

# Spring 2007 Census Consultation

## Submission to GROS

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The Equality Network is a network of lesbian, gay, bisexual and transgender (LGBT) organisations and individuals in Scotland working for LGBT equality. We welcome the opportunity to submit our response to the spring 2007 Census consultation.

We would be happy for this response to be made public, and for GROS to contact us for further discussion / clarification.

Paragraph 4.1.8 of the consultation paper welcomes responses on any point, not just on the consultation points highlighted in the paper. We have confined our submission to those proposals for the Census that particularly affect LGBT people. We have not used the standard response template, because there is no space on it for responses covering points other than the consultation points highlighted in the paper.

## The use of the term “sexual identity”

The Equality Network is represented on the Office for National Statistics (ONS) Sexual Identity User/Stakeholder Group. We joined that group some time after the discussion took place (in April 2006) on the use of the term “sexual identity” instead of “sexual orientation”. We have certainly not been persuaded by the reasons given for the change in terminology. We would be disappointed if GROS adopted this terminology from ONS, especially without consultation in Scotland.

“Sexual orientation” is the term used in all the equality legislation (and defined in that legislation). It is universally the term used by the increasing number of organisations that are now conducting comprehensive equality / diversity surveys of their staff and/or customers. It is already a well-understood term, and understanding

across Scotland continues to increase with publicity around related legislative and social changes.

Sexual orientation refers to the gender(s) of the people who a person is attracted to. In contrast, “sexual identity” is an ill-defined, confusing and potentially broader term, which could refer to a range of sexual preferences or behaviours. Without further explanation, even LGBT people would, we think, be unclear what it means (does it include gender identity for example?).

We are firmly of the view that a question in the Census should use the well-established terminology, “sexual orientation”.

## Should the Census include a sexual orientation question?

We are disappointed that GROS is not currently planning for a sexual orientation question in the 2011 Census. We believe that GROS should continue to prepare for such a question to be included, leaving the final decision for the Scottish Parliament in 2010. We do not believe that other data collection methods are likely to be a satisfactory substitute for the inclusion of a question in the national Census.

We note that the other five (gender, age, race, religion/belief and disability) of the six equality “strands” recognised in UK and European legislation all have planned Census questions. To exclude sexual orientation is contrary to the principles of developing a cross-strand national equality strategy and levelling up and harmonising equality work across the equality strands.

### **Why a sexual orientation question is needed**

We believe that the requirement for sexual orientation data from the Census has been well established – see for example ONS’s information paper “Census 2011: Assessment of initial user requirements on content for England and Wales” (Office for National Statistics, March 2006), and the accompanying shorter paper on sexual orientation.

The main ONS paper concludes that the user requirements score for sexual orientation data is 74. That is higher than the scores for religion/belief and nationality for example, and is categorised in the paper as user need category 1 – “Very strong requirement”.

However, ONS go on to downgrade the sexual orientation question to a specially invented category ‘3\*’ (category 3 is the lowest – “Limited requirement”). This is on the basis that “The ONS view remains that such questions are not suitable for the 2011 Census”. No reasons are given. It is unsatisfactory in our view, having identified a very strong user need, for ONS to dismiss the inclusion of a sexual orientation question as unsuitable, without discussion or investigation of ways to address any identified difficulties.

We are grateful to GROS for the discussions that have already taken place about possible problems with a sexual orientation question in the Census in Scotland. We have considered these potential problems below. First we briefly summarise again the main reasons why national sexual orientation data is needed.

Following the introduction of the Employment Equality (Sexual Orientation) Regulations 2003, increasing numbers of employers are introducing equality / diversity monitoring systems which provide statistics on staff sexual orientation.

The recent introduction of the Equality Act (Sexual Orientation) Regulations 2007 is likely to encourage this trend, and increasingly to lead to the introduction of sexual orientation statistics gathering for some categories of service user also. This will particularly be the case for public service providers.

The UK Government’s proposed Single Equality Bill is likely, before the 2011 census, to place a statutory duty on public bodies to promote sexual orientation, age and religion / belief equality, alongside the existing duties to promote race, disability and gender equality. To do this properly, monitoring will be required.

All this monitoring requires baseline data. In addition, public service planning, in the context of a commitment and a duty to promote sexual orientation equality, requires estimates of numbers of service users of different sexual orientations.

It is not surprising therefore that, as paragraph 4.10.1 of the consultation paper notes, there is an increasing demand for sexual

orientation statistics. There is anecdotal evidence that significant numbers of LGB people in Scotland have moved from rural areas to cities, and so these statistics need to be available at national level, but also at the level of local public services such as health boards, hospitals, and local councils.

The Equality Network therefore continues to believe that a question on sexual orientation should be included in the 2011 Census, for voluntary completion by people aged 16 and over.

### **Potential difficulties with a sexual orientation question**

We are aware of four potential difficulties that it has been suggested might arise with the inclusion of a sexual orientation question in the Census.

#### Lack of understanding of the question

Paragraph 4.10.1 of the consultation paper suggests that there is some evidence that it is difficult to formulate a question that is understood consistently by respondents. Any new Census question will raise issues of understanding, but the experience of employers who include a sexual orientation question in staff equality and diversity questionnaires does not suggest that there is a particular problem of understanding with this question.

The publicity about the new equality legislation, the increasing number of employers conducting statistical monitoring including sexual orientation, the introduction of legislation such as civil partnership, and the more open discussion of LGB sexual orientations, are all factors which are continuing to keep terms such as “sexual orientation”, “lesbian”, “gay”, “bisexual” and “heterosexual” in the public eye. This suggests that understanding of these terms will continue to increase between now and 2011.

We would welcome more information from GROS on the difficulties which have been identified in the wording of the question, and further discussion on how these might be addressed.

## Non-disclosure by LGB people of their sexual orientation

It has been suggested that many LGB people might not respond to a sexual orientation question in the Census. The small scale postal test conducted by GROS in 2005 produced relatively low rates of LGB sexual orientations – 1.3% – plus 0.9% “other” sexual orientations. 8.5% selected “Prefer not to answer” and 6.2% did not complete the question. We estimate that the “true” figure for LGB people in Scotland is probably somewhere around 5%.

We do not believe that a level of underreporting in 2011 would invalidate a sexual orientation question. Some underreporting is probably inevitable the first time the question is used. Even with some underreporting, the 2011 Census would provide for the first time national and local estimates for the percentage of people with LGB sexual orientations, albeit estimates which would require some interpretation. It would also certainly provide a definite lower bound for these figures, something that at present is still disputed.

It should be noted that underreporting may also happen in comparative data, such as employer and service provider surveys.

However, we believe that openness about sexual orientation is increasing all the time, for the reasons noted in the previous section of this response. This will increase reporting rates between now and 2011. Other evidence suggests that, where the reasons for asking a question on sexual orientation are explained, and respondents have confidence that the data is confidential, response rates are already good.

To test potential response rates to the Census, the Equality Network conducted a survey of our network members in autumn 2005. The survey questionnaire pointed out that the completed Census forms are seen by a locally-recruited enumerator, in order to test whether this would worry people enough that they would withhold information on their sexual orientation.

141 responses were received, the large majority from LGB people. 88% said they would correctly state their sexual orientation on the Census form.

The members of the Equality Network’s consultation network are relatively politically aware. However, equality monitoring including sexual orientation conducted by large employers in Scotland backs

up the result of our survey, by achieving what appear to be good response rates from LGB people. All the indications are that LGB people are prepared to volunteer correct information about their sexual orientation if they understand why the question is being asked.

We therefore think that the disclosure rate by LGB people in the Census could be maximised by suitable publicity within LGBT communities about the purpose and conduct of the Census, and we would be happy to discuss this more with GROS.

### Would including the question reduce the overall Census response rate?

GROS have previously raised the concern that inclusion of a sexual orientation question might reduce the overall Census response rate. The concern is that some people will be so upset, embarrassed or incensed at the inclusion of the question that they will refuse to complete the Census form.

GROS's small-scale postal test in 2005 tested for exactly this effect. Half the Census forms in that test included a sexual orientation and half did not. The response rate was identical for the two versions.

While this test does not prove that the response rate would be unaffected in the real Census, it is certainly indicative that there is not a problem here. At the very least, further testing would be needed before this concern could validly be a reason to exclude the question.

### Difficulties around completion of the Census by another household member

The consultation paper suggests that there may be difficulties around the sexual orientation question, where the Census is completed by one household member on behalf of others.

The majority of lesbian, gay and bisexual people are adults who are "out" to people they share their house with. The identified difficulty does not arise in that case. In the case of the minority of LGB adults who are not out to other members of their household,

and where the form is completed by someone else, the resulting completed form may not accurately reflect the LGB person's sexual orientation. There are relatively few people in this situation, and the underreporting effect will be small.

There is more of an issue for young people. We believe that the sexual orientation question should apply only to people who are at least 16. Most young LGB people of that age will still be living with parents or other carers, and in many cases a parent or carer may expect to complete the form for the whole household.

Some LGB people of that age will not yet be out to their parents/carers, and in that case, if a parent/carer completes the form, the Census will not record the young person's self-identified sexual orientation. We would regard this underreporting as acceptable, given that it applies to a narrow age band. It should be noted that the sexual orientation figures for people of that age band would in any case be different from those for older people for another reason: they will reflect the fact that a significant number of young people will not yet be sure what their sexual orientation is.

The consultation paper also raises the issue of the possible effect of pressure on a person to reveal their sexual orientation to the household member completing the Census form. Again this is an issue primarily for young LGB people who are not out to their parents/carers. However, such people are under pressure all the time to conceal their sexual orientation, for example frequently facing questions from family members and others about personal relationships.

We do not think that the additional need to conceal the truth once more, over the Census question, is likely to cause significant additional difficulties for people in this situation.

Further work could be done to address these concerns through consultation with young LGBT people, for example in partnership with LGBT Youth Scotland.

## The marital status question

We welcome the proposal to extend the marital status question to cover civil partnership. In general, there are two ways of doing this. One is to expand the individual answers relating to marriage to

include civil partnership as well, e.g. “Married or in a civil partnership”. The other is to have two separate sets of answers, one set for marriage and one set for civil partnership. This is the approach taken in the sample Census form in Appendix A of the consultation paper.

The first type of question does not require people to reveal anything about their sexual orientation, but also does not provide separate statistics on marriage and civil partnership. We agree with GROS’s choice of the second type of question. This will provide useful data, and is consistent with our belief that the Census should also include a direct sexual orientation question.

## The relationship matrix question

The relationship matrix question will also need to be updated in a similar way. In that case, it is less important to separate out the “Husband or wife” answer from the “Civil partner” answer, because other parts of the form will indicate the genders of the people involved. We would suggest an answer along the lines of “Husband, wife or registered civil partner”. We suggest including the word “registered” to minimise confusion between civil partnership and unmarried/unregistered cohabiting partnerships.

It is also important that the “Partner” answer explicitly includes same-sex and opposite-sex partner: we would suggest something like “Partner (opposite sex or same sex)”.