

The Census (Wales) Regulations 2020

Technical scrutiny

Standing Order 21.2(viii) – that it uses gender specific language

1. Gender- specific nouns

The Regulations are made under section 3 of the Census Act 1920. Section 3 of the Census Act 1920 makes provision for census Regulations to be made for the procedural and practical arrangements needed to conduct a census pursuant to a census order.

The power to make census regulations for Wales was transferred to the National Assembly pursuant to the National Assembly for Wales (Transfer of Functions) (No. 2) Order 2006 (S.I. 2006/3334). These functions are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The Welsh Ministers' functions extend to the procedural and practical arrangements only.

Pursuant to section 2 of the Census Act 1920, it is the duty of the Statistics Board in relation to England and Wales to make such arrangements that are necessary for the taking of the census and this includes the preparation and the issue of the necessary questionnaires. In this regard, the Office of National Statistics (ONS) has prepared both the online and paper questionnaires in readiness for the Census due to take place on Sunday 21 March 2021. The questionnaires were provided by the ONS to the Welsh Government for inclusion in the Regulations.

While the Welsh Government Legislative Drafting Guidelines have been adopted for the body of the Regulations, which are the responsibility of the Welsh Ministers, those drafting principles do not extend to the ONS who drafted the questionnaires.

As part of their gender identity research, the ONS investigated whether the response categories in the household relationships question should change to (or include) gender neutral terminology, to allow those who do not ascribe to a binary gender (male/female) to answer with ease. Their analysis indicated that within the focus groups, non-gendered terminology was reported as a positive move, although there was a lack of understanding of non-gendered terms (for example, "spouse" and "sibling"), indicating potential problems with their inclusion. Tied in with these considerations are presentational and readability issues to do with how much text appears both online and on paper, as well as the number of lines of text (i.e. space) available, which only applies to paper.

Merits Scrutiny

Standing Order 21.3(ii)

2. Use of the Welsh terms for household

The interpretation provision adopted in regulations 3(3) and 3(4) for “aelwyd” and “cartref” were adopted in order to assist the reader with the interpretation of the Regulations and the questionnaires, and to ensure that there was no ambiguity between the Welsh and English language text.

Household and Householder have the meaning given by article 2(1) of the Census (England and Wales) Order 2020, the 2020 Order does not include a translation of those definitions being a UK Government instrument. As noted in the response to the technical scrutiny issue noted at [1] above, the body of the Regulations were drafted by lawyers for the Welsh Government, while the questionnaires were drafted and translated by the ONS, each of which adopt varying translation styles. The two definitions provided correctly describe a household and it was decided that the interpretation provision would be adopted to assist the interpretation of the Regulations as a whole.

The Welsh language questionnaires were quality assured and signed-off by the Welsh Language Census Questions Assurance Group. This group consists of translators from the Welsh Government’s Translation Service, statisticians from the Welsh Government’s Knowledge and Analytical Services, and representatives from the Welsh Language Commissioner.

These interpretations were also used as a precedent in the Census (Wales) Regulations 2010, at regulation 3(3) and 3(4).

3. Difference between the English terms and the Welsh texts

The difference between the English guidance text and the Welsh guidance text is due to the space constraints of the Welsh language paper questionnaire. A word-for-word translation of the English guidance text would mean that an additional line of text would be needed in the Welsh language questionnaire, which was not possible. Even with this shortening, there has been a compromise in line spacing and readability to make it fit due to the inclusion of the Welsh Baccalaureates in both the English language and Welsh language questionnaires for Wales.

The Welsh Language Census Questions Assurance Group therefore approved the Welsh guidance text included in the Regulations on the premise that the question would be answered in the same way, irrespective of whether a person uses the English or Welsh version of the questionnaires.

4. Prescribed persons and version of questionnaires

We are grateful for your comment in respect for the layout and formatting of the table in Schedule 1 of the published version of the Regulations. When drafting the table, there were borders between the rows, which do not appear in the published version. We have made enquires and we propose reinstating the borders in Schedule 1, which will afford clear delineation between each of the three groups of

questionnaires. It is proposed that this will be achieved by way of a correction slip; we are and will continue to liaise with the Registrar team at the National Archives to seek to achieve the necessary formatting changes.

Standing Order 21.3(v) – that it imperfectly achieves its policy objectives

5. Differences between the online and paper questionnaire

In general, the points raised are mainly driven by the space constraints in the paper questionnaire. The online questionnaire allows the ONS to gather information in a more granular way by breaking down these answers further, making it easier for people to answer. However, the paper questionnaire does not allow space for this, therefore some routing and response options differ, but they aim to provide the closest match that is achievable on paper to the online version, to ensure that the quality of data collected is as good as possible in both modes of response.

In response to the individual points raised:

- (a) The aim of this question is to collect the highest level of qualification. Due to space constraints, on paper the Welsh Baccalaureate is grouped into an option with other qualifications of the same level (in various places due to the different Baccalaureates available). Online, the ONS was able to increase readability of the response option by separating it into two distinct options. This is purely to reduce respondent burden in reading long response options, and not operationally required.
- (b) Again, ideally the paper questionnaire would also have split these out, in the same way as online. Doing this provides useful information to understand why the person was unable to map any qualifications to the ones listed.
- (c) In this case the online routing was not easily replicable on paper; adding the routing risked additional confusion and respondent burden without significant benefit.

The answers to the three questions are combined to identify if a person is economically active. The routing looks across multiple questions, which cannot be replicated on paper.

Online, the automatic routing can take into account answers to multiple questions, so was implemented to reduce respondent burden.

The routing on Q35 could have been implemented on the paper form; however, that would leave less information from which to work out economic status if left blank (online, if left blank they have to complete all three questions). Hence, it was decided to leave out due to this benefit. There was a relatively low burden of asking the respondent an additional 'Yes'/'No' question that still makes sense whether their previous response was 'Yes' or

'No', especially when offset by the additional burden that routing adds (people struggle with routing, so less is better when asking the respondent to navigate the form themselves).

- (d) As with previous items, this is due to space constraints on the paper form. Ideally the ONS would have included an "or abroad, state country" type option as per other address write-in questions. On paper, there was not space to do this. Online the ONS has implemented the design that they use across the address questions by ascertaining if it's in the UK or not first, then collecting the detail needed (full address, or just country). The answer given to the paper questionnaire will allow the same output, as workplaces outside the UK will still be recorded.