

# Census 2001 Review and Evaluation

## Legislation: Evaluation Report

ONS is carrying out a review and evaluation of the 2001 Census in England and Wales which will culminate in a Data Quality report and a General Report being published.

Plans for individual reports on specific aspects of the Census operation and a timetable for release have been published.

Each report is written in isolation and is subject to amendments as processing progresses and further information comes to light.

Reports will be released on the ONS website in the form of a high level Executive Summary and a more detailed Evaluation Report.

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Content	Page
Introduction .....	2
The White Paper .....	2
The Date of the Census .....	2
Census Legislation .....	3
Public and Parliamentary Reaction .....	5
Security and Confidentiality Issues .....	6
Lessons Learned .....	7

# Census 2001 Review and Evaluation

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## Introduction

This paper describes the background to the legislation necessary to conduct the Census and reports on how Ministerial and the Parliamentary business was effected. In so far as these activities are within the control of the Census Office, the report also offers some lessons learned.

The Legislation Project also covered the administration of the Non-Compliance policy. A separate Evaluation Report will be produced on the work of the Non-Compliance Unit in May 2002.

## The White Paper

The Government White Paper *The 2001 Census of Population*, (Cm 4253), announcing the proposed date of the 2001 Census throughout the United Kingdom and setting out the plans for the Census was presented to Parliament jointly by the Economic Secretary to the Treasury and the Secretaries of State for Scotland and Northern Ireland in March 1999. It was published two years before the Census because the Government believed that there should be time for public discussion of proposals that would affect every person in the country.

The White Paper drew on the extensive consultation process for data needs and set out the Government's proposals for the questions to be covered, together with a background to the need for information. New questions on religion, general health and carers, and a revised question on ethnic group, were included in their proposals. The inclusion of the question on religion was subject to an amendment to the Census Act 1920.

The plans outlined in the White Paper were subsequently incorporated in the Census Rehearsal conducted in April 1999. The aims of the Rehearsal were to ensure that the procedures for the delivery and return of the Census forms would be effective and to test the processing systems. Additionally, the Rehearsal provided an opportunity to assess public response to the proposed question on religion and a possible question on income. In the event the income question was not included in the 2001 Census, the Government preferring to take the option of collecting such information through alternative sources of data.

## The Date of the Census

The date of the Census is set in legislation (see below) and needs to be determined well in advance so that all aspects of the Census can be planned accordingly.

The date of the Census directly affects the quality of the data collected. It has to be set so as to maximise the numbers of households present, ensure minimal interruptions and distractions to the delivery and collection rounds, and ensure sufficient availability of field staff. It also affects the location of people such as students, rough sleepers and those on holiday.

As the main criterion was that the Census must maximise coverage, the main holiday periods had to be avoided. Although the Census does not have to take place on a specific day of the week, a Sunday has traditionally been chosen as the most likely time that people will be at home.

Data for mid-year population estimates was planned to be provided by August 2002. The later that Census day fell, the shorter the processing period would be to ensure meeting this target.

Consultation with users has indicated a strong preference for a term-time Census to ensure better coverage of students and more information on their term-time accommodation. Local Authorities with large term-time student populations wished the Census to count students as being resident in their areas. Sundays between 12 March and 22 April were ruled out if Census Day were to fall in term-time for most schools, colleges and universities.

Daylight hours need to be long enough for evening enumeration to be carried out in reasonable light. The Census could therefore not be held during British Standard Time, from end-October until the last weekend in March. A further consideration was that Census Day should avoid the Sunday either side of the local elections. In 2001, county council elections in England were planned for Thursday 3 May, and local council elections in Northern Ireland on Wednesday 16 May. No local elections were planned in Wales or Scotland.

# Census 2001 Review and Evaluation

The two possible months that would be suitable for holding the 2001 Census were April and May. Within this period 29 April and 13 May stood above the others as being the most suitable. In January 1996, the Census Offices proposed that 29 April was the date that would have the least overall disruptive effect on the coverage of the 2001 Census.

Consultations were held on deferring the county council elections, but it was decided at the time to make no change. The Government announced early in April 2001 that the local elections and the General Election would be held on 7 June following the outbreak of foot and mouth disease. As a result the potential overlap of Census and election campaign activities was largely avoided.

## Census Legislation

### The Census Act 1920

The statutory authority for taking a Census of population in England and Wales is the Census Act 1920. The Act applies generally to Great Britain, but there are provisions for separate Censuses to be carried out in Scotland. Since the introduction of The Scotland Act 1998, the Census has become a devolved matter in Scotland, and the Census Act now applies separately there. Prior to the 1991 Census the Act had been amended by the Census (Confidentiality) Act 1991 to extend to provisions to protect confidentiality with respect to the unlawful disclosure of personal Census information. Separate legislation covers the Census in Northern Ireland.

### The Census (Amendment) Act 2000

A question on religion was proposed in the White Paper in March 1999 subject to a change to the Census Act, which did not then provide the lawful authority for such a question to be included in a Census in Great Britain.

The matters in respect of which particulars may be required to be provided were set out in the Schedule to the Census Act, as follows:

1. Name, sex, age;
2. Occupation, profession, trade or employment;
3. Nationality, birthplace, race, language;

4. Place of abode and character of dwelling;
5. Condition as to marriage, relation to head of family, issue born in marriage; and
6. 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.

Legal opinion was that 'religion' was neither a 'social' nor 'civil' condition so that the Act did not provide for such particulars to be collected. Consequently, a Private Members Bill to amend the Schedule to add 'religion' as a particular was introduced by Lord Weatherill in the House on Lords with Government support on 16 December 1999.

The Bill was subject to an amendment introduced in the Lords with the aim of making such a question in the Census voluntary. The amended Bill completed its passage through the Lords on 28 March 2000, but failed to get unopposed Second Readings in the Commons on each of the three Private Member's days when it was read. The Government then allowed some of its own Parliamentary time to enable the Bill to progress.

A successful Second Reading took place after a debate on 20 June 2000, and the Census (Amendment) Act gained Royal Assent on 28 July. Similar legislation in Scotland completed its passage through the Scottish Parliament on 15 March and received Royal Assent on 10 April.

### The Census Order

The Census Act 1920 gives powers for taking a Census in any year which is at least five years from the year of the previous Census. An Order-in-Council directing that a Census shall be taken has first to be approved by both Houses of Parliament. The Order prescribes:

- the date on which the Census is to be taken;
- the persons by whom, and with respect to whom, the returns for the purpose of the Census are to be made; and
- the particulars to be stated in the returns. (The matters in respect of which particulars may be required are set out in the Schedule to the Act.)

# Census 2001 Review and Evaluation

The Order for the 2001 Census in England and Wales (SI 2000 no. 744) was laid before Parliament in draft on 10 January 2000. The draft Order had to be laid at that time so that subsequent Regulations could take effect enabling field staff to be appointed on schedule. The draft Order could not, at that time, provide for particulars in respect of religion since the Bill to amend the Census Act had not been passed at that stage. Both Houses of Parliament approved the Order without amendment and it was made on 15 March 2000.

## Census Regulations

To enable the Census Order to take effect, the Minister is empowered to make Regulations governing the detailed arrangements for the conduct of the Census. The Census Regulations 2000 for England and Wales (SI 2000 no.1473) containing reduced facsimiles of the Census forms came into operation on 27 June 2000.

The Regulations provided for:

- the appointment of the temporary local staff necessary for conducting the Census in the field;
- the supply of forms and other document for Census enumerators;
- the arrangements for the delivery of forms and the collection of completed returns, including individual returns;
- certain information to be provided by Census enumerators and persons in charge of communal establishments;
- follow-up action by field staff in the case of non-response;
- information to be given to Census officers as necessary;
- other duties of field staff; and
- the safe custody of forms and documentation.

## Amendments to Order and Regulations

Following the passage of the Census (Amendment) Bill, an amendment to the Census Order, to add religion to those particulars already approved for inclusion in

the 2001 Census in England and Wales, was approved without debate and was made in Council on 13 December 2000. Amendment Regulations setting out the revised forms including the voluntary question on religion came into force on 11 January 2001.

Similar amending legislation providing for a question on religion and revisions to the ethnic group question in Scotland had come into effect on 15 June 2000 (Order) and 7 July (Regulations). Existing legislation in Northern Ireland already provided for particulars on religion to be included in the Census there.

## Changes from the 1991 Census legislation

The main differences between the Census Order 2000 as amended and that for the previous Census were that:

- its extent applied only to England and Wales, following devolution a separate Order was made in respect of Scotland;
- new questions were included on religion, general health, provision of unpaid personal care, time since last employment, and size of employer's organisation;
- the questions on ethnic group, qualifications and relationship to other people in the household were revised;
- it made provision only for people who were resident, or who were in full-time education, in England and Wales to be required to be included in the returns; there was no requirement for foreign visitors to be included; visitors at an address in England and Wales but who were usually resident at an address elsewhere in the UK were required to be included in the return made at their usual address;
- resident households who were entirely absent from their usual address on Census night were required to complete a form on their return to that address if this was within 6 months of Census day;
- a return in respect of anyone sleeping rough could be made by another person authorised to do so on his or her behalf;

# Census 2001 Review and Evaluation

- all-visitor households present on Census night were required to provide those particulars with respect to the accommodation itself; and
- only some basic details were to be included in the return for an address for any student or schoolchild who might have been regarded as usually resident at that address but who had a different term-time address.

The Regulations for the 2000 Census as amended differed from those for 1991 by:

- providing for the appointment of an additional level of field officer – the Census regional manager;
- providing for the appointment of more than one enumerator to act in any enumeration district to add greater flexibility in field staff deployment;
- the additional provision for the delivery of forms by post where no appropriate or responsible person was available to receive them and when it was not otherwise possible to leave them at the premises;
- providing for the return of completed Census forms via the post in reply paid envelopes;
- omitting the form of the undertaking to be given by Officers faithfully to perform the duties assigned to them under the Census Act;
- providing that the duty to make a form of return would not be discharged until such a form had been received by the Census District Manager or other officer, to overcome possible false claims that forms had been posted back;
- the specific provision for the completion of duplicate Census forms where the original returns had not been received; and
- the provision that response to the new question on religion was voluntary.

## Public and Parliamentary reaction

Generally the content of, and arrangements for, the 2001 Census in England and Wales created little controversy, once the initial concerns about the White

Paper proposals with regard to the questions on income and religion and the date of the Census had been resolved. Some concerns were, however, expressed about the form and content of the revised question on ethnic group.

The White Paper had set out the Government's proposals to include a question on ethnic group. The form and wording of the question had been decided after extensive consultation with Census users on their needs for information and of public testing to assess acceptability. Further comments on the White Paper proposals had been invited, and the form and wording of the question were approved by Parliament in the Census Order and the subsequent Regulations.

### Sikhs and Kashmiris

After publication of the White Paper, however, a case was made by representatives of the Sikh and Kashmiri communities that the question on ethnic group should separately identify these categories. Extensive correspondence was conducted during 1999 with concerned members of these communities to explain the background to, and rationale for, the proposed question and the purposes to which the resulting information would be put.

The matter was partially resolved with the commitment to include a question on religion in the Census that would include a 'Sikh' tick box. Assurances given by the National Statistician that written-in responses of 'Kashmiri' would be coded and separately identified in output eased the situation and avoided a threatened boycott of the Census by these groups. The issue did not re-emerge to any significant extent at the time of the Census itself.

### The Welsh tick-box

Shortly after the Census Regulations came into force in June 2000, articles appeared in the Welsh press and representations were made to ONS expressing concern that the wording of the ethnic group question did not

# Census 2001 Review and Evaluation

provide a tick box response category to enable people in Wales specifically to indicate their national identity. The question provided tick boxes within the White group for 'British' and 'Irish' but also included a write-in category within each of the main ethnic groupings so that people could describe themselves in whatever way they chose.

A question from Simon Thomas MP on this matter was asked during Prime Minister's Questions on 25 September 2000, and an adjournment debate was tabled by the same MP on 30 October. The Welsh Assembly debated the issue on 9 November.

In the light of the strength of the views expressed on this issue, arrangements have been put in hand for officials from the ONS and the Welsh Assembly to consider how best the Assembly may take a more formal role in agreeing the format and content of future Census forms in Wales.

## Concerns about under-enumeration

During the run-up to the 2001 Census, a group of London MPs expressed concerns about the numbers of field staff in London and other inner city areas in order to ensure improved levels of enumeration compared with 1991. Led by Karen Buck MP, the group sought specific assurances on this matter from the then Economic Secretary to the Treasury, Melanie Johnson.

Karen Buck subsequently secured an adjournment debate on 12 July 2001 in which she expressed further concern about the extent of under-enumeration in London and the resulting effects on the provision of a range of services. In response, the new Minister, Ruth Kelly, assured the House that on the evidence to date she was confident that the overall level of achieved response to the Census and to the subsequent Census Coverage Survey would be sufficient to ensure that coverage would be at least as high as in 1991, and that any under-counting of particular groups will have been kept as low as possible and, where it did exist, will have been taken into account in the final results.

## Security and Confidentiality issues

### Confidentiality principles

The Census collects information from each person and household in the country, but its purpose is to provide facts about the community, and groups within the community, as a whole. The public has a right to expect that information provided in confidence will be respected. In the 2001 Census as with previous Censuses, assurances were given that all information given would be treated in strict confidence by the Census Offices. The information collected in the 2001 Census is used solely for the production of statistics and research and its usage complies fully with the relevant legislation.

### Statutory protection

The security and confidentiality of the personal information that a person supplies is protected by law. The provisions of Section 8 of the Census Act 1920, as amended by the Census (Confidentiality) Act 1991 make it an offence for any person employed in taking a Census to disclose, without lawful authority, personal Census information. The penalty prescribed by the Act is, on conviction on indictment, imprisonment for a term not exceeding two years and/or a fine.

Other legislation governs the preservation of public records and access to them and the protection of personal information. Under Section 5 of the Public Records Act 1958 public records may be closed to public inspection for a specified period if the Lord Chancellor so prescribes. The Lord Chancellor's Instrument no. 12 of 20 June 1966 prescribed a period of 100 years for the closure of Census returns.

The Data Protection Act 1998 has put into effect new provisions for the regulation of the processing of information relating to individuals, including the holding, use and disclosure of such information. It updated the previous 1984 Act primarily by extending the provisions to include manual records.

# Census 2001 Review and Evaluation

The Freedom of Information Act 2000 has made provisions for the disclosure of information held by public authorities. The Act gives protection to the confidentiality of personal Census information by the provisions of Part II of the Act under which such information is considered to be exempt information by virtue of section 41 (being information provided in confidence) and section 44 covering the disclosure of such information that is specifically prohibited by other legislation.

The Registrar General has explained that the legal requirement to complete a Census form was fully compatible with the provisions of the European Convention on Human Rights as set out in the Human Rights Act 1998. Article 8(2) of the Convention makes provision for a public authority to interfere with a person's rights to privacy and respect for family life if such an interference is authorised by law and is for one of the permitted aims of the Article.

## Independent Review of Security and Confidentiality

The Government's White Paper on the 2001 Census announced that the UK Census Offices would undertake a review, or reviews, of the confidentiality and security arrangements for the 2001 Census, similar to those undertaken prior to the 1981 and 1991 Censuses, and would publish the outcome of such reviews before the Census.

The Registrars General for England and Wales, Scotland and Northern Ireland jointly commissioned reviews from independent experts to assess the arrangements to safeguard:

- the physical and IT security of the data collection and processing operations (the Security review); and
- the statistical confidentiality of the published output (the Statistical Confidentiality Review).

The National Statistician decided in November 2001 that an additional measure of rounding all cells to either zero or a multiple of 3 should be introduced for all tables to be produced for England and Wales. The population thresholds for Output Areas would be raised from 50 to 100 resident persons and from 16 to

40 resident households for the release of Census Area Statistics. The National Statistician subsequently held a meeting with users to discuss their concerns about the impact of these measures.

A separate Evaluation Report on security and confidentiality will be issued in due course.

## Lessons Learned

### White Paper

The announcement of the Government's proposals for the Census is made following a period of extensive consultation on topics and the testing of questions, and consideration of business cases for the content of the Census made by users. However, these proposals must be made soon enough to allow wider public discussion on those matters that affect the whole population.

Release of the 1991 White Paper almost three years before the 1991 Census was carried out meant that the proposal for the major new question on ethnic group was conditional on the success of that question in the 1989 Census Test. Though the 2001 Census White Paper was published seven months closer to the Census date and thus had provided more time prior to publication for potential topics to be considered, some of its proposals were, nevertheless, still subject to the outcome of the Rehearsal, so that the questions on both income and religion were included conditionally.

### The Census Act 1920

The importance of achieving maximum coverage in Census requires that public participation should be statutory. Though the Census Act provides sufficient authority for the Registrar General to carry out the Census on this basis, the Act, taken with other relevant legislation also limits, by prescription, what he may or may not do. Such limitations of authority must be regarded as necessary to preserve the confidentiality of Census information and maintain the public's confidence and trust in the integrity of the ONS.

# Census 2001 Review and Evaluation

Following the devolution to the Scottish Parliament for Census matters, the Government at Westminster is only concerned with the Census in England and Wales. The Census in Wales was not devolved to the Welsh Assembly under the terms of the Government in Wales Act 1998 and remains the responsibility of the Registrar General.

Despite the consultative links between the Census Office and the Welsh Office/ National Assembly and Welsh users there was a lack of understanding of some of issues of concern and of the processes involved in progressing Census activities. Arrangements are in hand for officials from the ONS and the Welsh Assembly to consider how best the Assembly may take a more formal role in agreeing the format and content of future Census forms in Wales.

## Secondary Legislation

The deadline for Parliamentary approval of the Census Regulations is the date by which the Registrar General must start appointing local field staff, starting with the Census Area Managers, at least 12 months before the Census date. This in turn requires the Census Order to have been made in Council once it has completed its 40-day laying period before both Houses before such Regulations can themselves be laid. To do so requires a number of key issues to have been decided, namely:

- the date of the Census;
- the definition of residents and visitors;
- the definition of communal establishments;
- the treatment of households, or members of households, with more than one address;
- the treatment of special population groups such as students and persons sleeping rough;
- any provision of returns to be made by proxy;
- the response categories to be included in each question;
- any requirement to restrict questions to particular population groups; and
- any differences in the treatment of Wales.

The last possible date for making the Census Order 2000 to meet these requirements was 15 March 2000. This deadline was met.

As explained above, the timing for Parliamentary approval of the Census Regulations that put into effect the arrangements for conducting the 2001 Census depended on the completion of the Census Order. There were a number of reasons why the draft Order could not be laid before Parliament until January 2000, which reflected changes in policy and question content that required significant revisions to the provisions of the draft Order.

## Ethnic Group Question

Significant concerns were expressed about the form and content of the ethnic group question. Although consultation on, and support for, the question was carried with a wide community base there was evidence that some groups were unaware of the significant consultation that had been carried out on this and other topics.

## Date of the Census

The date of the Census is set in legislation and needs to be determined well in advance so that all aspects of the Census can be planned accordingly. There was only a limited choice for the most suitable date for the 2001 Census and a date of 29 April was announced in 1996.

In setting a date so early in the Census planning programme there is a risk that subsequent events independent of the Census may affect particular aspects of the operation, even the Census itself. The date chosen for the 2001 Census was, for example, close to the local elections in England in that year which were planned to take place on 3 May and an attempt was made early in the planning to defer these elections in order to avoid a potentially detrimental clash of Census fieldwork and election campaign activities. There was, in addition, a strong likelihood that a General Election would also be called for that day.

The outbreak of foot and mouth disease led to a late call for the Census to be postponed. Census planning was by that time, however, at such a developed stage as to make that impracticable. However, the seriousness of the outbreak did persuade the Government to postpone both the local and general elections until 7 June, and so the overlap of Census and election campaign activities was, in the event, largely avoided.

# Census 2001 Review and Evaluation

Census Topics	Target Dates for Release
Legislation	Published
Non-Compliance (Executive Summary Only)	Published
Data Needs	Published
Geography	Published (Executive Summary)
Publicity	Published
Data Collection Development	Published
Data Collection Support	Published
Census Coverage Survey	Published
Processing	Published
Annex: Quality of Data Capture and Coding	Published
Downstream Processing	Published (Executive Summary)
Data Quality	
- Question non-response rates	Published
- Disclosure Control (Executive Summary only)	Published
- Data Validation (Executive Summary only)	Published
Edit & Imputation	Published
One Number Census	
- Quality Assurance	Published
- Lessons learnt (Executive Summary only)	Published
Output Policy	Published (Executive Summary)
Output Production	
- Part 1: Review of Output Released to date	Published (Executive Summary)
- Part 2: including Sample of Anonymised Records (SARs)/Origin Destination Matrices	Published
Census Access	Published
Programme Management	Published (Executive Summary)
Quality Report	Published
General Report	Published

Please note that the dates for release of individual evaluation reports noted above are target dates, and therefore subject to change. For the latest information please visit [www.statistics.gov.uk/census2001/reviewevaluation.asp](http://www.statistics.gov.uk/census2001/reviewevaluation.asp)