersex characteristics (who will be referred to as 'intersex'). Additionally, some participants were sampled because they potentially had an interest in the quality of data collected on the male and female population and might object to changing the question from asking sex to asking gender. These participants were recruited via various women's organisations or online forums. Within this report they are referred to as 'potential objectors'. They were all cisgender, in that their sex and/or gender 'conformed' with the sex they were registered at birth, but we distinguish them as a separate subgroup due to their potentially different relationship to the concept of gender. At times the word 'trans' is used as a collective term for transgender and non-binary participants and the community in general.
- Secondary sampling criteria included age, household type, ethnic group, religion, educational attainment and economic activity status. For each criterion, participants with diverse characteristics were recruited across the sample as a whole and, as far as practical, within the primary sample subgroups.
- Recruitment targets were largely achieved, however intersex people were underrepresented.
- Participants were observed as they self-completed a subset of Census individual questions including the questions of interest, either on paper or online (allocated by DCM in order that both modes were tested with participants in approximately equal numbers and distributed across the sample criteria).

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<sup>1</sup> DCM: Gender identity phase 2C cognitive testing findings and question design recommendations (May 2018)

Cognitive probing then explored participants' understanding of question designs, response processes and topics around the acceptability of inclusion in the 2021 Census and aspects of Census design/administration.

## 3 Summary Chapter

This summary section is intended to stand-alone from the rest of the document, providing all the key findings and recommendations from Phase 2B. The full report that follows it (sections 4 to 8) provides more in-depth description of findings, with the evidence, and more detailed discussion of recommendations and points for consideration. References to section numbers in the full report where the full details can be found are provided at the end of subheadings and selected bullet points.

### 3.1 DCM final design recommendations from 2B *(See full report, section 4)*

- Recommendations within this report are based on evidence collected from phase 2B testing. This report does not make a recommendation as to whether ‘What is your gender?’ or ‘What is your sex?’ should be taken forward for the Census, because 2B and 2C were independent tests.
- The question ‘What is your gender?’ was answered in accordance with the intended meaning. It was well-received across most sample subgroups, particularly by transgender and nonbinary participants. However there were also objections to it being an alternative to a question establishing a person’s sex.
- Should it be decided to take forward such a gender question with a third response option, DCM recommends this design:

What is your gender? Female Male Any other gender, please specify _____
--

- DCM recommends the question below as the follow up question to establish a person’s transgender status:

Is your gender the same as the sex you were registered at birth? Yes No Prefer not to say
--

(Note: ‘please specify your gender \_\_\_\_\_’ would be required at the ‘No’ answer option if this question follows Sex.)

- Locate these questions consecutively. Locate these questions at the start of the demographic section (i.e. straight after Name and Date of Birth and before Marital status).
- Filter children under 16 away from answering the ‘Is your gender ...’ question.
- There are further recommendations on question designs (in sections 3.2 to 3.4) and issues for further consideration, engagement and testing (in section 3.5).

## 3.2 'What is your gender?'

### 3.2.1 Key findings

*Comprehension and answer process (see full report section 5.1.1)*

- The question was answered in several different ways:
  - Cisgender respondents and potential objectors answered as expected with 'Female' or 'Male' answers that were reflective of the sex they were registered at birth.
  - There were transgender men and women who answered with the binary response option aligning with their affirmed gender (e.g. transgender women who selected 'Female') regardless of whether or not they had official documentation that matched this.
  - Other transgender, non-binary and intersex participants answered with the response option 'Any other gender' and chose to write in a description of their identity.
- Overall understanding of this question varied between:
  - Assumption that the question was asking about biological sex
  - Interpretation to be asking how people identify.
- There was a lack of distinction made between 'sex' and 'gender' amongst the cisgender participants.
- In general, potential objectors, trans and intersex respondents understood 'sex' and 'gender' as two distinct constructs with 'sex' referring more to biology/anatomy and 'gender' referring more to identity/perception/social roles in society. Among potential objectors was the view that the Census was really intending to collect sex.
- There were suggestions from cisgender, non-binary and transgender participants that the question stem should mention identity to make it clearer.
- The 'female' and 'male' answer options included with the question were defined in different ways, relating to sex or gender.
- The 'Any other gender' option aided understanding for trans participants that the question was asking about their gender identity.
- There was some uncertainty about whether the 'Female' and 'Male' options were inclusive of transgender men and transgender women or whether they were intended to be included in the 'Any other gender' option.
- There were participants across the potential objectors, trans and intersex subgroups who felt the answer options created confusion about what information the question was trying to gather - sex or gender identity – because they associated female and male with biological sex.
- The reasons participants gave for the answers they provided varied but they resulted in answers that were generally in line with what the question was intending to collect. That is, that answers for cisgender people would either be their social identity as a woman (female) or a man (male), if they associate with gender identity, or their sex at birth (female or male) – the answer would be the same either way. Answers for transgender and non-binary people would be based on their affirmed gender (that is, post-transition), not dependent on having a Gender Recognition Certificate or based on sex at birth. Answers for intersex people would not be possible to assume, given the variety of conditions and relationships between gender and sex.



- Participants who selected 'Any other gender' said the descriptions they wrote in were the terms that most accurately represent their identity and were the terms they often use to describe themselves or were based on the way they feel that particular day.
- In general, participants had no difficulty answering the question and were able to answer in the way they would like. However, there were potential objectors who stated they did not agree with the concept of gender and might consider selecting the 'Any other gender' option or leaving the question blank if it was included in the Census to indicate their protest.
- There was an opinion among trans participants that the question would be difficult to answer for some people who are not in a situation where they feel comfortable expressing their trans identity.

#### *Census acceptability and administration (see 5.1.2)*

- Participants from across the subgroups, other than the potential objectors, deemed this question acceptable for inclusion in the 2021 Census and felt fine with it being a compulsory question.
- The focus on gender rather than sex was received well by the trans subgroups because it was seen as more relevant, inclusive and comfortable to answer.
- Trans respondents who selected 'Any other gender' were broadly happy to be included in the count of people whose gender is not the same as the sex registered at birth.
- There were strong views amongst the potential objectors that this question was not an acceptable question if it was intended as an alternative to a question establishing sex. There were also respondents within this subgroup who did not agree with the concept of gender and wanted it to be recognised that not everyone identifies as having a particular gender.
- The potential inclusion of a Sex question was regarded in different ways amongst the trans respondents:
  - There were participants who would reluctantly answer with their birth sex but would feel uncomfortable
  - Others would struggle to answer or would feel frustrated by the question.
- It was thought important for intersex people to be able to indicate they are intersex somewhere on the Census, for example, if there was a third answer option where they could select/write in intersex. They would not want to answer intersex to a gender question and would not be happy with being included in a count of people whose gender is different from the sex they were registered at birth because it would be mixing up trans and intersex people.
- **Answer options and ordering:** Different views were expressed as to whether the use of 'female' and 'male' answer categories for the question was appropriate. Ordering of female first was considered acceptable.
- The inclusion of the description box at 'Any other gender' was viewed positively. It was suggested that it should be made clearer online that there will be a place to specify your gender if the 'any other gender' option is selected.
- **Age appropriateness:** In general, across subgroups it was seen to be appropriate to ask this question about children of any age. Amongst potential objectors there was a view that it was inappropriate to ask children under 16 about gender.
- **Proxy response:** Perceptions of proxy responses varied across and within subgroups. There were both cisgender and trans respondents who felt comfortable answering on behalf of others in their

current household (or vice versa). However, other respondents felt it was too personal (particularly within shared households) and could result in inaccurate answers.

### 3.2.2 Recommendations - What is your gender? (See 5.2)

- If it was decided to ask a question on gender like that tested in phase 2B, DCM would recommend no changes to the question wording or response categories on the basis of these findings.
- The question was broadly considered to be acceptable and collected data that would be anticipated and as intended from a gender question as opposed to a sex question. However, there were concerns among potential objectors about asking gender rather than sex.

<p>What is your gender?</p> <p>Female</p> <p>Male</p> <p>Any other gender, please specify _____</p>
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- **Question stem:** DCM recommend asking ‘What is your gender?’ There was some uncertainty about the difference between sex and gender but generally this did not impact upon participants’ selection of an appropriate answer.
- **Response options:** DCM recommend using ‘Female’ and ‘Male’ response options, with female ordered first. There should also be ‘Any other gender...’ option included and its description box. DCM recommend that the online version of the question includes the words ‘Please specify’ in brackets next to the ‘Any other gender’ option or has the description box visible at the outset.
- **Guidance:** DCM recommend that the respondent guidance for this question provides:
  - a definition of ‘gender’ as ONS intends it
  - an explanation of what the question is intended to capture, its purpose and uses of the data
  - an explanation for transgender men and women specifying that they can answer with their affirmed gender (Female or Male) or can select the ‘Any other gender’ option if they prefer, regardless of whether they have a GRC or have changed passport, driving licence etc.
  - some explanation to address the opinions of potential objectors and advice as to how to answer if they disagree with premise of gender (if necessary, dependent on the outcome of stakeholder engagement with this group)
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development (dsd), if specifically required in addition to the above
- While, in general, question guidance is consulted infrequently by respondents, with this topic it is perhaps more likely that members of the population of interest or respondents with an interest in the question would consult it. However, it must be acknowledged that guidance may still not be consulted or followed as intended.
- Use of hover over/clickable hyperlinks for definitions of terms is also recommended if that tool is to be adopted generally for the online Census and if user research indicates that it is effective.

- **Routing:** DCM would recommend no age routing for this question, given the need to collect this data for all people in order to produce census outputs by age. However, consideration needs to be given to addressing the views of those potential objectors who were against asking about a child's gender.
- Please also see the later recommendations for further consideration, stakeholder engagement and testing (section 8).

### 3.3 'Is your gender the same as the sex you were registered at birth?'

#### 3.3.1 Key findings

Note that the version of this question tested in phase 2B differed from that tested in phase 2C. In the 2B question version the answer 'No' did not include a write-in field in which to specify an identity or description.

#### *Comprehension and answer process (see 6.1.1)*

- Broadly speaking, participants across the main subgroups gave answers consistent with what would be anticipated given the answers they had provided to the 'What is your gender?' question and probing, and the intention of the 'Is your gender...' question. That is, cisgender participants and potential objectors answered 'Yes' while transgender and non-binary participants answered 'No'
- There were also answers that were not possible to predict (for example PNTS among non-binary participants and 'Yes' by an intersex participant).
- The broad success of the question was, however, somewhat *despite* the wording rather than *because* of it: there was a range of interpretations of the overall meaning of the question and of the terms used, and a deal of uncertainty among participants.
  - Across subgroups the question was interpreted essentially as asking whether someone has transitioned in some way over time.
  - The term 'sex you were registered at birth' was interpreted appropriately.
  - What was less clear to participants and interpreted more variedly was the meaning of 'your gender'.
    - There were potential objectors who had difficulty in relating to the question, due to consciously not identifying with a gender.
    - There were non-binary participants who did not ascribe personally to the common distinction made between gender and sex.
    - It varied as to whether non-binary participants thought the question related to legal/official status or identity and if the scope of a 'no' response was limited to transgender men and transgender women.
    - There were views, among trans, intersex and potential objector participants, that it was confusing, illogical and/or not possible to compare what are different concepts, gender and sex at birth, as required by the question.
    - The perception that ONS had conflated gender and sex was also of concern to an intersex participant because they thought if they answered 'No' they would be assumed to be transgender.

- There were transgender participants who thought the question was phrased appropriately because it recognised that gender is not registered at birth.
- For cisgender participants any such conflation or uncertainty did not matter or affect their answers, because their gender and sex were consistent.
- Among potential objectors answer processes varied; some were similar to cisgender participants, while others had difficulty due to conflation of sex and gender or due to disagreement with the premise of the question.
- Transgender men and transgender women decided on their answers of 'No' either on the basis of having a Gender Recognition Certificate, or, where no GRC had been obtained, on the basis that the gender they identified as differed from their sex at birth.
- Among non-binary participants the ease or difficulty in answering varied. Some were similar to the transgender men and transgender women without a GRC. But some doubt and concern at giving an answer that did not conform to a legal status was also evident.
- There was evidence of the response process being difficult for intersex people and the design of the question being inadequate in reflecting them. For example, 'No' was thought to imply they were transgender, which they did not identify with. PNTS would imply feeling of shame which was not felt. This left 'Yes' as the closest but still not completely accurate answer.

#### *Census acceptability and administration (see 6.1.2)*

- Across the sample, views of the acceptability of including this question in the 2021 Census were mixed.
  - There was a positive reception to the question being included in 2021 among participants across all subgroups (other than intersex).
  - There were critical or equivocal reactions, among non-binary participants and potential objectors. Among non-binary participants the question was thought to be limited in scope to identifying transgender men and transgender women.
  - There were views that a question on this topic was acceptable but this particular design was not.
- Participants' opinions of the Prefer not to say (PNTS) response option were varied.
  - There were positive views about its inclusion across all subgroups. These were generally about the potential needs of other people.
  - The cisgender, transgender and non-binary subgroups included participants who felt PNTS would negatively affect the data collected and that it gave the impression that the question is not as important as others.
- Non-cisgender participants were broadly favourable about their answers meaning they would (or when relevant would not) result in their inclusion in the Census count of people whose gender is not the same as the sex registered at birth. There was some concern among trans participants at being personally identifiable in published census records, given the political climate.
  - An issue that was raised among participants was that some other countries were thought to allow people to be registered as neither female nor male but as X, for example if they have intersex conditions. Should such a person be answering the Census, if their gender were neither female or male and their answer to 'Is your gender...' was 'Yes', their status might not be recognised in the Census count.

- **Age appropriateness:** Regarding the age from which it was appropriate to ask the question, participants divided into two main groups:
  - There were transgender, non-binary, intersex and cisgender participants who felt it could or should be asked to or about children under 16, including from birth.
  - There were participants across cisgender, transgender, nonbinary and potential objector subgroups who thought that 16 or 18 was the appropriate age for asking the question.
- **Proxy response** divided opinion.
  - There were participants from all subgroups content for questions to be answered by proxy, both by them for other household members, and by other household members on their behalf.
  - In contrast, there were views that it was not acceptable to ask the question by proxy, held among transgender, non-binary and potential objector participants. Such objections were on the basis that answers would or might be inaccurate; that questions in general should be answered personally; and that people would be upset or annoyed at incorrect answers being given about them.

#### *Views on the two-question approach and question locations (see 6.1.3)*

- **Two-question approach:** Participants views on the use of the two questions collectively were varied.
  - The two-question approach was positively received among participants from all subgroups (except intersex). For example, the questions were thought to complement each other and were linked by the word 'gender'.
  - More negative or equivocal opinions of the two-question design were also expressed, by participants from cisgender, non-binary, intersex and potential objector subgroups. For example, it was thought unnecessary to have more than one question, or, conversely, that more than two questions were necessary.
- **Question locations:** Views varied as to whether the questions should be located as they were in the test.
  - There were participants from all subgroups who felt the questions should or could be located together (i.e. asked consecutively). This was thought to be more logical and meant that the related questions could be thought about together. There was some evidence among trans participants that responses might differ if this were the case, for example by answering 'male' rather than 'any other gender', knowing that the next question would capture their trans status.
  - There were also participants across subgroups who thought it was acceptable, or even correct, that the questions be separated. They thought it would allow time for reflection, and by following the Sexual Orientation question would avoid conflation of that topic with gender. There were participants who had no strong views either way about the location.

### 3.3.2 Recommendations – 'Is your gender the same as the sex you were registered at birth?'

*Main question recommendation: 'Is your gender the same as the sex you were registered at birth?' or 'Do you consider yourself to be trans or have a trans history?' (see 6.2)*

DCM recommends inclusion of the question 'Is your gender...' rather than the alternative design 'Do you consider yourself to be trans...' (the findings about which, and comparison between these two alternatives, are reported below).

The findings and recommendations relate to asking this question in conjunction with ‘What is your gender?’

*DCM recommended question design (see 6.2.1)*

<p>Is your gender the same as the sex you were registered at birth?</p> <p>Yes</p> <p>No</p> <p>Prefer not to say</p>
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### Question stem

- No changes to the question wording are recommended on the basis of these findings, in view of the fact that the question broadly collected data that would be anticipated given answers to ‘What is your gender?’ and the intention of the question. Potential changes to the wording were suggested by participants, such as ‘Is your gender the same as the gender you were registered...’, ‘Is your sex the same as the sex you were registered...’ and ‘Is your gender identity the same ...’. These would not be appropriate or correct, and risk introducing uncertainty for other people.

### Response options

- No changes to the response options are recommended.
- (Note: ‘please specify your gender \_\_\_\_\_’ was not included at the ‘No’ answer option in the version tested in 2B but is required if this question follows Sex.)

### Guidance

- To address the uncertainty about the terms used and concepts being asked about, and in how to answer, DCM recommend that the respondent guidance for this question provides:
  - a definition of ‘gender’ as ONS intends it
  - an explanation of what the question is intended to capture, its purpose and uses of the data
  - an explanation of the relationship between this question and whichever one precedes it on sex or gender
  - clarification that the scope of ‘No’ is not limited to transgender men and transgender women, that it also applies to non-binary people
  - an explanation that the question relates to subjective identity not to legal status; that no GRC or change to official documents is required when answering ‘No’
  - some explanation to address the opinions of potential objectors and advice as to how to answer if they disagree with premise of gender
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development, if specifically required in addition to the above

### Age routing

- On balance, given the varied views of participants DCM would recommend asking this question from age 16; however the stakeholder and other opinions need to be taken into account.

- An explanation of why it is not asked to people younger than 16 (or whatever age threshold is used) should be provided in the guidance.

#### Location

- DCM recommends placement of this question immediately after the question on sex or gender, at the start of the individual questionnaire, subject to cognitive and quantitative testing of the impact on comprehension, acceptability and potential order/context effects when asked before sexual orientation. This might be more effective in enabling transgender respondents to realise they can answer 'What is your gender?' with 'Female' or 'Male' if they prefer that over answering 'Any other gender'.
- Please also see the later recommendations for further consideration, stakeholder engagement and testing (section 7).

### 3.4 'Do you consider yourself to be trans, or have a trans history?'

#### 3.4.1 Key findings

Probing of the 'Do you consider...' question was intentionally conducted in greater depth in 2B, which only included two alternative trans status/identity question designs, than it had been in 2C. In 2C it was the third of the alternative questions to be presented so time did not always allow the same depth of probing.

#### *Comprehension and answer process (see 7.1.1)*

- Across the sample participants said they would answer this question with answers consistent with the answers they had provided for the 'Is your gender the same...' question (that is, those who had answered 'Yes' to that question said they would answer 'No' to this question and vice versa).
- Regardless of their comprehension of the question, participants across subgroups were able to answer without difficulty.
- This question was considered easier to answer than the 'Is your gender the same...' question for those who do not identify with having a gender because they could say 'No' without giving any indication that they agree with the concept of gender or how it fits them.
- Similar to the findings from Phase 2C, there was a range of interpretations of the overall meaning of the question and of the terms used.
  - Across the subgroups the question was broadly understood to be asking whether someone has transitioned in some way over time or identifies themselves as something different than their birth sex.
  - However, there were different interpretations of whether the question would include those who have medically transitioned, or are undergoing medical transition, or whether it was more broadly inclusive of social transitioning, that is identifying with a gender, or no gender, without medically transitioning or legally changing sex.
  - The intention of the question was unclear to trans respondents who were aware the term trans could be used in multiple different ways: transgender - more focused on gender - or transsexual, more focused on surgery and hormones.

- There were respondents who thought the question was very straightforward and easy to understand. However, there were concerns that the question may not be understandable to the whole population and would have to rely on guidance in order to avoid inaccurate or PNTS answers.
- Understanding of the term 'trans' was varied.
  - Cisgender participants and potential objectors broadly understood it to be about changing gender or sex but generally focused on female-to-male or male-to-female medical transition.
  - In contrast, participants from across the other subgroups generally understood 'trans' to be a wider umbrella term inclusive of non-binary identities.
  - Trans participants highlighted that the use of the abbreviated term 'trans' was not sufficiently clear in informing respondents which groups of people across the trans 'spectrum' were to be included - transgender, transsexual and transvestites.
  - There was an opinion expressed by potential objectors, cisgender and non-binary participants that trans is a distinct identity that not everyone whose gender identity differs from their sex registered at birth would be comfortable defining themselves with.
  - However, there was a hypothetical view amongst non-binary participants that although some non-binary people do not identify themselves as trans, they may still assume the question intends to include them and decide to answer 'Yes'.
- There was a great deal of uncertainty around the term 'trans history' from participants across all subgroups.
  - There were trans participants and potential objectors who correctly understood the intention of including 'trans history' in the question as a way to capture those who have transitioned and no longer consider themselves trans.
  - However, there was also a consideration by participants across the subgroups that it was intending to capture those who have explored living as a different gender but decided not to transition, or to retransition.
  - An alternative interpretation among cisgender and trans participants was that 'trans history' could be asking whether they were associated with someone who is trans (e.g. a parent of a trans person might answer Yes).
  - The inclusion of 'trans history' in the question was thought to make the question easier to answer for transgender respondents who do not always identify with being trans in the present tense but are comfortable with saying they have a transgender history.
- When probed as to whether there should be a write in field for the answer 'Yes', trans participants felt the inclusion would be unnecessary. This may be dependent on the inclusion of a description box at the 'What is your gender' question; if the question follows a binary Sex question a write in is required.

#### *Census acceptability and administration (see 7.1.2)*

- There were mixed views across the sample as to whether this question was suitable for inclusion in the 2021 Census.
- Views the question was unacceptable included:
  - The question was disliked or thought unacceptable among cisgender participants.



- Among cisgender participants and potential objectors the word 'trans' was objected to either because it was not familiar or was unclear, or because it was thought to be slang and inappropriate for this 'official' context.
- It was pointed out among trans participants that while the word trans is used within the community, its use outside is colloquial and has an association with the negative word 'trannie'.
- Among trans participants there was a view that the question was 'othering' by singling out trans people or by implying that a transgender person is not really a woman or man. However, it was also thought that some might feel positive about the opportunity to express their identity.
- There was some confusion among cisgender participants about what the benefit of including this question is.
- Among cisgender participants there was a query about the relevance of asking about the past on the Census (that is, 'trans history').
- Such views did not necessarily mean that these participants thought a question similar to this should not be used, if ONS considered it necessary to include and if the language was changed.
- There were cisgender men, trans participants and potential objectors who thought that the question was acceptable to include in the Census. The view was shared by an intersex participant who thought that, although the question was not relevant to the intersex community (unless they also have a trans identity), it was inoffensive and easy to answer 'No'.
- The trans participants in this sample all answered the question 'Yes'. However, it was suggested among them that in the 2021 Census they might answer PNTS instead.
  - It was highlighted that there may be trans people who would be unwilling to say 'Yes' to this question in the Census because they live fully in their affirmed gender and do not want to acknowledge their past. It was thought that the Gender Recognition Act prevents people from having to answer such a question.
    - The question could therefore undercount people who have a trans history are trans but don't identify as trans.
    - Conversely, it was questioned whether outputs from the question should include people who did not go through with transitioning as they are cisgender and not the same as those who identify as trans.
- **Prefer Not To Say:** Views on PNTS were very similar to those at 'Is your gender...'.
  - On one hand, it was thought to be an easy way for people to avoid answering the question and that data accuracy would be negatively affected.
  - On the other hand, it was thought necessary to provide for people who would rather not disclose their trans identity or history.
  - It was thought that people may not select PNTS as it would be effectively the same as answering 'yes'.
- **Inclusion in the Census count:** There were transgender and non-binary participants who were happy about being included in Census statistics. A qualification to this was that this was depended on confidentiality being maintained.
  - Publication in accordance with the census 100-year rule was thought acceptable, though this was not widely discussed.

- There was evidence that some intersex people would not want to be included in the count of trans people but did want to be recognised as having intersex characteristics, through the inclusion of different/additional questions.
- **Age appropriateness:** Views as to the appropriate age threshold for asking this question were broadly similar to those for 'Is your gender...'.
  - Asking the question of children under 16 was thought acceptable among transgender, non-binary and intersex participants. It was thought important to understand the need for services and that children had the right to expression. Views varied on whether all children should be asked or only those above a certain age.
  - The view that it should only be asked to people 16 or 18 and over was widely held among cisgender participants and potential objectors and by some trans participants. Their reasons related to the view that children still developing; the age at which it possible to transition medically; and sensitivity to exposing children to trans issues and prompting unwanted questions from them.
- **Proxy response:** Participants' opinions about proxy responses were largely consistent with those for 'Is your gender...' with views both for and against. There were contrasting views about whether it was 'easier' to answer by proxy for this question or for 'Is your gender...'.
  - Among cisgender participants this question was thought easier than 'Is your gender...' because 'trans' implied physical change which is more obvious than identity.
  - Among trans participants this question was thought to be a deeper question and more problematic to answer.
- **Question locations:** With regard to the location of the questions there were participants across cisgender and trans subgroups who felt they should be asked consecutively, making sense to be at the start and so questions on a related topic could be thought about together. Again, there was evidence among trans participants that by knowing trans status could be recorded at the next question, the response to 'What is your gender?' might differ, e.g. answered Male, not Any other gender (see 7.1.3).

*Comparisons between 'Is your gender the same as the sex you were registered at birth?' and 'Do you consider yourself to be trans, or have a trans history?' (see 7.1.4)*

- Preferences were expressed for the 'Is your gender...' question across all subgroups in the sample, other than intersex.
- Preferences for 'Do you consider...' were limited to participants within the transgender men, non-binary, intersex and potential objector subgroups.
- There were participants who did not have a preference between the two questions or thought that both should be included.
- Preferences for 'Is your gender...' included the following reasons.
  - The language used – 'trans' and 'trans history' not being clear to some participants and the negative reactions to the word trans as reported above.
  - 'Is your gender...' was thought to be clearer than 'Do you consider', and a natural progression from 'What is your gender?'

- ‘Do you consider...’ was seen as more directly personal and intrusive, even when the two questions were thought to effectively be asking the same thing. In contrast, ‘Is your gender...’ was perceived to be more neutral, gentler, and nicer.
- Asking about the past (trans history) was seen as not relevant to the Census which is about the present.
- ‘Do you consider...’ was said to be two questions in one.
- Among trans participants, there was a view that ‘Is your gender...’ and ‘Do you consider...’ are different concepts, not alternatives to collect the same information.
- It was not thought acceptable that the question ‘Do you consider...’ could ask trans people to ‘out’ themselves.
- Preferences for ‘Do you consider...’ included the following.
  - It was thought to allow people more scope to decide for themselves how to answer.
  - It was thought to be less ‘othering’ (i.e. focusing on trans people) than ‘Is your gender...’.
  - The question ‘Do you consider...’ does not assume someone identifies with the concept of gender.

### 3.4.2 Recommendations – ‘Do you consider yourself to be trans, or have a trans history?’

#### *Main question recommendation (see 7.2)*

DCM does not recommend asking ‘Do you consider...’ on the 2021 Census, in view of the findings reported about this question in its own right, in relation to comprehension, terminology and acceptability, and of the preferences expressed between ‘Is your gender...’ and ‘Do you consider...’.

If Census and PSD wish to pursue ‘Do you consider...’ as a potential option for the follow up question to ‘What is your [sex or gender]?’ DCM recommend the following.

#### *DCM recommended question design (see 7.2.1)*

Do you consider yourself to be transgender?  
 Yes  
 No  
 Prefer not to say

#### **Question stem**

- The question broadly collected data that would be anticipated from our sample given their answers to ‘Is your gender...’. That is, those who answered Yes to that question would answer ‘No’ to ‘Do you consider...’, and vice versa.
  - However, DCM recommend asking ‘Do you consider yourself to be transgender?’ which might be more widely understood and acceptable. There are, though, questions as to how ‘transgender’ would be understood.
- Trans history: in view of the findings that showed varied understanding of this term, DCM does not recommend including it in the question stem. Furthermore, some comments among trans participants lead to another question arising as to the scope of the data requirements.

- Depending on the intended scope as discussed above, a note could be included between question stem and response categories such as: 'Here transgender means your gender is different from the sex you were registered at birth'. However, the question and note would need to be tested.

### **Response options**

- DCM do not recommend any changes to the response options.
- If this question were to be the follow-up to a binary sex question, consideration should be given to including a 'please specify' description field for respondents answering 'No'

### **Guidance**

- DCM recommend that the respondent guidance for this question provides:
  - a definition of transgender (and trans history, if retained in the question) as ONS intends it
  - an explanation of what the question is intended to capture (as discussed above), its purpose and uses of the data
  - an explanation of the relationship between this question and whichever one precedes it on sex or gender
  - clarification that the scope of 'Yes' is not limited to transgender men and transgender women, that it also applies to non-binary people
  - an explanation that the question relates to subjective identity not to legal status; that no GRC or change to official documents is required when answering 'Yes'
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development, if specifically required in addition to the above

### **Age routing**

- On balance, DCM would recommend asking this question from age 16; however, stakeholder opinions need to be taken into account.
- An explanation of why it is not asked to people younger than 16 (or whatever age threshold is used) should be provided in the guidance.

### **Location**

- DCM recommends placement of this question immediately after the question on sex or gender, at the start of the individual questionnaire, subject to testing of its acceptability so early in the individual questions.

## **3.5 DCM recommendations for further consideration, engagement and testing (*see section 8*)**

In addition to the question-specific recommendations made previously, a number of overarching issues also need to be considered and testing potentially conducted.

### **Potential problems regarding disclosure of trans status/identity**

- As reported above, there were views that asking about trans or trans history was problematic because the Gender Recognition Act protects people from having to reveal their trans status and because trans people do not always want to acknowledge their past. This would appear to be a valid area of concern that should be explored further. Further research is recommended, focused on people who are in stealth, assuming such people can be found and recruited.

### **Opinions of potential objectors**

- DCM recommends continued engagement with stakeholders regarding the opinions of potential objectors. Adopting potential objectors' suggestions of an additional category at either 'What is your gender' or 'Is your gender...' to indicate having no gender/rejecting the premise of having a gender identity (similar to the phase 2C findings for 'Is your gender...') would need to be very carefully considered. Thorough qualitative and quantitative testing of any such change is recommended.

### **People with intersex conditions/disorders of sexual development**

- Consideration should be given to how to accommodate this group, with regard to collection of accurate data and meeting their respondent needs (which are likely to be varied). Any changes to questions that are considered in order to meet their needs would need to be carefully thought through.

### **Location of questions**

- Regarding the recommendation above to locate both questions together, at the start of the individual questionnaire, qualitative and quantitative testing could be conducted, covering the potential impact on comprehension and response processes, acceptability of asking such a question early in the individual questions, and potential order/context effects.

### **Proxy data collection**

- The varied views about whether proxy response should be permitted are difficult to reconcile. DCM recommends consulting stakeholders and reference to the National Statistics Data Ethics Committee.

### **100-year rule**

- Further consideration should be given to the questions in relation to the publication of personal data after 100 years. This topic was not widely discussed in this test; although there was a view that it was acceptable the potential for trans people to object should be considered.

### **Differences between UK and foreign countries' recognition of non-binary gender**

- Consideration should be given to how the questions work individually and collectively with regard to potential respondents whose births were registered in foreign countries that recognise non-binary sex/gender or whose legal status in a foreign country might not be possible in the UK.

### **Social surveys**

- The use of social surveys to collect data on any or all of the topics of sex, gender, trans status/identity is already under consideration. The potential use of the questions tested in phases 2B and 2C on

social surveys was not covered in the interviews. The findings will vary as to their generalisability to the survey context. Various issues relating to that context will need to be considered.

## 4 Full report

### 4.1 DCM final design recommendations from 2B

- Recommendations within this report are based on evidence collected from phase 2B testing. This report does not make a recommendation as to whether ‘What is your gender?’ or ‘What is your sex?’ should be taken forward for the Census, because 2B and 2C were independent tests.
- The question ‘What is your gender?’ was answered in accordance with the intended meaning. It was well-received across most sample subgroups, particularly by transgender and non-binary participants.

<p>What is your gender?          Female          Male          Any other gender, please specify _____</p>
---

However, there were also objections to it being an alternative to a question establishing a person’s sex.

- Should it be decided to take forward such a gender question with a third response option, DCM recommends this design:
- DCM recommends the question below as the follow up question to establish a person’s transgender status:

<p>Is your gender the same as the sex you were registered at birth?          Yes          No          Prefer not to say</p>
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(Note: ‘please specify your gender \_\_\_\_\_’ would be required at the ‘No’ answer option if this question follows Sex.)

- Locate these questions consecutively. Locate these question at the start of the demographic section (i.e. straight after Name and Date of Birth and before Marital status).
- Filter children under 16 away from answering the ‘Is your gender ...’ question.
- There are further recommendations on question designs (in sections 5 to 7) and issues for further consideration, engagement and testing (in Section 8).

## 5 ‘What is your gender?’

### 5.1 Findings

#### 5.1.1 Comprehension and answer process

##### *Answer given*

- The question was answered in several different ways.
  - Cisgender respondents and potential objectors answered as expected with ‘Female’ or ‘Male’ answers that were reflective of the sex they were registered at birth.
  - There were transgender men and transgender women who answered with the binary response option aligning with their affirmed gender (e.g. transgender women who selected ‘Female’) regardless of whether or not they had official documentation that matched this.
  - Other transgender, non-binary and intersex participants answered with the response option ‘Any other gender’ and chose to write in a description that matched their identity (descriptions included: *trans man, non-binary, agender, ‘almost female’*).

##### *Overall understanding*

- Overall understanding of this question varied.
  - Cisgender participants and potential objectors tended to assume the question was asking about their sex or *“biologically what you identify yourself to be”*. (Cisgender woman)
  - Other cisgender participants, potential objectors, trans and intersex participants interpreted the question to be asking how they identify (rather than just asking what is on their birth certificate or official documentation): *“it’s asking how you identify, how you’re kind of living, or like who you are living as.”* (Transgender man)
- There was a lack of distinction made between ‘sex’ and ‘gender’ amongst the cisgender participants which appeared to be the reason they interpreted the question to be asking about their biological sex: *“I don’t think there is a difference really, is there?... to me it’s what is your sex, what is your gender, I don’t think there is a difference”* (Cisgender woman). There was also a conflation of sex with sexual orientation which caused further confusion: *“gender is are you male or female; sex is what is your sexual tendency”*. (Cisgender man)
- In general, potential objectors, trans and intersex respondents understood ‘sex’ and ‘gender’ as two distinct constructs with ‘sex’ referring more to biology/anatomy and ‘gender’ referring more to identity/perception/social roles in society: *“one is about biology one is about social”* (Potential objector), *“they are different things. You know, who you are and what does the world label you as physically?”* (Transgender woman), *“I would take a question on sex to indicate body sex and gender to indicate behaviours and assumptions related to what’s considered masculine or feminine, which is largely socially constructed.”* (Non-binary participant)
  - However, one assumption made amongst potential objectors was that even though the question itself asked for gender, the Census was really intending to collect sex but had conflated the two concepts, because this is what they had often seen in other situations: *“gender is commonly used to mean sex, and it clearly does mean sex in this case”* (Potential



objector). The fact that *“it came up early”* in the questionnaire and used female and male options *“which are the choices you’re usually given”* for a sex question also added to the feeling that it was intended to collect sex.

- There were suggestions from cisgender, non-binary and transgender participants that the question stem should mention identity to make it clearer that it’s asking about identity *“if that’s what you mean”* because *“a lot of people see gender as what you are born as”* (Transgender man). However, the absence of this term did not appear to create difficulties in understanding personally for these participants.

### *Understanding of the answer options*

- The ‘female’ and ‘male’ answer options included with the question were defined in different ways, including the following.
  - Biology/reproductive capability: *“a male has male genitalia. I carry babies, they don’t.”* (Cisgender woman)
  - Physical appearance: *“a person that provides all the attributes of a man and physically looks like a guy.”* (Transgender woman)
  - How you identify/feel: *“someone identifying as female, identifying as feminine.”* (Transgender man)
  - Social norms/traits: *“girls are a lot more perceptive than the average guy.”* (Transgender man)
- The inclusion of the ‘Any other gender’ option aided understanding for trans participants that the question was asking about their gender identity: *“the fact it says any other gender leads me to suspect that you want me to talk about my gender identity, and that you’re not necessarily asking me whether I have a GRC or whatever.”* (Non-binary participant). However, there was some uncertainty among cisgender participants about what this option was intended to capture, although it did not affect their own answers.
  - For example, there was an interpretation that the option would be applicable for expressing sexual orientation: *“people who are transgender, lesbians and gays, it gives them the opportunity to be included.”* (Cisgender woman)
  - There was also a participant with ASD who felt the description box could be used express any other ideas about gender that someone may have, after they had answered with their biological gender: *“any other gender option there also suggests... that you give your biological sex, which is female or male, and then go on to tell them any other ideas that you’ve got.”* (Potential objector)
  - There was some lack of awareness of the existence of genders other than male or female: *“from my perspective it is vague because I’m like well what other genders are there.”* (Cisgender woman)
- There was some uncertainty about whether the ‘Female’ and ‘Male’ options were inclusive of transgender men and transgender women or whether they were intended to be included in the ‘Any other gender’ option.
  - There were cisgender participants who assumed that the ‘Any other gender’ option included transgender men and women (that is, rather than them answering Male or Female): *“well I suppose that’s transgender people who don’t necessarily have the genitalia they were born with”* (Cisgender woman), *“I would think someone who is a male but wants to be a female, and possibly vice versa.”* (Cisgender man)

- Trans respondents generally assumed that the 'Any other gender' option would be mainly for non-binary people and the female/male options were intended to be used by anyone who identifies as such: *"either how you are born as female, natal female, or if you're a transwoman that you consider yourself female"* (Transgender woman), *"any other gender I think is people who would perhaps not identify themselves as either male or female."* (Transgender woman)
- However, there was some slight uncertainty amongst transgender men about whether they could select 'Any other gender' if they wanted to or whether the Census would want them to answer with 'Male' because the 'Any other gender' option was limited to non-binary people:
  - *"So when it's any gender I could put transman there couldn't I because I identify as a transman more than I do as a man, technically."* (Transgender man)
  - *"I think that question could mean that they see trans people as separate, or they're assuming that they are included, but it's just not made that clear. So if I was answering it, I'd be like well does it include people who are trans but are female too?"* (Transgender man)
- There were participants across the potential objector, trans and intersex subgroups who felt the answer options created confusion about what information the question was trying to gather because they saw 'female' and 'male' as biological terms associated with sex while the 'Any other gender' option was seen to be clearly related to gender identity, for example: *"if this was gender as in sex then I would expect to see female male or intersex. But because of the option any other gender I now am assuming that this means gender as in not synonymous with sex but then it's confusing to see female and male which are terms for biological sex."* (Potential objector)

### Answer processes

- The reasons participants gave for the answers they provided varied but they resulted in answers generally in line with what the question was intending to collect. That is, that answers for cisgender people would either be their social identity as a woman (female) or a man (male), if they associate with gender identity, or their sex at birth (female or male) – the answer would be the same either way. Answers for transgender and non-binary people would be based on their affirmed gender (that is, post-transition), not dependent on having a Gender Recognition Certificate or based on sex at birth. Answers for intersex people would not be possible to assume, given the variety of conditions and relationships between gender and sex. Reasons included the following.
  - Identity/presentation to the world: *"How I identify myself. I'm a trans guy. I've been out for like nearly two years now, so I'm quite comfortable in saying that I'm a boy"*. (Transgender man who answered Male)
  - Biology/anatomy where this was consistent with gender: *"On my biology, on the fact that I'm a mother, the fact that my physical system fits the scientific category of female creature."* (Cisgender woman/potential objector)
  - The way society views them: *"I guess I match up with a lot of what society expects of a female, so I appear as a female: I dress as a female and I have reproductive capacities, and so on every level I kind of possess feminine characteristics and capabilities, so it makes sense as a label for me."* (Cisgender woman/potential objector)

- The other options do not fit them: *"I feel that my personal identity is trans. I don't fit into the male or the female category still and for me I'm always going to be in between". (Transgender man who answered 'Any other gender')*
- They wanted recognition of trans people on the Census so chose to select 'Any other gender' rather than their affirmed gender. They did not appear to take into consideration the presence of the second question, which would recognise them. For example, *"I think it's really important that trans people are represented in different surveys, especially for something like this as well where it's going to such a big target audience. But then I thought by ticking male it wouldn't represent the trans history side of things. So yeah it was ticking any other gender, but still the erring of that it's not quite another gender, but it kind of fits best. "* (Transgender man)
- Participants who selected the 'Any other gender' box said the descriptions they chose to write in were the terms that most accurately represent their identity and were the terms they often use to describe themselves.
  - *"It means to me that I am a man, but I've got a transgender history, and so that would mean that my gender isn't the same as the sex that was given to me at birth. So yeah I'd see it just as a man just with a slightly different journey of getting there". (Transgender man)*
  - *"It's the one that's to me most precise". (Non-binary participant)*
  - *"I'm putting almost female. Because that probably realistically is how I feel about myself, rather than anything an academic would use". (Intersex participant)*
- The descriptions used were not always the terms participants would use to describe themselves in general life but were the ones they tend to use when filling in forms. For example, a transgender man who general preferred to use the term 'trans guy' decided to write 'transman' because he felt it was the most commonly used term amongst transgender men and saw it as the *"more adult"* term to use: *"I didn't put guy purely because I know I'm going to be totally outnumbered, which is fair enough. I like the man thing because it's more adult than guy. I guess guy could be any age kind of thing, whereas man is you're definitely over 18, you're definitely this or that. So that's why I would put it."* (Transgender man)
- There were also indications that the terms they chose to use may not be the ones they consistently use on terms because either:
  - there are multiple terms that they use to describe themselves: *"I use other words like I'm also, I'm agender, I'm gender queer and I'm non-binary, so those were the three words that I thought I wonder which one I'll put in that."* (Non-binary participant)
  - they do not have a clear gender identity so tend to just describe themselves based on the way they feel that particular day: *"It was easy enough, but if I do it again I'd just make up something quite quickly again, which was probably imperfect". (Intersex participant who answered 'almost female')*
- In general, participants said they had no difficulty answering the question and were able to answer in the way they would like. However, there were potential objectors who stated they did not agree with the concept of gender and might consider selecting the 'Any other gender' option or leaving the question blank if it was included in the Census to indicate their protest of the existence of genders. This is important to note because it would mean that not everyone who selects the third

option ('Any other gender') would necessarily be trans and therefore the question would not always collect the data it intends to gather.

- *"I don't think I do really identify as having a gender... I am somebody who finds gender roles, expectations, oppressive." (Potential objector)*
- *"I sometimes wonder could I legitimately tick that as someone who ... does refute the notion that there are these distinct genders anyway, even if I largely feel female... Could any good come from ticking, ... the 'any other gender' box? ... if lots of people ticked that box, not because they didn't themselves identify as male or female, but because they wanted to ... show that ... these categories are arbitrary." (Potential objector)*
- *"I object to the question and if it were in the Census I think I would be so cross I might be inclined to leave it blank or put any other gender just out of irritation." (Potential objector)*
- There was an opinion among trans participants that *"there are always going to be some people who aren't out yet or can't be out yet"* (Non-binary participant) and that the question would be difficult to answer for those people, particularly if they are not in a situation where they feel comfortable expressing their identity: *"If I was in a situation like I used to be, years ago, and I was living at home - I had a family there, I was a single parent, had two children - there was no way that I was going to put anything other than male because that was what was expected"* (Transgender woman who answered female).

### 5.1.2 Census acceptability and administration

#### *Overall acceptability:*

- Participants from across the subgroups, other than the potential objectors, deemed this question acceptable for inclusion in the 2021 Census and felt fine with it being a compulsory question.
  - There were suggestions from the cisgender subgroup to include a 'prefer not to say' (PNTS) option due to a concern for *"different groups of people who haven't yet come to understand themselves"* (Cisgender woman). However, the trans and intersex participants did not highlight a need for this option themselves.
  - The focus on gender rather than sex was received well by the trans subgroups because it was seen as more relevant, inclusive and comfortable to answer.
  - Trans respondents who selected 'Any other gender' were happy to be included in the count of people whose gender is not the same as the sex registered at birth as they want trans people to be represented in the Census. However, there would need to be reassurance that their data is secure and could not be traced back to them, for example:
    - *"There's certain things where I worry of people knowing trans pasts and everything, ... It's one where I think it's just there still is a stigma around things... I wouldn't know if it, with the Census if the results get published or anything like that... Whether there would be enough for people to whittle it down. But I think that's just a fear of anyone knowing..." (Transgender man)*
    - *"I'm happy to be acknowledged as a non-binary person... I'm happy to be counted among that, as long as it's anonymous." (Non-binary participant)*
  - There were also non-binary participants who felt others would be more inclined to answer any other gender and so be included in the count if they knew what the information was going to be used for: *"if it's going to be compulsory, say why you need that information so people can be like*

*well, I've got to put myself down here then because they're going to use it for this and this. It's helpful to know how many trans people there are in the country." (Non-binary participant)*

- However, there were strong views amongst the potential objectors that this question was not an acceptable question if it was intended as an alternative to a question establishing sex (see 'Sex vs. Gender' subsection below). There were no objections to information being collected on gender identity but as an additional, separate question to 'What is your sex?' There were also respondents within this subgroup who stated they did not agree with the concept of gender and wanted it to be recognised somehow that not everyone identifies as having a particular gender. There were suggestions to reword the question to make it clear that you do not need to identify as having a gender because *"asking what is your gender sort of implies you must have one"* (Potential objector) and of replacing 'Any other gender' response option with one to say they identify as neither/none, or providing an additional option of that kind.
  - *"As long as there's an option to say neither, I'd be happy with it. You see, I'm not even sure that what is your gender makes sense. I think it would be, do you consider yourself to have a gender female, male, other, none... there are a number of answers, not like the question about the sex where there are only two really." (Potential objector)*
  - *"I think having the option to say well I'm not 'cis', I don't identify as feminine or as this set of stereotypes, I don't identify with that. I'm just female existing in this society." (Potential objector)*
  - *"... Any other gender suggests that there are these other distinct categories of gender that you would have to identify as in order to tick that box...Neither male nor female...might more accurately reflect people's...dissonance that they feel with being or having to identify as either male or female all the time." (Potential objector)*

However, the need for and wording of such additional categories or amended question stems would need to be carefully considered and tested to evaluate the potential impact it could have on responses provided to the question among all subgroups.

#### *Views on whether Census should collect data on sex or gender:*

- Potential objectors argued that a 'What is your gender?' question with a third option was not acceptable as an alternative to a question establishing sex, with binary options. This was felt for the following reasons.
  - People are treated in certain ways based on the perception of their sex rather than their internal gender identity. This was felt to be particularly relevant with regard to non-binary people who appear to an observer as *"obviously female or male"*: *"I've met a lot of people who will describe themselves as non-binary or agender but look like, to anyone any observer, they look obviously female or male. And that means that they're going to be treated as if they are obviously female or male... This is what I mean by saying that, you know, gender identities don't give you the kind of information that you need when you're talking about sex. Because everyone is treated as female or male by everyone around them no matter how they feel personally inside." (Potential objector)*
  - Discrimination of women happens due to the socialisation they have had based on their sex. This was not seen to be the same for anyone who hasn't experienced this same socialisation,

regardless of how they feel inside: *"I think you want to know what people were born as because that's what determines how people are socialised and it's as a result of socialisation that women are discriminated against and insufficiently recognised in public policy. It's not because of our gender; it's because of our sex... you can't undo the socialisation that somebody has already had."* (Potential objector)

- Biological sex is a more clearly defined concept that is easier to understand. For example, a potential objector with Autism Spectrum Disorder highlighted that asking about gender may be particularly difficult for those with ASD who *"tend to doubt definitions of themselves"* and that a question asking 'what is your sex' would be *"much more comfortable"* because it is based on biology and there is a clear anatomical difference between male and female rather than about the way they live their life and whether they meet certain expectations of the female gender: *"Gender is something much larger and more nebulous... it's when I start thinking do I live in a very feminine way? Do I have a typical woman's lifestyle and attitudes?"* (Potential objector)
- Biological sex is a fact and asking about it *"should be straightforward"* even if people are not happy with it.
- The potential inclusion of a Sex question was regarded in different ways amongst the trans respondents. There were participants who:
  - Seemed to assume there would be an additional question on sex: *"when you do sex, you could put down whether someone's intersex as a third choice..."* (Transgender woman)
  - Would reluctantly answer a sex question with their birth sex because they *"wouldn't want to get in trouble"* (Non-binary participant) but would feel uncomfortable: *"I'd probably put female, which I wouldn't want to do, but I feel I wouldn't be able to put male"* (Transgender man)
  - Would struggle to know how to answer and would try to answer with their identity but felt they would also need a description box to explain their situation: *"I know that for trans people you can apply to get a gender recognition certificate and with that all of your records do change, so everything is the right gender and sex, so I wouldn't know if I'm allowed to put what I see it as, or whether or not I'd have to wait until I get that certificate... I think I'd have to have that freewriting box to explain further"* (Transgender man)
  - Would feel *"frustrated"* if there was not a third option for them to specify their identity. It was important for them to *"not have to fit into a narrow constraint of what it means to be a certain gender"* (Non-binary participant)
  - Wouldn't have an issue with it but felt asking about sex is not relevant: *"saying sex is reducing to biological sex rather than what this person experiences and lives every day"* (Non-binary participant)
  - Would not understand what the question was asking for because it's physically *"not true"* that there are only two body sexes: *"well what would that mean? I don't know what that would mean, does it mean body sex? I wouldn't understand the question. A lot of people in the street think there are two types of body sex...physically that's not true. ... So it's a loaded question and probably one it's better not to ask at all, I think..."* (Non-binary participant)
- It was thought important for intersex people to be able to indicate they are intersex somewhere on the Census. For example, an intersex participant said *"it would be easier"* for them if there was

an additional 'What is your sex?' question with a third answer option where they could select/write in intersex. They *"think of intersex as biological sex and different from gender"* so they would generally not answer intersex to a gender question. However, they later said that if there was no additional Sex question for their intersex status to be captured then they might be more likely to write in 'Intersex' at 'Any other gender' because it is a strong part of their identity they want to be recognised.

- They said they would not be happy with being included in a count of people whose gender is different from the sex they were registered at birth because it would be mixing up trans and intersex people. They felt it was important that visibility of the intersex community is raised and that trans and intersex people are differentiated: *"things like Census drive research, drive government policy and there are very different needs that the trans community has and the intersex community has, so I think it's important to differentiate them."* (Intersex participant)
- Those cisgender participants who had some understanding of the difference between sex and gender had an appreciation that identity is more important to people than biological sex and therefore felt asking about gender was more appropriate than asking about sex.

#### *Answer options and ordering:*

- Different views were expressed as to whether the use of 'female' and 'male' answer categories for the question was appropriate.
  - As reported in the subsection above, there were views that 'female' and 'male' were biological terms and should not be used when asking about gender: *"it would be like having what's your favourite fruit, apple, orange, any other vegetable"*. (Potential objector). There was also a view that the terms are *"very impersonal, clinical"* and they *"dehumanise"* people by talking about them *"in a very abstract way"*. (Potential objector)
  - However, there were other views that 'Female' and 'Male' were the right terms to use because they are not tied up with socially constructed identities like woman/man are and are what people expect to see on a Census: *"I think I almost expect a Census to use the terms female and male and those are the terms that are used on your birth certificate"*. (Potential objector)
- The ordering of the answer options was considered acceptable. There were respondents that did not express strong views on the order of the response options while others stated that they liked the order the options were presented in.
  - There was an appreciation of 'female' being presented first for equality reasons: *"I like the female on top... Because most things in society men and placed first"* (Cisgender woman), *"nice to have female ahead of male for a change – a bit of equality there"* (Transgender man), *"female always comes second and male always comes first. That does have an impact on the way people conceive of gender and power."* (Potential objector)
  - It was noted that the order of female and male was alphabetical: *"as far as male and female are concerned, you've just done it alphabetically."* (Transgender woman)
  - It was also noted that the order of female and male was reflective of the slightly higher proportion of females in the population: *"it goes in order of how many people there are because female gender tends to be more of the population."* (Non-binary participant)



- It was considered “logical” to present the ‘Any other gender’ option after the other two options because having it first “wouldn’t be grammatically correct.”
- The inclusion of the description box at ‘Any other gender’ was viewed positively across subgroups as it allowed people to self-identify rather than just being put in an ‘other’ category: *“I’m pleased that it’s asking for my specific gender identity.”* (Non-binary participant)
  - There were respondents who felt the question would be improved if there was a “short supplementary multiple choice” for those who select ‘any other gender’ so it is not left “open to getting a different answer from every person” (Transgender woman). However, there were others that preferred to be able to write in their own description: *“I’m a fan of the open box rather than trying to select the best fit out of set identities”* (Transgender man) and felt additional answer options would overcomplicate the question on a Census for the whole population.
  - It was suggested that it should be made clearer online that there will be a place to specify your gender if the ‘any other gender’ option is selected: *“maybe it’s worth people being able to see the dropdown box before they tick it, so they know they then, they can put who they are, they won’t then have to be kind of forced in a box”* (Transgender male). A non-binary participant said they felt excluded by the question initially because they were not aware they would be able to self-define: *“it’s not immediately obvious that I can define... maybe that should be there already for when you open the questions so people know that it’s allowing you to self-define rather than just be lumped into some other random doesn’t fit group.”*

#### Age appropriateness:

- In general, across subgroups it was seen to be appropriate to ask this question about children of any age: *“I wouldn’t have any problems with putting their gender down there”* (Cisgender woman). However, there was some concern that people may not want to label their children or may answer on their children’s behalf inaccurately. If a parent of a trans child was “open minded” it might be fine but if they “don’t like it” or “don’t understand it” they will not give an answer that reflects their child’s trans identity.
- Amongst potential objectors there was a different view, that it was inappropriate to ask children under 16 about gender because it’s about societal expectations which is not something we should be pushing children to be conforming to: *“what is your gender implies you should have one. Well, why on earth should you when you’re young and still being socialised and still trying to work out how you as an individual feel about the culture that you’re growing up with and its social expectations.”* (Potential objector)

#### Proxy response

- Perceptions of proxy responses varied across and within subgroups.
  - There were both cisgender and trans respondents who thought it was acceptable and felt comfortable answering on behalf of others in their current household (or vice versa): *“In my current household that would be totally fine. In the house I live in here we’re both trans. Obviously if I was filling it out for the both of us I would be really fine with that”.* (Non-binary participant)



- However other respondents felt it was too personal (particularly within shared households) and could result in inaccurate answers because people will be basing it on what they perceive others to be which may not be reflective of their gender identity: *“if you’re asking about sexuality or gender, they’re quite personal questions, you wouldn’t necessarily want other people in your household to know them” (Potential objector), “well you’re not going to get a true answer. You’re only going to get what that person sees, unless that person is openly out as being on the transgender spectrum. Now I know there’s lots of people that are transgender that aren’t, so you’re not going to pick them up”. (Transgender woman)*

## 5.2 Recommendations - What is your gender?

### 5.2.1 Findings from 2B to help inform whether to ask Gender or Sex

- This report does not make a recommendation as to whether ‘What is your gender?’ or ‘What is your sex?’ should be taken forward for the Census. The following findings may inform such a decision.
  - The question collected data as would be intended from a gender question as opposed to a sex question.
  - Trans participants had a clear preference for being asked about gender rather than sex. Non-binary participants in particular really appreciated the inclusion of a third answer option as it gave them the opportunity to answer with their identity.
  - However, there were concerns from potential objectors that this question was unsuitable as an alternative to the sex question because they did not identify, understand or agree with the concept of gender and they did not feel the question would collect the data it should collect.
  - There were indications that the ‘Any other gender’ option could be selected as a sign of protest by some cisgender respondents who reject the concept of gender or who do not identify with it, rather than trans individuals who actively identify as other than male or female. This is important to consider as it could impact the quality of data collected. The extent of such views and behaviour cannot be known from qualitative research.

### 5.2.2 DCM recommended question design

- If it was decided to ask a question on gender like that tested in phase 2B, instead of a question about sex, DCM would recommend no changes to the question wording or response categories on the basis of these findings.

What is your gender? Female Male Any other gender, please specify _____
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#### Question stem

- DCM recommend asking ‘What is your gender?’ There was some uncertainty about the difference between sex and gender but this generally did not impact upon participants’ answer process and

they were able to select an answer that would be expected given the intention of the question. No trans participants thought they had to answer with their biological sex/sex registered at birth.

- There were suggestions that the question could be reworded but these suggestions would not be considered appropriate for a Census intended for the whole population.
  - *'What is your gender identity?'*: the inclusion of the word 'identity' would likely cause comprehension difficulties among the cisgender population for whom the concept of gender identity is less relevant. There are also indications that this could cause further issues with acceptability from potential objectors that do not agree with the concept of gender identity.
  - *'Do you identify as a particular gender?'*: for those who do not identify with gender it was felt important that the question is more open to recognise that not everyone identifies as a gender. However, this question stem could again cause comprehension difficulties among the cisgender population and may be controversial among people who very much believe in gender.

### Response options

- DCM recommend using 'Female' and 'Male' response options for this question.
  - There were some strong opinions that female and male are the incorrect terms to use for a question asking about gender because they are biological terms associated with sex. However, there were also views that female and male were the correct terms to use because they are not tied up with socially constructed identities (i.e. like 'Woman' and 'Man').
  - The use of the answer options did not appear to cause any significant difficulties answering the question when combined with the 'What is your gender' question stem and with the addition of the third answer option.
- DCM recommend including the 'Any other gender' option and its description box because it was generally considered appropriate and acceptable.
  - There were suggestions of additional answer options (e.g. non-binary, transgender). However, there was an appreciation that additional options could cause confusion for those not familiar with the different terms.
  - There was also a suggestion for a prefer not to say option but the lack of this option was not highlighted as an issue by any of the trans subgroups for whom it might be a concern. PNTS would also not be appropriate given the responses to the question would be a key Census output.
  - Trans participants also welcomed the opportunity to self-identify in the way they would like rather than having to choose from a set of identities that may not fit them.
- DCM recommend that the online version of the question includes the words 'Please specify' in brackets next to the 'Any other gender' option or has the description box visible at the outset. There were indications that participants may not select the 'Any other gender' option if they cannot see there will be a description box to self-describe because they do not want their gender to just be represented as 'other than' male or female.
- DCM recommend ordering response options with 'female' first because respondents considered this acceptable and appropriate.

## Guidance

- DCM recommend that the guidance for this question provides:
  - a definition of 'gender' as ONS intends it
  - an explanation of what the question is intended to capture, its purpose, uses of the data
  - an explanation to transgender men and women specifying that they can answer with their affirmed gender (Female or Male) or can select the 'Any other gender' option if they prefer, regardless of whether they have a GRC or have changed passport, driving licence etc.
  - some explanation to address the opinions of potential objectors and advice as to how to answer if they disagree with premise of gender (if necessary, dependent on the outcome of stakeholder engagement with this group)
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development (dsd), if specifically required in addition to the above
- While in general question guidance is consulted infrequently by respondents, with this topic it is perhaps more likely that members of the population of interest or respondents with an interest in the question – transgender/non-binary, intersex, potential objectors – would consult it due to the salience of the topic for them and their need to understand requirements. However, it must be acknowledged that guidance may still not be consulted or followed as intended in many instances where it would be relevant.
- Use of hover over/clickable hyperlinks for definitions of terms is also recommended if that tool is to be adopted generally for the online Census and if user research finds that it is effective.

## Age routing

- DCM would recommend no age routing for this question, given the need to collect this data for all people in order to produce census outputs by age. In general, it was considered acceptable and appropriate for all ages to be asked this question.
  - There were concerns that trans children may not be accurately represented if their parents are not accepting and answer the question on their behalf with their sex registered at birth. But it was not considered appropriate to exclude children from the question because trans children should be represented in this key Census output.
  - However, consideration needs to be given to addressing the views of those potential objectors who were against asking about a child's gender.
- Please also see the later recommendations for further consideration, stakeholder engagement and testing, in Section 8.

## 6 ‘Is your gender the same as the sex you were registered at birth?’

### 6.1 Findings

Note that the version of this question tested in phase 2B differed from that tested in phase 2C. In the 2B version the answer ‘No’ did not include a write-in field in which to specify an identity or description as to how the gender was different to the sex registered at birth. This was because in the 2B pair of questions there was already a write-in field for the ‘Any other gender’ response option at the first question, in which non-binary/agender people could self-describe; it would be repetitive for them to write something in again, or confuse them as to what was different about the second question. Furthermore, it could perhaps be assumed from a combination of answers of ‘Male’ or ‘Female’ at ‘What is your gender?’ and ‘No’ at ‘Is your gender...’ that a respondent is a transgender man and woman, and that a self-description was not necessary.

#### 6.1.1 Comprehension and answer process

##### *Answers given*

- Broadly speaking, participants across the main subgroups gave answers consistent with what would be anticipated given the answers they had provided to the ‘What is your gender?’ question and probing and the intention of the ‘Is your gender...’ question.
  - All participants in the cisgender and potential objector subgroups answered ‘Yes’.
  - Transgender women, transgender men and non-binary participants who gave a substantive answer (that is, excluding PNTS) answered ‘No’.
- There were also answers that were not possible to predict.
  - Among the non-binary participants, PNTS was also selected, for reasons related to understanding of the question, not in order to evade giving a substantive answer.
  - It is not possible to state whether an answer of ‘Yes’ or ‘No’ should be anticipated from intersex people, given the broad scope of conditions and potential personal perceptions that exist based on our understanding from stakeholder engagement and previous research. In this sample, the answer ‘Yes’ was selected (in combination with ‘Any other gender’ at the first question). However, it is not possible to generalise to the intersex population more widely.

##### *Comprehension/interpretation*

- The broad success of the question was, however, somewhat *despite* the wording rather than *because* of it: there was a range of interpretations of the overall meaning of the question and of the terms used, and a deal of uncertainty among participants.
- Across subgroups the question was interpreted essentially as asking whether someone has transitioned in some way over time; for example, to be asking if a person’s gender is the same as on their birth certificate, if a person has changed sex in their lifetime, if a person is trans or going through transition, or is trying to distinguish between two main groups – those who are still the same as they were recorded at birth (i.e. cisgender) and “*everybody else*”.
- The term ‘sex you were registered at birth’ was interpreted to mean what was on a person’s birth certificate and/or a person’s biological sex as observed or determined by medical professionals at

birth. That understanding matches what the question intends, assuming that what medical professionals determine is consistent with what is registered.

- There was a comment that it is not specified whether sex or gender is registered, rather that the child is just recorded as 'male' or 'female', and that parents can decide which is registered; the former assertion is untrue in the sense that birth certificates do have a field labelled 'Sex', however whether the implication that a parent could register the gender they wish to rather than a sex as assigned medically is true is less clear; official guidance regarding the registration process advises only that the child's personal child health record or 'red book' *should* be taken as *'some registrars may ask to see it'* (<https://www.gov.uk/register-birth>). However, there were no indications that any of the participants thought they could or should have been registered at birth differently.
- What was less clear to participants and interpreted more variedly was the meaning of 'your gender'.
  - Gender and sex were often conflated, by people across all subgroups. Among cisgender participants especially, but also among trans participants, gender was sometimes not consciously distinguished from sex. The word gender was sometimes used in connection with biology or birth registration, while conversely sex was sometimes used in relation to social/inner identity. When paraphrasing or putting the question into their own words, or suggesting alternative phrasing, they said, for example, 'are you transsexual?', 'have you changed sex?', 'have you changed gender or not?', 'is your sex the same as the sex you were registered at birth?', 'are you still the same gender as you were at birth?' and 'is your gender the same as the gender you were registered at birth?'. Cisgender participants varied as to whether they thought of physical transitioning, or social transitioning, or both.
  - There were also participants who distinguished between gender and sex, usually associating gender with social roles and sex with biology. Trans participants on the whole made more distinction between sex and gender but were sometimes unsure in what sense gender was being used in this question and thus what they were being asked to compare with their sex registered at birth. For example, use of both words *"affects how I read questions. Are they being used as close synonyms or ... am I supposed to answer as if there's a big contrast between the two words?"* (Non-binary participant)
  - There were potential objectors who had a social understanding of gender, that the question asked if the way a person feels in themselves is in alignment with what was assigned at birth: for example *"Do you identify with the label that you were given when you were born?"* and *"how many people are identifying as the opposite sex or identifying as... non-binary."* However, there was also some difficulty among potential objectors in relating to the question, due to consciously not identifying with a gender: it was difficult to compare something not believed in with birth sex: *"I am a woman and I go around being a woman but I don't feel like a woman, I just am one, so it's very, very difficult actually to make sense of that question."* This rejection of the premise led to interpretation of the question as about sex, not gender: *"it's asking whether you are somebody of one sex who clearly identifies as a member of the opposite sex"*
  - There were also non-binary participants who were aware of the common distinction made between gender and sex but did not ascribe to it personally, thinking their gender and sex to be the same, or that the distinction was not straightforward: for example: *"this is not a straight up*

*yes or no question because of the ways that myself and other people I know can relate to the gender that they were assigned at birth... but [the answer is] no, I guess. Because being non-binary does fall under being trans, so it kind of fits that. Yeah, doesn't really work for me."*

- As well as the distinction between sex and gender, a distinction was made between official gender status and gender identity. Among non-binary participants this was pertinent because official documents only reflect binary categories, which could potentially affect answers. It varied as to whether they were uncertain if the question meant 'have you officially registered your gender as something different' ("*I know what my gender identity is, it's non-binary, but I don't know if I'm being asked about my gender identity or about what it says on a piece of paper now and what it said before*"), or decided it meant 'is your gender identity aligned with your gender assigned at birth' ("*The question is asking to me whether my gender identity is different from the gender that was assigned to me when I was born by a doctor*"). In the former case this led to a PNTS answer, effectively missing data. It was suggested that the question should be something like "*Is your gender identity aligned with traditional expectations related to that which was assigned at birth?*"
- Furthermore, among non-binary participants it was felt that the question implied that the scope of a 'No' response was limited to transgender men and transgender women: "*To me, it's asking if you're trans or not, but then that doesn't include - I don't think it has enough room to include other identities if you don't feel trans*". However, the answer given was 'no' in order to be recognised as not being the same now as when a baby.
- There were views, among trans, intersex and potential objector participants, that it was confusing, illogical and/or not possible to compare what are different concepts, gender and sex at birth, as required by the question. For example:
  - "*Instantly my head's just gone like that a little bit. ... Because you don't register your gender at birth do you?*" (Transgender man)
  - ONS is "*conflating gender and sex. So your sex is are you male or female and your gender is man and woman, so they are actually different ... It's like calling apples and oranges the same thing*" (Intersex participant)
  - using both words "*... is a bit like saying is your cake the same as the sandwich you had earlier? And I'd say no, that was a cake and this is a sandwich.*" (Potential objector)
- Such a literal interpretation (which would imply that everyone should answer 'No') led to confusion, and in the case of a participant with Autism spectrum disorder was a cause of worry as to whether the correct answer had been given.
- The perception that ONS had conflated gender and sex was also of concern to an intersex participant because they thought if they answered 'No' they would be assumed to be transgender; they said how they felt generally frustrated at having to explain that they are intersex, not transgender.
- There were transgender participants who thought the question was phrased appropriately; that the correct distinction between gender and sex was being made, because it recognised that gender is not registered at birth: "*I like it worded like that, it's a good distinction*" (Transgender man) and "*Factually [and] logically you can't really change it.*" (Transgender man)

### *Answer processes*

- For cisgender participants any such conflation or uncertainty did not matter or affect their answers, because their gender and sex were consistent, so the question was straightforward to answer with 'Yes'. They referred to, for example, having *"never changed sex"* and *"my gender is the same as what I was at birth"* and *"I haven't changed at all since I was born in how I identify myself in terms of gender and where I consider my sexual organs to be."*
- Among potential objectors answer processes varied. There were those who answered 'Yes' easily in a similar way to the other cisgender participants above, for example, saying they had been assigned female at birth and felt female now; and *"my sex and my gender are the same. ... There's no mismatch between sex I was assigned and my identity as a woman"*. A more difficult experience of answering was described: that what the *"midwife wrote down ... hasn't changed"* but the conflation of sex and gender might mean that *"I might fret about that one for ages if I'm in one of those moods"*. Then there were those who disagreed with the premise of the question – the assumption that everyone has a gender – but *"went along with it"* anyway and answered 'Yes' because they saw that it was relevant to people who are transitioning, or that identifying with a gender *"makes sense for people who identify with the opposite gender to their sex"*. Among these last participants, answering PNTS was considered but would not be given in answer to the Census so as not to affect the data, though 'disappointment' would be felt at answering 'Yes'.
- Transgender men and transgender women decided on their answers of 'No' either on the basis of having a Gender Recognition Certificate (GRC), or, where no GRC had been obtained, on the basis that the gender they identified as differed from their sex at birth. Their explanations varied in ways that reflect their different perceptions of the question meaning and interpretations of gender and sex, but all ultimately led to the same answer: for example, *"I'm transgender. Under the transgender spectrum I'm a transsexual. Yes, I know what my birth certificate says and I know what I am"*; *"it's a fact because I've changed gender"*; *"I identify as male, but I wasn't born as male"* and *"I have a trans past"*. No participants without a GRC felt they must have one to be able to answer 'No', that is they did not base their responses on their legal status when that had not changed.
- Among non-binary participants the ease or difficulty in answering varied. There were those who were similar to the transgender men and transgender women, saying, for example, *"I was registered as female at birth and over time I've realised that I'm not female in my gender identity"* and *"because the information on my birth certificate is simply inaccurate."* But some doubt and concern at giving an answer that did not conform to a legal status was also evident. For example, PNTS was selected due to uncertainty as to the definitions and whether the Census office might check the answer - the participant said it was not actually the case that they 'preferred not to say', they were open in self-describing as non-binary. Another example was of PNTS almost being selected due to a *"split second"* doubt about disclosing their status, but 'No' being answered on the basis that in this context their data would be confidential: *"I had a little bit of hesitation of would I prefer not say. But I didn't have a problem with selecting no either because I felt that that was the more accurate answer. But I was glad that there was a 'prefer not to say' option, just in case I didn't want that information out there I guess."* Thirdly, 'No' was selected despite the interpretation reported above that the scope was limited to transgender men and transgender women, due to wanting to be recognised as different to

what they were as a baby, when they had *“no cognition of what gender is”*, and having *“recognised”* themselves as trans.

- There was evidence of the response process being difficult among intersex people and the design of the question being inadequate in reflecting them. For example, ‘Yes’ was answered by process of elimination as the *“closest”* but *“imperfect”* answer: a ‘No’ answer was thought to imply they were transgender, which they did not identify with, while PNTS would imply feeling shame or discomfort, which was definitely not the case, leaving ‘Yes’ to be selected because the participant had been *“designated female”* at birth and was *“legally female, such as on my passport”*, but had self-described as *“almost female”*.

## 6.1.2 Census acceptability and administration

### *Acceptability*

- Across the sample, views of the acceptability of including this question in the 2021 Census were mixed.
  - There was a positive reception to the question being included in 2021 among participants across all subgroups (other than intersex). Cisgender participants recognised the relevance of collection information on trans people. Transgender and non-binary participants were particularly positive at being recognised, for example, *“It’s like someone’s acknowledged me, whoa.”* It was thought statistics on the number of trans people would be useful and help raise the profile of the trans population and how it is increasing over time, help to counter trans *“stigma”* and help government planning and resource allocation. The purpose was not always apparent, nor the relevance, but this did not affect views. Some reservations were expressed including that it was dependent on published data being anonymous, and that data might not be fully accurate due to some trans people’s confidentiality concerns (which was not necessarily felt personally).
  - There were some more critical or equivocal reactions, among non-binary participants and potential objectors.
    - Non-binary views included the question being unnecessary given the ‘What is your gender?’ question had collected their *“definition of their gender”* (that is from the write in field; it was perhaps not apparent to them that there are transgender men and transgender women who would answer male or female to that question and therefore this question is needed in addition).
    - The perceived limitation in scope to transgender men and transgender women, reported above, was another reason.
    - It was thought some trans people would not acknowledge their gender as different because they did not accept their registered sex: *“strongly transgender people might say they are now what they were always meant to be, [not different to something] which they don’t agree with or never did”*. (Non-binary participant)
  - There were views that a question on this topic was acceptable but this particular design was not: for example, answering ‘No’ was felt to be ‘othering’ and references back to the negative comments about the design and the uncertainty in comprehension and answer processes reported above. Among such views it was possible that non-response might result: *“I don’t know what I’d do. Conscientious objector! Depends what mood I was in!”* (Intersex participant). Potential objectors who rejected the assumption that they have a gender and did not think ONS *“should be*



*reinforcing those sex stereotypes by asking people literally like do you fit the stereotype for your sex?"* thought there should be some means to express not having or identifying with a gender or disagreement with the basis of the question, though they understood the importance of collecting data on the trans population.

#### *Prefer not to say response option*

- Participants' opinions of the Prefer not to say response option were varied.
  - There were positive views about its inclusion across all subgroups. These were generally about the potential needs of other people rather than personal need. It was thought some people might be offended by the question, or "nervous" about answering a compulsory question if they are trans, transitioning or have a trans past, or do not want their trans status recorded. (Whether people who do not want to disclose their trans status would actually answer PNTS, rather than answer 'Yes' due to the social desirability effect, is questionable.) Participants sometimes accepted the need for PNTS with regret – that it was necessary "unfortunately" and that the downside is the data would not be fully accurate.
  - Reduced data accuracy was also one of the reasons for more negative reactions to PNTS. The cisgender, transgender and non-binary subgroups included participants who felt it would affect the data collected (the "cold, hard" stats will "have a void"), that it gave the impression that "the question isn't as important" as others, and that people might select it out of mischief: a "devilishness ... that says be awkward". (Transgender woman). There was a view that it was unnecessary because it was factual: "you've either had a sex change or you haven't and why would you prefer not to say?" (Cisgender man). Its use made a non-binary participant "sad" because they thought it might relate to the, in their view, "arbitrary law" that restricts being allowed to ask people if they have a GRC.
  - There was a view among potential objectors that rather than PNTS, which suggests "concerted opposition ... like you're taking a stance", there should be a different response option for people who did not fit into the 'Yes' or 'No' categories or were not sure.

#### *Inclusion in the Census count of people whose gender is not the same as sex registered at birth*

- When non-cisgender participants were probed about their answer's meaning they would (or when relevant would not) result in their inclusion in the Census count of people whose gender is not the same as the sex registered at birth, reactions were broadly favourable: for example, "yay, I want to be counted." (Non-binary participant). It was thought it would help to increase recognition of trans people and normalisation of being trans: "it's important for us to be counted so that people know that it's not just a handful of people transitioning.... So in a way it's bringing it up, it's normalising it for cispeople." (Transgender man). Some scepticism as to whether the data would be used "for anything useful" was expressed. And there was some concern among trans participants at being personally identifiable in published census records, given the political climate. When an answer (PNTS) meant a participant would not be included, it was said this was "not my intent at all" – such cases would result in an undercount.
- An issue that was raised among participants – though not personally applicable to them – was "international dimensions". It was thought that some other countries allow people to be registered as

neither female nor male but as X, for example if they have intersex conditions. Should such a person be answering the Census, if their gender were neither female or male and their answer to 'Is your gender...' was 'Yes', their status might not be recognised in the Census count.

### *Appropriate age to ask the question*

- Regarding the age from which it was appropriate to ask the question, participants divided into two main groups. Some views were in terms of children answering questions personally, others in terms of a parent answering on a child's behalf, both of which scenarios are possible on the Census.
  - Firstly, there were transgender, non-binary, intersex and cisgender participants who felt it could be asked to or about children under 16, including from birth. It was thought that there are young children who identify as a different gender (for example *"a lot of trans kids are coming out sooner and sooner"*). Non-cisgender participants referred to their own experiences; of 5-6 year olds who wanted to transition; and of research into *"gender presentation"* from infancy. There was a suggestion to ask from age 13, when puberty starts and when people become aware of identifying with something or other.
    - The possible reasons for not asking the question of children, and resulting effects or implied messages, were questioned strongly; for example, *"does that come from experts in what's best for kids? ... from ... prudishness? ... from thinking that trans kids don't exist?"* (Non-binary participant) and it *"makes it seem like something to be a bit of ashamed of"*. (Transgender man)
    - Expressions of dissatisfaction if 16-17 year olds were not routed to the question were made, including *"I'd be not particularly happy if that right to self-expression was taken away just because they're slightly younger"* (Non-binary participant) and that they *"have perfectly good awareness around these issues...if it wasn't asked it's kind of signalling there's something to be embarrassed about."* (Intersex participant). There was felt to be a need for data about potential use of gender clinics.
    - A perceived drawback to asking under 16s was that parents answering on their behalf might not always provide accurate answers.
  - Secondly, there were participants across cisgender, transgender, non-binary and potential objector subgroups who thought that 16 or 18 was the appropriate age for asking the question.
    - It was thought that below age 16 children might not be sure of their gender or were too young to answer *"because of their emotional and physical development not being mature enough."* (Cisgender woman). From aged 15 plus they were said to *"understand a little bit more of how the world works."* (Cisgender man). It was thought not to be fair to ask below that age, and that it could prompt children to question their identity.
    - The appropriate age was sometimes linked to laws relating to the age of consent and at which people can transition medically or obtain a GRC.
    - Internal household *"politics"* was another reason given; that there could be difficult family situations if an adult is in some way against a child's trans status.
    - Potential objectors were particularly of the view that children under 16 should not be asked, because they were still developing: *"I don't feel like a child can have an accurate sense of whether their gender matches their sex because they are still exploring the world and learning about what it means to be a girl or what it means to be a boy"*. This was sometimes felt

strongly, related to their views against gender stereotyping: *"Absolutely not for children. Because there is no way of explaining this to children in a way that isn't going to basically imply that if they're not conforming to sex stereotypes then they're actually the opposite sex."* From age *"16 and over ... you should start being able to have some sorts of ideas about it and be able to articulate those ideas in a way you can't possibly do when you're younger."*

- Among the parents of children under 16 in the sample, views were similarly divided between those who thought it acceptable to ask them (who had teenage children) and those who thought age 16 or 18 was more appropriate; for example, *"I guess I wouldn't be happy if my daughter at the age of 10 was answering is your gender the same."* (Cisgender man)

### *Proxy response*

- Proxy response was another aspect of Census administration that divided opinion.
  - Cisgender participants were content for questions to be answered by proxy, both by them for other household members, and by other household members on their behalf. People for whom it was acceptable to answer on behalf of, or have answer on your behalf, included their spouses, partners, siblings, children, and unrelated house sharers. Participants were confident in their knowledge of the other people in their households, although there was some acknowledgement that how someone identifies might not be *"apparent externally"* and it was said that it was acceptable assuming the answer is clear.
  - These or similar views were also held by participants from all the other subgroups. Among the transgender participants examples were given: of their adult children knowing that they had transitioned; of a mother being willing to tell other people about her trans child; and of how despite a participant's mother possibly being upset at answering 'No' because *"she had a girl and now I'm not a girl"* he thought she would answer how he'd want her to because she's *"accepting and understanding"*.
  - In contrast, there were views that it was not acceptable to ask the question by proxy. These were held among transgender, non-binary and potential objector participants. Such objections were on the basis that answers would or might be inaccurate, if a person is not open about being trans (for example, *"they'd fill it in wrong"*); that questions in general should be answered personally, particularly 'sensitive' ones (for example, it *"takes ownership away [of] my chance of getting my voice heard on something like this, where representation is important"* (Transgender man); that people *"interrogating themselves about their housemates' gender is just like so weird."* (Non-binary participant)); and that people would be upset or annoyed at incorrect answers being given about them. Participants felt people should answer personally or at least be consulted by the person answering, though this could create difficult situations within households: *"difficult to negotiate"*; *"God! I'm just cringing. Like, it's just uncomfortable."* (Non-binary participant)
  - A suggestion was made to include a 'don't know' category, which it was thought would be more appropriate in proxy situations than PNTS which could imply you think the person is trans.

### 6.1.3 Views on the two-question approach and question locations

- Having been probed about both ‘What is your gender?’ and ‘Is your gender the same as the sex you were registered at birth’ participants were asked for their views on the use of the two questions collectively, and the locations of the questions. On both topics participant views were varied.

#### *The two-question approach*

- The two-question approach was positively received among participants from all subgroups (except intersex).
  - They thought it made sense, or that it was necessary, to have two questions, that they were related to each other but asked different things.
  - It was thought that they complemented one another, for example *“One is saying what you are now and the other says is it different to what it was”* (Transgender woman) and *“the first one, what is your gender, wants to know who you are, gives you the room to say that and then the second one is identifying specifically what proportion of the population are not cisgender or are trans or non-binary and so on”*. (Non-binary participant)
  - They were linked by the word gender: ‘Is your gender...’ *“follows on nicely ... the consistent use of gender, the word gender kind of makes them link together.”* (Transgender man)
  - It was felt the same information could not be collected by a single *“mangled”* question.
  - There were participants who thought it appropriate to ask two questions, but would prefer the design of one or other to be different, as per the findings reported in previous sections.
  - Participants sometimes ventured that between them the two questions would enable derivation of other information, though were not always correct, such as the statement *“By answering two you can deduce what it was originally”* (that is, sex at birth), which is perhaps true for transgender men and transgender women who answer male or female at ‘What is your gender?’ and ‘No’ at ‘Is your gender...’, but not for people who answer ‘Any other gender’ and ‘No’, unless their self-description enabled a deduction to be made – which would not be the case if it were, for example, ‘non binary’ or ‘agender’.
  - There was some recognition that the second question alone was required to identify some trans people: *“that’s a good way of identifying that the transgender community may have legitimately ticked female or male because they identify as such and don’t identify as transgender because they now feel wholly male or female.”* (Potential objector)
- More negative or equivocal opinions of the two-question design were also expressed, by participants from cisgender, non-binary, intersex and potential objector subgroups.
  - The necessity of having ‘Is your gender...’ in addition to ‘What is your gender?’ was questioned (perhaps due to an assumption that transgender men and transgender women would answer ‘Any other gender’ to the former question).
  - Participants said the distinction between them was uncertain (*“I think they’re the same questions”* - Cisgender woman) or repeated things they’d said about one or other of the individual questions such as their meaning or the terms used.
  - More than two questions were thought to be necessary, in order to cover all aspects of sex and gender past and present (felt for example by an intersex participant) or to add a filter question to

ask if a person has a strong gender identity and only route those who do to 'Is your gender...' (said by a potential objector).

### Question locations

- Views varied as to whether the questions should be located as they were in the test - 'What is your gender?' at the start and 'Is your gender...' at the end. There were participants who spontaneously mentioned this topic as they were self-completing the questionnaire, while others had not been conscious of the separation until it was probed.
  - There were participants from all subgroups who felt the questions should or could be located together (i.e. asked consecutively). This was thought to be more "appropriate" or "logical". It was said that the two questions could be thought about together rather than having to break off and return: *"So just it doesn't seem like it just comes out of nowhere again ... Because you're already in that space, thinking about your gender"*. (Non-binary participant)
    - There was evidence among trans participants that responses might actually differ if this were the case; a transgender man who had answered 'What is your gender' as 'Any other gender/Trans man' thought he would have answered differently if he had known that his trans status could be recorded at the next question: *"I'd be like OK cool, I can tick male and then say that it was different."*
    - It was sometimes said that both questions should be at the start of the individual questions (and also that Sexual Orientation should also be there so that the sex/gender/trans and sexual orientation questions were all before the marital status/partnerships questions which relate to those concepts) and sometimes that it did not matter if they were at the start or end of the individual questions provided they were consecutive.
  - There were also participants across subgroups who thought it was acceptable or even correct that the questions be separated. It was thought that allowed time for reflection. It was pointed out that by following the sexual orientation question the two topics should not be conflated by responders. Participants were not always aware of the age filter being the reason for the separation. There were participants who had no strong views either way about the location.
  - The uncertainty sometimes felt about the meaning of the questions might have been somewhat alleviated if the questions were consecutive, although this hypothesis would need testing.

## 6.2 Recommendations – 'Is your gender the same as the sex you were registered at birth?'

DCM recommends inclusion of 'Is your gender...' rather than the alternative design 'Do you consider...' (the findings about which, and comparison between these two alternatives, are reported in section 7).

The findings and recommendations relate to asking this question in conjunction with 'What is your gender?'

### 6.2.1 DCM recommended question design

<p>Is your gender the same as the sex you were registered at birth?</p> <p>Yes</p> <p>No</p> <p>Prefer not to say</p>
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#### Question stem

- No changes to the question stem wording are recommended on the basis of these findings, in view of the fact that the question broadly collected data that would be anticipated given answers to ‘What is your gender?’ and the intention of the question.
  - Although participants had varied interpretations of ‘gender’ and the question overall, and there was some uncertainty in comprehension and answering, there is no obvious form of words that would improve the question for those with such problems while not introducing uncertainty for others. Participants’ suggestions for rewording the question would not be appropriate or correct.
  - For example, it was proposed to make the two concepts consistent:
    - Firstly, ‘Is your sex the same as the sex you were registered ...’: however, there are trans people who dislike being asked about their sex and do not think it appropriate; and if they have transitioned socially but not physically they might answer ‘Yes’ and so be missed from the count.
    - Secondly, is your gender the same as the gender you were registered ...’: but technically gender is not registered at birth.
  - Changing the wording to ‘Is your gender identity...’ might address some of the non-binary participants’ concerns but could have an unintended effect on the comprehension of cisgender people, for whom gender identity might not be a salient concept, and on the reactions of potential objectors who reject the premise of gender.
  - Wording to address the conflation of gender and sex, and the literal interpretation that the two are conceptually distinct and can’t be compared, could be considered, along the lines suggested by a participant: *“Is your gender identity aligned with traditional expectations related to that which was assigned at birth?”* However, such a question would be too complex for the general population and census context; the question needs to be understandable and relatable to the majority. (A similar example from the Solicitors Regulation Authority’s diversity monitoring survey was: *‘Do you consider your own gender identity to be different from that associated with your sex as registered at birth?’* Anecdotal evidence suggested some respondent confusion.)

#### Response options

- No changes to the response options are recommended. See later for discussion of the views expressed among potential objectors to be able to express their lack of gender/rejection of the premise of gender identity, and of the needs of intersex people.
- If this question were to be the follow-up to a binary sex question a ‘please specify’ description field should be included for respondents answering ‘No’ (as per phase 2C).

### Guidance

- To address the uncertainty about the terms used and concepts being asked about, and in how to answer, DCM recommend that the respondent guidance for this question provides:
  - a definition of 'gender' as ONS intends it
  - an explanation of what the question is intended to capture, its purpose and uses of the data
  - an explanation of the relationship between this question and whichever one precedes it on sex or gender
  - clarification that the scope of 'No' is not limited to transgender men and transgender women, that it also applies to non-binary people
  - an explanation that the question relates to subjective identity not to legal status; that no GRC or change to official documents is required when answering 'No'
  - some explanation to address the opinions of potential objectors and advice as to how to answer if they disagree with premise of gender
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development, if specifically required in addition to the above
- As mentioned previously, it cannot be assumed that guidance would be consulted or followed as intended even by those for whom it has more relevance.
- Use of hover over/clickable hyperlinks for definitions of terms is also recommended if that tool is to be adopted generally for the online Census and if user research finds that it is effective

### Age routing

- On balance, given the varied views of participants, DCM would recommend asking this question from age 16; however, stakeholder opinions need to be taken into account.
- An explanation of why it is not asked to people younger than 16 (or whatever age threshold is used) should be provided in the guidance.

### Location

- DCM recommends placement of this question immediately after the question on sex or gender, at the start of the individual questionnaire, subject to cognitive and quantitative testing of the impact on comprehension, acceptability and potential order/context effects when asked before sexual orientation. This might be more effective in enabling transgender respondents to realise they can answer 'What is your gender?' with 'Female' or 'Male' if they prefer that over answering 'Any other gender'.
- Please also see the later recommendations for further consideration, stakeholder engagement and testing (Section 8).

## 7 'Do you consider yourself to be trans, or have a trans history?'

### 7.1 Findings

Probing of the 'Do you consider...' question was intentionally conducted in greater depth in 2B, which only included two alternative trans status/identity question designs, than it had been in 2C. In 2C it was the third of the alternative questions to be presented so time did not always allow the same depth of probing.

It should be noted that this question was presented to participants separately from the short questionnaire, after the probing of the 'What is your gender?' and 'Is your gender the same as the sex registered at birth?' Therefore, participants were answering and commenting on it in light of their deeper cognitive processing regarding those questions, that is order and context effects came into play. It had been decided to present the questions in this order, given that 'Is your gender...' was considered a more likely candidate question for the Census and for practical reasons - programming an online questionnaire and printing the paper version.

#### 7.1.1 Comprehension and answer process

##### *Answers given:*

- Across the sample participants said they would answer this question in a way that would be consistent with the answers they had provided for the 'Is your gender the same...' question (i.e. those who had answered 'Yes' to the previous question said they would answer 'No' to this question and vice versa).
  - Transgender women, transgender men and non-binary participants said they would answer 'Yes'
  - Cisgender, potential objector and intersex subgroups said they would answer 'No'

##### *Comprehension/interpretation*

- Similar to the findings from Phase 2C, there was a range of interpretations of the overall meaning of the question and of the terms used. As highlighted above, it should be noted that comprehension of this question may have been aided by previous discussion of the 'Is your gender the same...' question
- Across the subgroups the question was broadly understood to be asking whether someone has transitioned in some way over time or identifies themselves as something different than their birth sex:
  - *"Whether I've been a male but I'm now a female or female now a male." (Cisgender man)*
  - *"Basically what you're saying is do you consider yourself to sit somewhere on the transgender spectrum, or have you transitioned" (Transgender woman)*
  - *"What I see this as is asking do you have experience of being gender non-conforming, which is not fitting into the rigid definition of gender as it pertains to cis male and cis female." (Non-binary participant)*
  - *"I assume this is asking do you consider yourself to be transgender or basically identify as not your birth sex..." (Potential objector)*
- However, there were different interpretations of whether the question would include those who have medically transitioned (or are undergoing medical transition) or whether it was more broadly inclusive



of social transitioning, that is identifying with a gender, or with no gender, without medically transitioning or legally changing sex.

- There were respondents whose understanding of transitioning was largely limited to physical changes: *"Have you been taking hormones or whatever ... to quell ... hormones"* (Cisgender man), *"It feels like it's asking about if people are in the process of changing their sex."* (Potential objector)
- Others perceived the question to be asking about more than just medical or legal changes: *"...do you consider yourself to be trans or have a trans history suggests that much broader thing about gender and changing your lifestyle.... I think this covers a lot more things than the possibility of a legal sex change."* (Potential objector)
- The scope of what the question intended to collect was unclear to trans respondents who were aware the term trans could be used in multiple different ways: *"...I'm thinking like does it mean transgender, more focusing on the gender side of things, or does it mean transsexual or more like focusing on changing the primary characteristics more and surgery and hormones? So yeah the more I read into it I'm like what are they trying to ask?"* (Transgender man)
- There were respondents who thought the question was very straightforward and easy to understand: *"it's a straightforward factual thing you're either transgender or you're not..."* (Transgender woman) However, there were concerns that the question may not be understandable to the whole population and would have to rely on guidance in order to avoid inaccurate or PNTS answers:
  - *"Oh that would really confuse the elderly. Keep it as it is. Because I can understand an awful lot of elderly women or men will not having a clue what that was about."* (Cisgender woman)
  - *"I don't think enough people will know what trans is...So I think you'll get people just ticking 'prefer not to say' because they don't know..."* (Cisgender woman)
  - *"you might have to say what you mean by trans history... or even again what trans is because people go what's trans. There's a lot of people in this country and not everyone's going to know what that means."* (Non-binary participant)
- As with the 'Is your gender...' question, there was some confusion among cisgender participants about the benefit of including this question because it was erroneously assumed that all trans people would be identified at the 'What is your gender' question: *"I'm not sure it's beneficial. Because if you have what is your gender and you have the gender options there, then that's going to give you whether you consider yourself to be trans or not."* (Cisgender woman)
- There was an opinion that the question was not really worded in the correct way grammatically: *"do you consider yourself to be trans or do you have a trans history, is that what that means? It's a slightly strange sentence. Do you consider yourself to be trans or have a trans history?"* (Non-binary participant)
- The inclusion of 'or have a trans history' led to feelings amongst cisgender participants that they were being asked two questions in one which did not make sense for people who may consider themselves to have a trans history but wouldn't consider themselves to be trans. However, this was not an issue for them as they would answer 'No' to both parts of the question regardless.
  - *"there's two questions in that really: do you consider yourself trans is one question, or have a trans history is another question. So it doesn't work to give a yes, no, prefer not to say answer because there's two questions."* (Cisgender woman)

- *"let's say someone had a trans history but doesn't consider themselves to be trans now, how are they going to answer that question? Say yes I have a trans history but I'm not trans now, so it's yes and no." (Cisgender woman)*

### *Comprehension of 'trans'*

- Understanding of the term 'trans' was varied.
  - Cisgender participants and potential objectors broadly understood it to be about changing gender or sex but generally focused on female-to-male or male-to-female medical transition.
    - *"Someone who was female and is now male, or was male and is now female, cut and dried, that's it." (Cisgender woman)*
    - *"I think the term trans is someone who is in the process of changing their sex to match their gender." (Potential objector)*
    - *"I think what people mean when they say they're transgender is that they identify their gender as being opposite to the sex that they were born." (Potential objector)*
  - In contrast, participants from across the other subgroups generally understood 'trans' to be a wider umbrella term inclusive of non-binary identities as well as transgender men and women.
    - *"I think it's just to include everyone who feels their gender's different to that that was assigned at birth." (Transgender man)*
    - *"Being trans is when your gender identity does not align with either one that you were assigned at birth or align with, any of the kind of normative genders: male or female... It can manifest in a lot of different ways, depending on different people..." (Non-binary participant)*
    - *"So do you consider yourself to be trans to me is somebody who has a biological sex that is what we understand to not be congruent with their gender identity..." (Intersex participant)*
- Participants from both trans and potential objector subgroups highlighted that 'trans' is a broad spectrum that can be inclusive of transgender, transsexual and transvestites. The use of the abbreviated term 'trans' was not considered to be sufficiently clear in informing respondents which groups of people were to be included and it was suggested that the question should *"use the full word just to make it more accessible."* (Non-binary participant)
  - *"It is a very broad spectrum, it is a very big rainbow, and you've got transsexuals at one end and you've got people that just go out and do a bit of crossdressing at the other..." (Transgender woman)*
  - *"Trans can be the umbrella term for transgender, transsexual, transvestite. I don't know many brackets it's including." (Transgender man)*
  - *"It doesn't make sense just on its own. You can be transgender, you can be transsexual. I think they're almost interchangeable, although they're different words I think they mean the same thing but just trans on itself doesn't mean anything at all." (Potential objector)*
  - *"I thought that it's an abbreviation ... a transvestite is a million miles away from a transsexual, for example." (Potential objector)*
- There was an opinion expressed by participants within the potential objector, cisgender and non-binary subgroups that trans is a distinct identity that not everyone whose gender identity differs from their sex registered at birth would be comfortable defining themselves with.

- Some people who *"are transsexual ... don't necessarily identify with being transsexual."* (Cisgender man)
- *"The word trans does make people feel like they have to do certain things and live up to certain things, so people might be reticent to take on that label."* (Non-binary participant)
- *"People understand certain things about the trans community, I suppose, because they've been represented in the media now and TV shows, that they have a distinct identity themselves. So I think there might be people who that label doesn't fit with, but nonetheless don't identify as male or female. So I think using the word trans could be somewhat prescriptive, I suppose."* (Potential objector)
- However, there was also a (hypothetical) view amongst non-binary participants that although some non-binary people do not identify themselves as trans normally, they may still assume the question wants *"people like me"* and decide to answer 'Yes'.

### *Comprehension of 'trans history'*

- There was a great deal of uncertainty around the term 'trans history' from participants across all subgroups.
  - *"...What do you mean have a trans history?"* (Cisgender woman)
  - *"I just think trans history, it's not specific enough".* (Transgender man)
  - *"Trans history, I'm not sure about. I've not really come across it before".* (Non-binary participant)
  - *"... I can't understand why you, how can you have a trans history if you don't consider yourself to be trans.... you'd have to ask trans people, I wouldn't have a clue, to be perfectly honest."* (Intersex participant)
  - *"The difference between trans or have a trans history, it's not clear at all to me."* (Potential objector)
- There were trans participants and potential objectors who correctly understood the intention of including 'trans history' in the question as a way to capture those who have transitioned and no longer consider themselves trans.
  - *"If you've got a trans history, all that's saying is that it's all in the past and you've effectively transitioned or whatever."* (Transgender woman)
  - *"Some of us use it to describe the fact that we have transitioned but no longer consider ourselves to be trans."* (Non-binary participant)
  - *"I suppose if you had someone ...undergoing a physical transition from male to female, and if they had completed that and they felt legitimately male or female, they might not see themselves as trans... I suppose trans history there just allows for acknowledging that another time in history their gender might have been more fluid ..."* (Potential objector)
  - *"Whether it's just about assuming that once a person changes their sex they're not trans anymore, which I don't agree with."* (Potential objector)
- However, there was also a consideration by participants across the subgroups that it was intending to capture those who have explored living as a different gender but later decided to return to living as the gender associated with their sex registered at birth.
  - *"If somebody say aged 15/16 were considering a transgender procedure but perhaps did not go through with it for whatever reason".* (Cisgender man)

- *"Some people might just be like yes I've explored my gender kind of thing but I've decided that I am cis and I am comfortable in my gender... a trans history might be did you used to think you were trans kind of thing." (Transgender man)*
- *"Having a trans history I guess would refer to people who have de-transitioned, who used to be trans, used to identify as trans and their gender identity has since changed." (Non-binary participant)*
- *"People can change back again from being transgender to deciding to return to living not as a member of the opposite sex but living as a member of the sex that they were born." (Potential objector)*
- It was questioned among cisgender and trans participants whether 'trans history' could be asking whether they were personally associated with someone who is trans, rather than being trans, or having transitioned, themselves.
  - *"...My family, myself?" (Cisgender woman)*
  - *"I think the trans history would trip me up, because obviously my parents have trans history because I'm trans, so it depends on how people would interpret trans history, whether it's have you transitioned before or are you like, do you know a trans person kind of thing." (Transgender man)*

#### *Answer processes:*

- Regardless of their comprehension of the question, participants across subgroups were able to answer without difficulty. Comments included the following.
  - *"I don't have any history or don't consider myself to be a trans". (Cisgender woman)*
  - *"The way I was born, looking at the research, it was a bit of a lottery as to whether I was called male or female... I was assigned female, which I'm roughly happy...but I could have been assigned... male... and then I'd have a trans identity as well as an intersex identity... but for me it's not really an issue... So I'd just quite easily say no and it doesn't offend me in any way." (Intersex participant)*
  - *"If it was a straightforward question like that I've only got one choice and that's yes." (Transgender woman)*
  - *"I feel non-binary and trans and yeah, that's where I sit". (Non-binary participant)*
- The inclusion of 'trans history' in the question was thought to make the question easier to answer for transgender respondents who do not always identify with being trans in the present tense but are comfortable with saying they have a transgender history: *"I think I'd put yes because I like that it says that you consider yourself to be trans, so that's like the present. Or have a trans history, so that could be the past. So if on a day I'm like well I don't really want to talk about trans stuff, then I could still tick yes as a yeah that was kind of a past event, the history side of things and I'd still be able to answer it." (Transgender man)*
- This question was considered easier to answer than the 'Is your gender the same...' question for those who do not identify with having a gender because the answer 'No' would not be giving any indication that they agree with the concept of gender or how it fits them. For example, a potential objector who considered selecting 'PNTS' at 'Is your gender...' said they did not have the same consideration of 'PNTS' at this question: *"this is much less ambiguous for people who don't consider*

*themselves to have a gender identity. You can just say no at this point and not feel like you're kind of messing up the data. So I would feel like I could answer this much more straightforwardly than the other question."*

- When probed as to whether there should be a write in field for the answer 'Yes', trans participants felt the inclusion would be unnecessary because *"it's an obvious yes or no": "If you put a descriptive box there, you're opening yourself up to a thousand and one answers again... I think you're probably best off keeping the question simple. There's only so much information you can gather and be sensible about it." (Transgender woman)*
  - However, it seems this finding may depend on the inclusion of a description box at the 'What is your gender' question. For example, a non-binary participant said that although a description box was not necessary for the 'Do you consider...' question, it was important for people to be able to specify their gender somewhere within the Census: *"You just have to give people space to say whether they are somewhere and I think that's OK."*

### 7.1.2 Census acceptability and administration

#### *Acceptability*

- There were mixed views across the sample as to whether this question was suitable for inclusion in the 2021 Census.
- Views that the question was unacceptable included the following.
  - The question was disliked or thought unacceptable among cisgender women, whose comments included *"No I don't like that question at all", "That's a bit into your face isn't it?"* and that it is *"not necessary."*
  - Among cisgender participants and potential objectors, the word 'trans' was objected to either because it was not familiar or was unclear (for example, *"I just think trans what - what are you talking about? It just infuriates me." – Potential objector*), or because it was thought to be *"slangy"* and inappropriate for this 'official' context, for example *"I just don't like the word trans ... I'd be slightly disappointed to see that as a question on a Census"* (Cisgender man). There were cisgender and potential objector participants who thought that 'transgender' or 'transsexual' would be an acceptable word to use instead. It was pointed out among trans participants that while the word trans is used within the community, its use outside is *"colloquial"* and has an association with the *"insulting"* word *"trannie"*.
  - Among trans participants there was a view that the question was 'othering', by focusing on trans people or by implying their identity is not as genuine as a cisgender person's: *"It's horrible... it just kind of like feels singled out rather than saying you want to know about how many people are cisgender as well"* (Non-binary participant) and *"it can be a little othering ... 'oh, you're not really a woman, you're not really trans'"* (Non-binary participant). However, it was also thought that some trans people might find it *"enabling"* to identify in this way.
  - Among cisgender participants there was a query about the relevance of asking about the past on the Census (that is, 'trans history') when the Census was meant to be about the present.
  - Such views did not necessarily mean that these participants thought a question similar to this should not be used, if ONS considered it necessary to include and if the language was changed. However, there was also a view among cisgender participants that it was of too minority interest

to be included in the Census, which had many other things it should concern itself with. This could partly be a context effect due to the questionnaire only being a subset of the individual questions so appearing to focus on gender, transgender, sexual orientation and other identity questions.

- There were cisgender men, trans participants and potential objectors who thought that the question was acceptable to include in the Census. It was said *"I like that question"* and thought to be *"a reasonable question to ask"*, easier to answer than 'Is your gender...', a familiar question to people in the trans community, and that it was important to collect such information given potential changes to the Equalities Act and Gender Recognition Act.
  - The view that the question was acceptable to include was shared by an intersex participant who thought that although the question was not relevant to the intersex community (unless they also have a trans identity) it was inoffensive and easy to answer 'No'. Repeating views expressed elsewhere it was said that other questions would be needed to collect information about people with intersex characteristics
- The trans participants in this sample all answered the question with 'Yes'. However, it was suggested among them that in the 2021 Census PNTS might be selected instead. However, the view was held repeatedly that to ask about trans identity and particularly trans history was problematic: the Gender Recognition Act prevents people having to answer such a question, and trans people do not always want to acknowledge their past, now live in stealth and identify as cisgender. Assumptions drawn from personal contacts and knowledge from within the community were the reasons for these views. Examples of comments included:
  - *"Politically asking if someone's got a trans history is difficult with regard to the Gender Recognition Act."* (Transgender woman)
  - Being of the view that people who have finished medical transition and do not like to acknowledge their past would not answer 'yes' and/or be uncomfortable with the question. For example: one participant had an acquaintance who had transitioned from male to female and identified as a cisgender woman, while another spoke of people saying *"I'll live as the gender I've now assigned and I'll move somewhere else so no one knows about it."* And I know quite a few people who've done that because they don't want anything to do with that past, so they might not be pleased to be asked." (Non-binary participant)
  - Answering 'Yes' would *"out"* people who are in stealth against their will.
  - It was thought the question would undercount people who have a trans history but don't identify as trans.
- Among participants who felt 'trans history' was intended to capture people who have explored living as a different gender but returned to living as the gender associated with their sex at birth, it was questioned whether outputs from the question should include those *"cis people who maybe used to identify as trans"* as they are *"very opposite"* to those who do identify as trans.

#### *Prefer not to say response option*

- Views on PNTS were very similar to those at 'Is your gender...'. On one hand it was thought to be an easy way for people to avoid answering the question, and that data accuracy would be negatively affected. On the other hand, it was thought necessary to provide for people who would rather not

disclose their trans identity or history. Indeed, there were comments that it was even more necessary at this question which is “deeper” and possibly more sensitive or intrusive, for example: *“People have a right to privacy and I think that by taking it to this lower level you are infringing on it a bit because people may not want to speak about it.”* (Cisgender woman). However, it was thought that potentially it might not always be chosen because it is effectively the same as answering ‘Yes’.

#### *Inclusion in the Census count of people whose gender is not the same as sex registered at birth*

- Not all trans participants who answered ‘Yes’ were probed again about whether they were content to be included in Census statistics on people who identify as trans or whose gender is not the same as the sex registered at birth. There were transgender and non-binary participants who were happy about being included.
  - A qualification was added among trans participants, that the question was acceptable as long as confidentiality and anonymity were maintained. A view was expressed that publication of personally identifiable data was not acceptable during a person’s lifetime or was legally constrained - *“there are things that you are legally allowed to have as secrets about your history”* (Transgender woman) - but publication in accordance with the census 100-year rule was thought acceptable. (Note that the 100-year rule was not widely discussed; the views of trans people more widely would need to be sought to inform consideration of whether the 100-year rule can be applied to gender/trans status questions or they should be exempted from it).
- There was evidence that some intersex people would not want to be included in the count of trans people but did want to be recognised as having intersex characteristics, through the inclusion of different/additional questions.
  - For example, an intersex participant understood that their answer of ‘Any other gender/Almost female’ to the ‘What is your gender’ question in combination with their answer of ‘No’ to this question could be misleading, conflating trans and intersex:
    - *“They’d think what the bloody hell is she trans or not? ...you do need to separate these out...you’re not going to be able to differentiate between trans and intersex. ...My sensitivity if you like isn’t around necessarily gender. It’s getting across what my biological sex was and that identity. So I have this identity that’s intersex.”*

#### *Appropriate age to ask the question*

- Views as to the appropriate age threshold for asking this question were broadly similar to those for ‘Is your gender...’.
- The view that it was acceptable to ask children under 16 was held primarily among transgender, non-binary and intersex participants and less among cisgender participants. It was thought important to understand the demand for services and that *“trans kids under 18 should be allowed the right to express themselves.”* (Non-binary participant)
  - It varied among them whether they thought it ok to be asked of all ages, or from a specified age (ages 9-10 and 13 were cited, by which age a child might be aware of the concept of transgender, able to express their own identity or their parents be aware of it), or were unsure what was the appropriate age.



- Similar comments were made regarding the accuracy of some answers if parents were responding for trans children.
- The alternative view that the question should only be asked of people aged 16 or 18 was widely held among cisgender participants and potential objectors, and shared by some trans participants. Again, it was thought children under 16 were still developing or less mature, and there were references to the legal ages of consent and at which it is possible to reassign. Sensitivity about the question exposing children to trans issues and prompting unwanted questions from them was evident, including among parents in the sample and in relation to religion, for example:
  - *"I come from a religious background and not everybody wants their children to be asking, what is trans? ...I don't want to know or want my children to be exposed to that..."* (Cisgender woman)
  - *"I wouldn't like my daughter asking me what is a trans and that type of thing."* (Cisgender man)
  - *"I wouldn't be happy"* for under 16s to be asked because they were thought unlikely to have been *"exposed to a transsexual situation or experience."* (Cisgender man)
  - Among potential objectors it was thought gender roles should not be applied to children, who also might face *"pressure from peers to jump on a certain band wagon."*

#### *Proxy response*

- Participants' opinions about proxy response were largely consistent with those for 'Is your gender...'
- There were participants across all subgroups who thought it was acceptable to answer by proxy and have other people answer on their behalf. Views were sometimes qualified by it being dependent on knowing the other person well, and that it might not be known or evident what a person's trans history was.
- The reasons why participants were against proxy response again included the personal nature of the question, uncertainty in being able to answer accurately, and making people uncomfortable in the household situation. It was thought possible that some people would answer PNTS if they had not got consent to answer, and that the accuracy of data would be affected.
- Contrasting views about whether it was 'easier' to answer by proxy for this question or for 'Is your gender...' were expressed. Among cisgender participants it was thought potentially easier for this question than 'Is your gender...' because 'trans' implied physical change which is more obvious than identity. Among trans participants this question was thought to be a more *"deep and potentially loaded"* question for trans people in stealth.

#### 7.1.3 Views on the question locations

- Fewer participants were probed with regard to the location of the questions than had been the case for 'Is your gender...' but in cases where it was discussed, again there were participants across cisgender and trans subgroups who felt they should be asked consecutively, making sense to be at the start and so questions on a related topic could be thought about together.
- Again, there was evidence among trans participants that responses might differ if this were the case; the same transgender man as reported at 'Is your gender...' again said he would have answered 'What is your gender' differently (as 'Male', not 'Any other gender/Trans man') knowing that his trans status could be recorded at the next question.



#### 7.1.4 Comparisons between ‘Is your gender the same as the sex you were registered at birth?’ and ‘Do you consider yourself to be trans, or have a trans history?’

- After probing of the ‘Do you consider...’ question, participants were asked to compare the alternative second questions. Some participants had spontaneously expressed a preference one way or other when they first saw the trans/trans history question or as probing on it proceeded.
- Preferences were expressed for the ‘Is your gender...’ question across all subgroups in the sample other than intersex. Preferences for ‘Do you consider...’ were limited to participants within the transgender men, non-binary, intersex and potential objector subgroups. More varied reasons were given for preferring ‘Is your gender...’ than were given for preferring ‘Do you consider...’.
- Preferences for ‘Is your gender...’ included the following reasons.
  - A key reason, felt across most subgroups, was the language used – ‘trans’ and ‘trans history’ – not being considered clear by some participants and the reactions to the word trans as reported above. ‘Is your gender...’ was thought to be clearer (despite some issues with the terminology and concepts as reported earlier), and a natural progression from ‘What is your gender?’.
  - A second reason for preferring ‘Is your gender...’ was that, even when they were thought to effectively be asking same thing, ‘Do you consider...’ was seen as more directly personal: for example, it was *“intrusive”, “aggressive” and “outrightly asking.”* In contrast, ‘Is your gender...’ was *“more neutral”, “gentler”, “it’s asking for the same information but in a nicer way.”*
  - Another reason was the finding reported above that asking about the past (trans history) was not relevant to the Census which is about the present.
  - ‘Do you consider...’ was said to be two questions in one.
  - Some preferences among trans participants related to their perception of the scope of ‘trans’. For example, the interpretation of trans as not including non-binary people. There was a view that ‘Is your gender...’ and ‘Do you consider...’ were very different, not alternatives to collect the same information: someone whose gender is same as the sex registered at birth could still identify as trans *“because of other aspects to what you do you fit on the transgender spectrum”* such as ‘cross-dressing’ which is at one end of the *“very broad spectrum.”* So ‘Do you consider...’ could capture people who aren’t ‘transsexual’ but not be able to separate them out.
  - The final reason for participants not preferring ‘Do you consider...’ related to the views reported above about it being *“problematic” or “politically a bit awkward”* for people who are in stealth: *“you’re asking someone to go against them going stealth with protection of the gender recognition certificate, which they don’t want to put.” (Transgender woman)*
- Preferences for ‘Do you consider...’ included the following.
  - It was thought to allow people more scope to decide for themselves how to answer rather than be constrained by a comparison with what is recorded on documents. Comments included the following.
    - *“I’d prefer answering that one ... It just seems like a nicer question to me and I do see it as like a trans history rather than gender and sex.” (Transgender man)*
    - *It allows the respondent to “take ownership.” (Transgender man)*
    - *It is “more centred around the person and allowing them to define how they feel and who they are.” (Non-binary participant)*

- It was thought to be less othering (as defined previously) than 'Is your gender...': *"one of the major advantages to phrasing it as are you now or have you ever identified as trans [is] because that's less othering, that just meets trans people there"* (Non-binary participant) (in contrast to the opposite view reported above that 'Do you consider...' is othering).
- Potential objectors who preferred 'Do you consider...' did so because it did not assume they had a gender, for example:
  - *"It's not demanding that I think about something that I think doesn't apply to me."*
  - *"It's asking people whether they actively consider themselves to have a specific identity to which people can reply yes I do consider myself that identity or can say well no I don't consider myself to have that identity."*
- The view was expressed that 'Do you consider...' was easier to answer and to work better with 'What is your gender?' for intersex people. For example, an intersex participant said that intersex people's 'sensitivity' was thought not to be around gender and trans identity but in getting across what biological sex they are and their intersex identity, which would require different questions.
- Finally, there were some participants who had no preference for either question, were equivocal, or even thought that both should be included. They weighed up similar positive and negative views as expressed by other participants above but without coming down on one side or other.

## 7.2 Recommendations – 'Do you consider yourself to be trans, or have a trans history?'

DCM does not recommend asking 'Do you consider...' on the 2021 Census, in view of the findings reported about this question in its own right, in relation to comprehension, terminology and acceptability, and of the preferences expressed between 'Is your gender...' and 'Do you consider...'.

If Census and PSD wish to pursue 'Do you consider...' as a potential option for the follow up question to 'What is your [sex or gender]?' DCM recommend the following.

### 7.2.1 DCM recommended question design

Do you consider yourself to be transgender?  
 Yes  
 No  
 Prefer not to say

#### Question stem

- The question broadly collected data that would be anticipated from our sample given the answers to 'Is your gender?' However, DCM recommend asking 'Do you consider yourself to be transgender?' which might be more widely understood and acceptable.
  - There are, though, still questions as to how 'transgender' would be understood with regard to the trans spectrum. That is, whether it would be interpreted to encompass non-binary/agender people, medical transitioning and social transitioning. The latter could itself encompass people

across a broad spectrum including some who might or might not be in the scope of data requirements, such as 'cross-dressers'.

- Trans history: in view of the findings that showed varied understanding of this term, DCM does not recommend including it in the question stem.
  - Furthermore, some comments among trans participants lead to another question arising as to the scope of the data requirements. That is, whether the question should attempt to capture people: 1) who once considered transitioning but did not, and continued living as the gender associated with their sex registered at birth; or 2) who transitioned but never identified, or no longer identify, as trans. Is there a clear data requirement for this information, as distinct from those who do identify currently as trans or are willing to disclose their trans past?
  - A similar query applies to the 'Is your gender...' question, which might capture the latter, but not the former, of the two groups above.
- Depending on the intended scope as discussed above, a note could be included between question stem and response categories such as: 'Here transgender means your gender is different from the sex you were registered at birth'. However, it would need to be tested for example to see whether non-binary people feel it includes them; do those in stealth accept it and feel they can answer 'No' if they wish; do cisgender people understand it; and do potential objectors find it acceptable.

### Response options

- DCM do not recommend any changes to the response options.
- If this question were to be the follow-up to a binary sex question, consideration should be given to including a 'please specify' description field for respondents answering 'No'

### Guidance

- DCM recommend that the respondent guidance for this question provides:
  - a definition of transgender (and trans history, if retained in the question) as ONS intends it
  - an explanation of what the question is intended to capture (as discussed above), its purpose and uses of the data
  - an explanation of the relationship between this question and whichever one precedes it on sex or gender
  - clarification that the scope of 'Yes' is not limited to transgender men and transgender women, that it also applies to non-binary people
  - an explanation that the question relates to subjective identity not to legal status; that no GRC or change to official documents is required when answering 'Yes'
  - reassurance of confidentiality, and, if it is possible to guarantee, that their answer will not be cross-checked with other data held across government
  - content aimed at people with intersex conditions/disorders of sexual development, if specifically required in addition to the above
- As mentioned previously, it cannot be assumed that guidance would be consulted or followed as intended even by those for whom it has more relevance.
- Use of hover over/clickable hyperlinks for definitions of terms is also recommended if that tool is to be adopted generally for the online Census and if user research finds that it is effective.

**Age routing**

- On balance, DCM would recommend asking this question from age 16; however, stakeholder opinions need to be taken into account.
- An explanation of why it is not asked to people younger than 16 (or whatever age threshold is used) should be provided in the guidance.

**Location**

- DCM recommends placement of this question immediately after the question on sex or gender, at the start of the individual questionnaire, subject to testing of its acceptability so early in the individual questions.

## 8 DCM recommendations for further consideration, engagement and testing

In addition to the question-specific recommendations made in previous sections, a number of overarching issues also need to be considered and testing potentially conducted. Although these issues have arisen from the test of a gender question, which might not be taken forward, they largely also apply to a sex question, and apply to the question intended to capture transgender status ('Is your gender...' or 'Do you consider...').

### Potential problems regarding disclosure of trans status/identity

- As reported in section 7.1.2, there were views that asking about trans or trans history was problematic because the Gender Recognition Act protects people from having to reveal their trans status and because trans people do not always want to acknowledge their past, now live in stealth and perhaps identify as cisgender. While such concerns about answering the question were not personally held among this sample, this would appear to be a valid area of concern that should be explored further.
- While PNTS is available, some people might not want to select that answer as it could be seen to be implying a trans identity or history (as per the comment that it was effectively a 'Yes'). On a mandatory Census some people might feel uncomfortable or anxious about either having to give a truthful answer that would 'out' them or about giving an answer that is not strictly 'truthful'. Social desirability effects would appear to be likely, though to an unknown extent.
- Indeed, it would also seem relevant to the 'Is your gender...' question or any other question that identifies a person as currently or ever having been a trans person. Why in this test such comments were primarily made in relation to the 'trans identity/history' question rather than 'Is your gender...' is unknown; perhaps it was perceived as a more direct question. However, if anything it is perhaps more sensitive to ask about whether a person's gender is different to the sex registered at birth: more factual but just as disclosive, and perhaps less easy to give the answer that maintains stealth or would minimise risk of harm (leaving aside the 'history' element, a person in stealth can 'legitimately' say they do not have a trans identity, but perhaps less accurately that their gender is the same as their birth sex.)
- Guidance can be included to reassure people in stealth that they can give an answer that maintains stealth (i.e. that their gender is the same as sex registered at birth or that they do not identify as trans/have a trans past) without fear of repercussions. Guidance might also need to reassure people that they can't be identified in Census statistics about their local area.
- Further research is recommended, focused on people who are in stealth, assuming such people can be found and recruited.

### Opinions of potential objectors

- DCM recommends continued engagement with stakeholders regarding the opinions of potential objectors. Adopting potential objectors' suggestions of an additional category at either 'What is your gender' or 'Is your gender...' to indicate having no gender/rejecting the premise of having a gender identity (similar to the phase 2C findings for 'Is your gender...') would need to be very carefully

considered. Such a category could be controversial given the debates between trans and feminist communities. Such a category would need to be tested to ensure it was not selected among other subgroups due to lack of clarity/miscomprehension (e.g. non-binary/agender people thinking it encompassed them; cisgender people for whom gender is not very salient) or satisficing (shortcutting the response process to minimise cognitive effort required), and compromise data quality and credibility. Thorough qualitative and quantitative testing of any such changes is recommended.

#### **People with intersex conditions/disorders of sexual development**

- Consideration should be given to how to accommodate this group's needs, with regard to collection of accurate data and meeting their respondent needs (which are likely to be varied). Intersex people were underrepresented in the sample in this and other DCM research but we have indications that they are diverse in terms of their conditions and their opinions about question designs. DCM recommends further consultation with the intersex community as stakeholders and in further qualitative research (though they are hard to find and recruit). Any changes to questions that are considered in order to meet their needs would need to be carefully thought through, not just in terms of whether they will collect good data from intersex people and meet their needs, but also the potential effect on cisgender and trans people's comprehension, response processes, and views about the question(s).

#### **Location of questions**

- Regarding the recommendation above to locate both questions together, at the start of the individual questionnaire, qualitative and quantitative testing could be conducted, covering the potential impact on comprehension and response processes, acceptability of asking such a question early in the individual questions, and potential order/context effects when asked before the Sexual Orientation question. If it is not possible to have the questions consecutively at the start on the paper questionnaire (due to the need for an age filter) consideration should be given to mode specific design to optimise for online mode where the question can be autorouted based on data of birth.

#### **Proxy data collection**

- The varied views about whether proxy response should be permitted are difficult to reconcile. Not to allow it would a) be difficult to implement (e.g. by routing past, adding a category, adding an instruction) and enforce, and b) result in substantial proportion of missing data, affecting the credibility of the statistics. Allowing it might offend people for whom it is unacceptable for personal, subjective questions to be answered by another person and/or have concerns about accuracy of proxy responses. DCM recommends consulting stakeholders and reference to the NS Data Ethics Committee (including presentation of these findings and others from previous DCM work on the Gender Identity topic and on Sexual Orientation which have many similarities).

#### **100-year rule**

- Further consideration should be given to the questions in relation to the publication of personal data after 100 years. This topic was not widely discussed in this test; although there was a view that it was acceptable, the potential for trans people to object should be considered. It should be clear to

respondents that their answers will be publicly available in the future. Consultation or further testing as to the acceptability of this and the potential impact on responses should be considered (it was not covered in this research). If it is thought unacceptable, consideration could be given to excluding any data that discloses a person's trans status from published data.

#### **Differences between UK and foreign countries' recognition of non-binary gender**

- Consideration should be given to how the questions work individually and collectively with regard to potential respondents whose births were registered in foreign countries or whose legal status in a foreign country might not be possible in the UK. A few countries recognise non-binary genders. There is a possibility that some people who should be included in the count wouldn't if they were from a country that allowed registration of neither female nor male (i.e. could answer 'Any other gender' to this question but 'Yes' to the 'Is your gender the same as the sex you were registered at birth?' question). There would need to be consideration of whether by answering 'Any other gender' respondents will automatically be included in the count or whether this will only be based on the answers to the follow-up question. This is something that should be covered in respondent guidance.

#### **Social surveys**

- The use of social surveys to collect data on any or all of the topics of sex, gender, trans status/identity is already under consideration. The potential use of the questions tested in phases 2B and 2C on social surveys was not covered in the interviews. The findings will vary as to their generalisability to the survey context. Various issues relating to that context will need to be considered, including data requirements, mode(s) of collection - such as how to administer questions in interview modes, mixed mode designs, potential mode effects, whether to ask for 'please specify' data when relevant - and proxy data collection.

## 9 Appendix A: Phase 2B questions tested

What is your gender?	
<p><b>Paper design</b></p> <div style="border: 1px solid #ccc; padding: 10px; background-color: #f9f9f9;"> <p><b>3</b> What is your gender?</p> <p><input type="checkbox"/> Female</p> <p><input type="checkbox"/> Male</p> <p><input type="checkbox"/> Any other gender, write in</p> <input style="width: 100%; height: 20px;" type="text"/> </div>	
<p><b>Online design</b></p> <p>What is your gender?</p> <p><input type="radio"/> Female</p> <p><input type="radio"/> Male</p> <p><input type="radio"/> Any other gender</p> <p><a href="#">Save and continue</a></p> <p><a href="#">Save and complete later</a></p> <p><a href="#">Previous</a></p>	<p><b>Online design (when 'Any other gender' is selected)</b></p> <p>What is your gender?</p> <p><input type="radio"/> Female</p> <p><input type="radio"/> Male</p> <p><input checked="" type="radio"/> Any other gender</p> <p>Please specify your gender</p> <input style="width: 100%; height: 20px;" type="text"/> <p><a href="#">Save and continue</a></p> <p><a href="#">Save and complete later</a></p> <p><a href="#">Previous</a></p>



Is your gender the same as the sex you were registered at birth?
<b>Paper design</b>
<b>17</b> Is your gender the same as the sex you were registered at birth? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say
<b>Online design</b>
Is your gender the same as the sex you were registered at birth?
<input type="radio"/> Yes
<input type="radio"/> No
<input type="radio"/> Prefer not to say
<a href="#">Save and continue</a>
<a href="#">Save and complete later</a>
<a href="#">Previous</a>

Do you consider yourself to be trans, or have a trans history
<b>Paper design</b>
<b>2</b> Do you consider yourself to be trans, or have a trans history? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Online design</b>
Do you consider yourself to be trans, or have a trans history?
<input type="radio"/> Yes
<input type="radio"/> No
<input type="radio"/> Prefer not to say
<a href="#">Save and continue</a>