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Sexual orientation and the 2021 United Kingdom census

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The next United Kingdom census, which is planned for 21 March 2021, will include questions about sexual orientation and gender identity. While several countries, including Australia, India and Nepal, have previously introduced non-binary sex or gender options in their national censuses, it is anticipated that the UK will be the first country to ask a census question about sexual orientation. This has been broadly welcomed, including by activists who have long argued that better statistics on LGBT populations are a necessary element of improving service provision and the realisation of sexual minorities' rights. Nonetheless, collecting data on sexual orientation through the census poses several challenges. In this *gender update*, I highlight two sets of issues, relating to the difficulty of defining sexual orientation and taking account of its diversity, and to likely response rates.

While the UK census is often referred to as a single exercise, there are in fact three separate but co-ordinated censuses – the organisation of which is a devolved matter in Northern Ireland and Scotland. The decision to include sexual orientation questions in all three censuses followed extensive consultation with data users, including service providers, organisations representing LGBT people, and academics. Answering the question will not be compulsory, and its addition on this basis required primary legislation. This was passed by Parliament for the England and Wales census in October 2019. As the Northern Ireland Assembly was suspended at the time, the Westminster legislation also made provision for the Northern Ireland census. The Scottish Parliament, meanwhile, adopted legislation enabling the addition of a non-compulsory sexual orientation question to the Scottish census in July 2019.

A first challenge relating to the collection of data on sexual orientation stems from a definitional issue. Sexual orientation is generally understood to encompass three elements: attraction, behaviour and identity. The question proposed for the census focuses on identity, asking which of the following options best describes a person's sexual orientation: straight/heterosexual; gay or lesbian; bisexual; or other sexual orientation. Survey evidence has consistently demonstrated that the proportion of people who identify as non-heterosexual is significantly lower than the proportion who report having had a sexual experience with or experiencing attraction to people of the same sex. The Office for National Statistics (ONS), which is responsible for the England and Wales census, regards sexual identity as the most appropriate element of sexual orientation for the purpose of monitoring equalities and discrimination. For other purposes, such as the planning of sexual health services, data on behaviour is likely to be more relevant, but officials doubt the public acceptability of asking about sexual behaviour in a census.

A related issue concerns the balance between the use of tick-box answers that result in ‘neat’ data and the ability of respondents to self-identify outside traditional categories of heterosexual, homosexual and bisexual. As with questions on ethnicity and national identity, the approach proposed is to allow individuals to write in their own response if they tick the ‘other’ box. The 2021 census will be the UK’s first to be conducted primarily online, and this text field will likely feature a predictive text function, in order to promote consistency of spelling and to aid text coding. The ability for people to identify with categories other than heterosexual, homosexual and bisexual is important given that survey evidence shows that a significant proportion of people – and younger people in particular – now adopt non-traditional sexual identity labels. However, while welcomed by most LGBT organisations, this approach has provoked some opposition. When National Records of Scotland wrote to a Scottish Parliament committee with a possible list of 21 predictive-text suggestions (including, for example, ‘pansexual’, ‘queer’, ‘questioning’ and ‘unsure’), several newspapers reported this as if respondents would be presented with a list of this many sexual orientations to choose from, with the *Scottish Sun* describing the options as ‘baffling’ and census officials as ‘barmy’. Scottish National Party MSP Joan McAlpine argued that the options available to respondents should not differ from those defined in the Equality Act 2010 – although the language of the Act does not use the terms heterosexual, homosexual and bisexual but rather sexual orientation towards people of the same, opposite or either sex.

A second key challenge concerns likely response rates to the optional sexual orientation question. In an ONS census test in England and Wales in 2017, 8.4 per cent of respondents did not answer the proposed question – significantly more than the proportion who answered gay or lesbian, bisexual or other (2.9 per cent combined). Similar results from testing in New Zealand contributed to Stats NZ’s decision not to add a sexual orientation question to its 2018 census. The group of respondents not answering the question is likely to be diverse, perhaps including large numbers of heterosexual people who object to being asked about their sexual orientation, but also non-heterosexual people who prefer not to answer due to concerns about privacy or discrimination.

One reason that LGBT people may be reluctant to identify as non-heterosexual in the census is because of intra-household privacy. Typically, the census form is completed by the ‘householder’, and so LGBT members of the household will have to be ‘out’ to that person to have their sexual orientation correctly recorded. While the question will only be asked for people aged 16 and over, many young adults are not yet out to their parents, and other LGBT people may not be out to other household members. The government’s proposed response to this privacy issue is that individuals will be able to request an access code for their own, private online form, without the householder being made aware. Members of ‘communal establishments’ will automatically be issued individual forms. Given the online-first approach, the use of individual forms where respondents are concerned privacy may well come to be seen as routine, but the success of this approach likely depends on how well it is publicised, particularly amongst younger respondents who have little experience of the census.

Adding a sexual orientation question to the census will help to fulfil a need for better data about LGBT populations in the UK. However, when assessing and utilising the results, we will need to bear in mind the definition of sexual orientation that is being adopted and the inevitability of some degree of non-response to the question. The sexual minority population

measured by the census will therefore likely need to be treated as a lower estimate – particularly when it comes to the planning of services and the monitoring of inequalities.