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**Alternative methods for counting of population, in particular hard-to-count population groups****Preliminary results from testing a question on sexual identity,  
and some challenges around collecting gender identity****Note by the Office for National Statistics, United Kingdom<sup>1</sup>***Abstract*

Calls for collecting information on sexual and gender identity in national surveys and the UK Censuses are increasing. Information requirements arising from the Equality Act 2010, alongside data required to deliver targeted services are driving these calls.

While individuals who identify with minority sexual and gender identity categories may not necessarily be among traditionally hard-to-count groups, the potentially private and sensitive nature of one's sexual and gender identity make the concepts difficult to measure.

This paper describes results from previous research on asking questions about sexual identity and provides preliminary results from current research into the suitability of a sexual identity question for the England and Wales 2017 Census Test. The paper presents future research plans for cognitive testing, understanding public acceptability and the 2017 Census Test.

The paper also summarizes previous research exploring the potential for meeting gender identity information needs undertaken by ONS and EHRC, and upcoming challenges as the need for information on gender identity increases.

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## I. Introduction

1. There is increasing call for collecting information on sexual and gender identity in national surveys in general and the UK Censuses in particular. Census data could provide small area information and the potential for multivariate analysis. However, previous research on sexual and gender identity raises concerns about collecting this information in a household setting. Before deciding whether a census is the appropriate vehicle to collect this information, it is important to understand issues including public acceptability and impact on data quality and respondent burden.

2. Following the UK 2021 Census Topic Consultation exercises during 2015/16 (ONS 2016a, NRS 2016, NISRA 2016), users have demonstrated a clear need for information on both sexual identity and gender identity, especially in relation to policy development and service planning. Data on sexual identity is also needed to enable organisations to fulfil duties under the Equality Act 2010 (Legislation, 2010). This ensures that organisations can take account of any impact of a decision or policy on groups with a protected characteristic, whether this impact be positive, negative or neutral. Data about individuals with the protected characteristic of gender reassignment would also be helpful in fulfilling these duties; however this is slightly different to gender identity, so this needs careful consideration.

3. ONS conduct the census for England and Wales. There are separate censuses in Scotland and Northern Ireland and the three census offices work together to develop a set of questions that, wherever possible, deliver harmonised outputs across the UK.

## II. Sexual identity

### A. Introduction

4. Sexual identity is a subjective and self-perceived view of oneself, and what a person is, not what they do. As such, it is an opinion, and it is up to the respondent to decide how they define themselves. Sexual identity is one aspect of the umbrella concept of sexual orientation, along with sexual attraction and sexual behaviour.

5. A suite of questions would be needed to capture information on sexual orientation. However, given sexual identity is the component of sexual orientation most closely related to experiences of disadvantage and discrimination (ONS 2009a, p5), it is possible that measuring identity will go at least some way to meeting user need.

6. Sexual behaviour or attraction might relate to the formation of identity, but a person can have a sexual identity while not being sexually active. So, a question on sexual identity does not need to ask explicitly about behaviour or attraction.

7. It is important to note that reported sexual identity may change over time or in different contexts. This may be particularly relevant when considering the question within a household census context, and also important when concluding whether the expected collected data would meet user needs. It may also be important in relation to how data, if collected, are described in any publication.

8. With this in mind, research into whether to include a question on sexual identity in the 2021 Censuses of the UK needs to look at what impact there might be on:

- response rates
- quality of responses

- privacy and user burden, and
- census collection, for example on the need to provide a means of responding privately in a household survey.

## **B. Background – previous research**

9. For the 2011 Census, ONS had significant concerns surrounding privacy, acceptability, accuracy, conceptual definitions and the effect that such a question could have on the overall response to the Census (ONS, 2006). The report on the Scottish Census Small Scale test for their 2011 Census questioned the “accuracy” and “utility” of the data, due to high unit and item non-response (GROS, 2005).

10. Later work reporting in 2009 led to a harmonised question for use in face-to-face and telephone interviews. Since 2009 this harmonised question has been used on large scale household surveys (first on the Integrated Household Survey (IHS) and now on the Annual Population Survey (APS)), with the estimates of population by sexual identity published annually, with breakdown by age group, gender, region and occupation (ONS, 2016b). The voluntary nature of the survey means that people who do not wish to take part can refuse to do so. Although every effort is made to minimise the impact of non-response, it can appear in several stages of the survey:

- household non-response: where our interviewers are unable to obtain an interview with anyone in the household
- unit non-response: where one or member of a household is not available to take part in our interview
- item non-response: where an individual who has agreed to take part in our survey does not provide an answer to one or more question (but takes part in the majority of the survey)

11. For the sexual identity question, there are two main sources of non-response which are reported in our estimates:

- non-responders: these are adults who are part of an eligible household who were not present when the sexual identity question was asked, and therefore are classed as non-responders (the question is not asked by proxy)
- don’t know or refusals: these are adults who have taken part in our survey who have declined to provide a valid response to the sexual identity question

12. Initial analysis has suggested the characteristics of eligible responders and non-responders to the sexual identity question are broadly similar. Therefore the non-response to this question should not lead to a significant bias in our survey estimates (with the distribution of the main characteristics of non-responders broadly following the distribution of our known population).

13. ONS (2009a) recommended a question that could be used in a self-administered survey, but noted that it had not been tested and had the following caveats:

- In self-administered household surveys a respondent in a household cannot control the environment in the same way as it can be controlled by a face-to-face interviewer, and cannot guarantee their answer is private
- Item non-response is much higher than in interviewer administered surveys, risking the quality of results. The respondent may skip the question, mean to come back to it but forget. This will then be interpreted the same way as a refusal (someone skipping it deliberately).

14. A 'Prefer not to say' option was included on self-completion paper or web-based recommended question, but is not explicitly included on face-to-face or telephone questionnaires. In face-to-face and telephone interviews, testing showed that the inclusion of an explicit 'Prefer not to say' category increased item non-response. Such a category was therefore not explicitly included but interviewers knew that they could always code 'Refused' if the respondent indicated that they did not want to answer the question. On a self-completion questionnaire, the respondent must be given the option to indicate that they do not want to answer the question as there is no interviewer there to code 'Refused'. However, the inclusion of this additional category is likely to increase non-response and will have an impact on all categories (ONS, 2009a). Research in preparation for the 2017 Census Test is continuing to evaluate whether a 'Prefer not to say' option is required in the context of a (potentially) voluntary census question.

### C. Summary of findings of 2016 focus group research

15. ONS have undertaken a series of focus groups to begin testing the harmonised self-completion question. The focus groups aimed to provide initial information regarding the overall objectives:

- Fitness for user requirements: test a proposed question for the 2017 Census Test with regard to the question wording, response categories and basis for responses
- Explore potential issues/concerns around acceptability, privacy, proxy response, security, question ordering etc.
- Consider the impact on overall response to the Census

16. A purposive sample design was employed; the primary selection criteria were sexual identity and sex. Six focus groups were conducted with: heterosexual/straight men, heterosexual/straight women, gay men, gay/lesbian women, bisexual men and bisexual women. Each group aimed to include participants across the age range (16 and over), differing educational attainment and different household types. A total of thirty-six members of the public took part. Subgroups not represented or under-represented in the groups will be targeted in later testing.

17. An initial question design was developed for exploration, based on the ONS Harmonised Standard (self-completion version) adapted to the Census context:

ASK ALL AGED 16 OR OVER  
**Which of the following options best describes how you think of yourself?**  
 This question is voluntary  
 1. Heterosexual or Straight,  
 2. Gay or Lesbian,  
 3. Bisexual,  
 4. Other

#### 18. Question wording and basis for answers

The lack of the concept being measured in the question stem had both positive and negative views. It is suggested that both this and an alternative wording ("... best describes your sexual orientation") be taken forward for cognitive testing. However, given that participants were able to understand and answer the question as intended, and that moving away from the harmonised question being used in other surveys is not recommended, there would have to be a marked demonstration of improved quality of responses before the alternative question stem should be proposed.

19. Response categories

It is recommended that the response category wordings are not changed. Acceptability of the various terms used varied across and within groups, but were understood as intended and overall were appropriate. If the question was to be used in the 2021 Census, guidance would be needed, especially for respondents whose main language was not English.

20. Other – ‘specify’

While it might be interesting to include this category in order to analyse the ways in which people describe themselves, there are more compelling reasons not to in the census context:

- there may be privacy issues of people not wishing to divulge their specific ‘other’ identity within their household, which would compromise data quality,
- it would not be possible to re-categorise answers confidently,
- nor ethical to do so if people chose this option to avoid being categorised, and
- answers would be likely to include descriptions not specific to sexual identity, especially if the question stem wording is maintained as “how you think of yourself”.

21. Acceptability and scope

There was support for the question being included in the census, with no strong objections. However, there were varied views on relevance, cost and intrusion of privacy, whether participants would answer the question or not, and whether that answer would be more likely to be a socially desirable response rather than a true reflection of their identity. It was considered appropriate to ask the question of all people aged 16 and over.

22. Voluntary status versus ‘prefer not to say’

Participants expressed views that the ‘this question is voluntary’ was sufficient to convey that it was possible to leave the question blank, but it would have to be clearly signposted that a respondent could skip past it on an online form, and how to do so.

23. However, there is evidence that people unwilling to reveal their LGB identity within their household might prefer to answer ‘straight’ than leave the question alone, even in a voluntary question. They may also prefer to answer ‘straight’ than select ‘prefer not to say’ if that was included in a compulsory question. It also cannot be assumed that ‘prefer not to say’ is a means to avoid answering LGB – it may (primarily) include those who think the question is an invasion of privacy, and could legitimately be a response made by proxy.

24. Answering within a household

The findings regarding socially desirable answers, proxy data collection and within household privacy indicated that in order to maximise the quality of responses, there was a need for the facility to make private individual responses by default, and not have to risk outing themselves in their family by requesting an individual form.

25. However, even if this were possible, the question arises as to how feasible it is to expect all household members to answer their own questions. Without proxy collection within-household response levels will be negatively impacted and the household reference person might face increased burden in ensuring all individuals have completed and submitted their own response. Case management and field follow-up would become more complex if individual responses were to be chased up, rather than household response.

26. In the 2011 Census of England and Wales, around 0.1% of responses were received on individual forms. These had to be matched to the ‘parent’ household and integrated into

the data. A higher proportion of respondents requesting individual forms in 2021 would increase this processing workload.

27. Proxy responses

The straight majority of the population might have no objection to someone making a proxy response for them, and indeed might prefer this to having to fill in the questionnaire themselves. However, the population of interest is likely to be more concerned and the potential impact on data quality might be considerable if LGB people are not able to answer the question for themselves, particularly those not out in their household. Furthermore, some respondents reported that they would be reluctant to respond by proxy for others in this category, ethnic group, religion and health.

Further investigation of opinion and options for making private responses is needed.

28. Question location

It is recommended that the sexual identity question be located with other identity questions, and precede Religion. The exact location around Ethnic Group or after languages spoken needs further consideration.

29. Overall summary

The focus group research recommended taking the harmonised question forward for cognitive testing. Testing a more specific question stem was also suggested, but results would have to show a strong impact on quality to suggest changing from harmonised approach.

30. People seem to understand the concept correctly, but some explanation of the concepts, and use of the data, should be provided alongside explanation of usefulness of census data in general.

31. However, there are concerns with proxy responses, answering within the household, potential risk to overall census response and the difficulties in administering and chasing up individual questionnaires by default. Whether collecting the narrower definition of reported sexual identity, capturing 'the LGB population who are out in their household' meets user needs remains to be determined.

## **D. Next steps**

### **1. Cognitive testing, 2016**

32. Cognitive testing is being conducted at the time of writing. Results are due in early September, and will inform the question to be used on the England and Wales 2017 Test.

### **2. Public acceptability testing, 2016/17**

ONS plans to conduct public acceptability testing during winter 2016/17, designed to ensure we have independent data about how the questions may or may not affect response across the country.

33. The research will independently show the respondent either a question on sexual identity or on gender identity, and is likely to follow up with questions to ascertain the respondent's reaction to inclusion of such a question in the census in terms of:

- Providing a response for themselves
- Their response being visible to other household members
- Providing a response on behalf of other household members, or having their response provided by others

- Requesting an individual form to enable a private response
- Completing the rest of the form
- Reasons behind any non-response
- Effect of voluntary/mandatory status of the question on their response

### 3. Processing burden

34. Consideration will also be given to any additional operational and processing burden which could impact negatively on processing time, and therefore the speed at which results are available. For example, facilitation a private response has potential operation implications for the census in terms of:

- providing the mechanism for private response
- validating the request (that it is a genuine individual request from within an existing household, without the rest of the household knowing about the request) and which household it responds to
- potentially having to match multiple responses and deciding which response is the one to remove (because not all individual responses will have come from this route, and sometimes the household response will be more complete)

### 4. 2017 large-scale test

35. The 2017 Test is designed to investigate a number of aspects of collection. Specific to sexual identity it will look at the effect on overall return rates if a question on sexual identity is included, and also the impact on the quality of responses, such as item non-response and drop-off rates. Whilst the public acceptability testing described above will provide an insight based on intentions, the inclusion of the question in the 2017 Test is designed to help us understand how people respond in practice.

36. Half of respondents involved in the test will receive a Census Test Questionnaire that includes the question on sexual identity. Results from this half of the sample can be compared against results from the half of the sample who will not be asked about sexual identity. Box 1 below outlines how ONS proposes to evaluate the outcome of the 2017 Test with regard to the inclusion of the sexual identity question. In addition to the results of the 2017 Test, findings from wider research and testing on sexual identity, such as independent public acceptability research, will also be considered when determining whether to include a question on sexual identity in the census.

#### **Box 1: Priority order of questions around the impact of including question on sexual identity**

(Note that findings from wider research and testing will also be considered when determining whether to include a question on sexual identity in the census)

Do not include the question if there is any evidence from the 2017 Test that:

- the overall return rate is significantly lower with the inclusion of a question on sexual identity (this includes an estimate of how much more field - and therefore cost - we'd need in order to get the target return rate we would have got without the question there)
- returns in any population groups are significantly lower than for other groups (this includes any evidence of missing individuals from households)
- there is greater than acceptable drop-off in the questionnaire due to the inclusion of the sexual identity question

- D. there is greater than acceptable item non-response for the sexual identity question
- E. the quality of responses to the sexual identity question is lower than acceptable (agreement rate from post-test evaluation survey)
- F. the inclusion of a question on sexual identity has otherwise affected the quality (missingness, incorrect or invalid responses) of other questions,
- G. there is any adverse public reaction to the inclusion of the question, from the media, the evaluation survey or other sources
- H. there is an unsustainable/risky increase in requests for individual forms,
- I. there is a risk of a large enough deterioration in quality of responses through the use of proxy response to render the outputs useless
- J. there is a difference in level of response or quality of response between paper and online responses.

### **III. Gender identity**

#### **A. Introduction**

37. Gender identity is defined as the way in which an individual identifies with a gender category (EHRC, 2011, p4). This is based on an individual's own perception of themselves and as such the gender category with which a person identifies may not match the sex they were assigned at birth. In contrast, sex is biologically determined.

38. An overarching term used to describe those whose gender identities do not match the sex assigned at birth is 'Trans'. Trans identities can take a number of forms (House of Commons, 2015). For example a trans identity can, in addition to being male or female, be 'non-binary' in character. This means that the person considers their identity to be located at a point along a continuum between male and female which may be fixed or variable. Alternatively, a trans identity may be 'non-gendered', meaning that the person identifies as neither male nor female.

39. Within this group the term 'gender reassignment' refers to people who are proposing to undergo, are undergoing, or have undergone, a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex. This is the definition used in legislation such as the Equality Act 2010; those meeting this definition have the protected characteristic of 'gender reassignment'. More information is needed on this group in order to enable organisations to take account of the impact on any policies or decisions on equality. There is also a need for information for use in policy development and monitoring, resource allocation and service planning especially in relation to health provision.

40. ONS plans to take forward work on gender identity as a whole, and the three UK census offices will collaborate on research to decide whether the census is the appropriate vehicle for collecting this information.

#### **B. Some of the challenges around the collection of gender identity**

41. In the Trans Data Position Paper (ONS, 2009b), ONS concluded that household surveys were not appropriate for collecting gender identity. There were a number of concerns, including:

- The sensitivity of the topic and terminology used
- Respondent burden around the number of questions required to collect the necessary data
- Whether the data collected would be fit for purpose, given the small size of the population group and evidence that respondents give different answers depending on the survey situation.

42. This paper and its findings are currently being reviewed in light of recent changes in legislation. For example, the Equality Act 2010 includes ‘gender reassignment’ as one of nine characteristics which are protected from discrimination. With the introduction of the Equality Act 2010 comes a need to identify those with the protected characteristic of gender reassignment in order to enable organisations to take account of the impact of any decisions or policies on equality.

43. There are also public acceptability and privacy concerns, especially as those who have legally changed their gender are not obliged to reveal their gender history. In addition, the collection of data on one subject should not have a detrimental impact on the collection of other protected characteristics such as sex.

44. If collection is recommended, further research is needed on how the question could be administered in a household context, with the associated privacy aspects, without placing undue burden on respondents. The specific needs of users would need to be clarified, in terms of concepts to be measured and therefore categories to be collected, in order to produce a harmonized question design. Equalities and Human Rights Commission work on developing a gender identity question research in 2011 (EHRC, 2011, pp128-133) recommended a suite of questions to capture gender identity – this is a considerable additional user burden.

45. Administrative data sources may also have potential to meet user needs for data on this topic. The ability of any such sources to measure specific concepts, provide the required quality and detail, cross-reference with other census variables, and the public acceptability of such an approach would also have to be assessed.

### **C. Gender Identity Research plan**

46. This is an emerging area of research within the UK and internationally. We will therefore be reviewing the current situation, looking at developments taking place elsewhere and engaging with stakeholders. Activities include:

- reviewing the ‘Trans Data Position Paper’ in light of subsequent changes in legislation and the identified difficulties of collecting data on gender identity within household surveys
- seeking to learn from other National Statistics Agencies
- working with stakeholders, including members of the trans community, to clarify the specific data required on gender identity and the concepts to be measured, and
- identifying alternative options for meeting the user requirement for data, for example administrative data; paying particular attention to the public acceptability of these options.

47. The effect of questions on gender identity is also included in public acceptability research being conducted winter/spring 2016/17 – see sexual identity section II.D above.

## IV. Legislation considerations

48. ONS expect that including a question on sexual identity or gender identity in the census would require an amendment to the Census Act 1920. The Act originally allowed the collection of six groups of information consisting of:

- names, sex, age
- occupation, profession, trade or employment
- nationality, birthplace, race, language
- place of abode and character of dwelling
- condition as to marriage, relation to head of family, issue born in marriage
- any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population

49. The addition of a question on religion in the 2001 Census required changes to the Census Act 1920 as it was judged that the right to collect information on this topic was not covered by the 6 groups listed above. This was done through primary legislation: the Census (Amendment) Act 2000.

50. Such primary legislation had to be passed by both the House of Commons and the House of Lords. Members of the House of Lords were concerned that the question could be seen as an infringement of respondents' civil liberties so it was decided that the question would be voluntary.

51. Any change to the Census Act 1920 to enable a question on sexual identity or gender identity (to be asked on the 2021 Census questionnaire) would likewise have to be made through primary legislation.

## V. Conclusions/summary/next steps

52. The ONS 2021 Census topic consultation identified a clear need among data users for improved information on sexual identity and gender identity. Similar needs were identified by National Records of Scotland (NRS) and the Northern Ireland Statistics and Research Agency (NISRA). Following identification of this user need, further research and testing is being carried out to determine how and whether to meet user need for sexual and gender identity information across the UK. The three census offices will work together to develop a harmonised approach where possible.

53. The people who identify with the minority categories in the Sexual Identity and Gender Identity concepts are hard to count populations due to the private nature of the attribute being measured. This attribute can change depending on the context of the survey, and there are questions around whether what could actually be measured would in fact meet user needs for other contexts.

54. We have an initial view of the subjects from previous research and recent focus groups, but will not have a full picture until our research is complete.

55. The research we are undertaking will help us to understand to what extent concerns about collecting data on these topics are valid. For example, whether a means for individuals to provide a private response, without others in their household being aware, can facilitate accurate response without significantly adding to the operational and processing burden which might arise from private response.

56. At the end of this research we will decide how best to meet the need for information about sexual identity and gender identity. We need to recommend the approach to both subject areas in time to inform the legislative process that is required to conduct a census in England and Wales, including publication of our plans in a White Paper in 2018, and the need for any legislation that may be required to allow us to collect the information on the Census.

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