EXPLANATORY MEMORANDUM TO
CENSUS REGULATIONS (NORTHERN IRELAND) 2020

SR 2020 No. 116

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under the Census Act (Northern Ireland) 1969 and Census Order (Northern Ireland) 2020 and is subject to the negative resolution procedure.

2. Purpose of the Regulation

2.1 The purpose of the Census Regulations (Northern Ireland) 2020 is to:

- make provision for the operational arrangements and procedures necessary for the conduct of the 2021 Census; and
- prescribe the paper questionnaires and provide details on the various online questionnaires that will be used in Schedules to the Regulations.

2.2 The Census Regulations (Northern Ireland) 2020 enables the Census Order (Northern Ireland) 2020. The Census Order (Northern Ireland) 2020, which was scrutinised by the Finance Committee on 18 March and approved by the Assembly under affirmative resolution on 5 May 2020, directed that a census be taken on 21 March 2021. The regulations are technical in nature and a detailed summary is given in the "Content of the Regulations" section below.

3. Background

3.1 The Census Act (Northern Ireland) 1969 makes provision for the taking of a census of population and housing in Northern Ireland and for otherwise collecting statistical information. The census is the largest and most complex statistical exercise undertaken by government and traditionally occurs once every 10 years.

3.2 The responsibility for planning, conducting and reporting on the census lies with the Registrar General for Northern Ireland (an officer of the Department of Finance). Planning and development work is being undertaken on the basis that the next Census in Northern Ireland will be conducted on 21 March 2021 as specified in the Census Order (Northern Ireland) 2020.

3.3 The information the census provides allows central and local government, health authorities and many other organisations to target their resources more effectively and to plan housing, education, health and transport services for years to come.

3.4 The census is carried out by officials working within the Northern Ireland Statistics and Research Agency (NISRA), an Executive Agency of the Department of Finance. In England and Wales, responsibility for the census lies with the Office for National Statistics (ONS) and in Scotland with the National Records of Scotland (NRS). NISRA officials work very closely with counterparts in ONS, NRS and with Welsh Government officials to ensure a high degree of consistency of statistics, with censuses also planned in Great Britain on 21 March 2021.

3.5 A census is also planned to be taken in the Republic of Ireland on 18 April 2021. NISRA officials work closely with their counterparts in the Central Statistics Office (CSO), Ireland to ensure a compatible approach and the ability to produce key North-South statistics.

3.6 Full coverage of the population is essential and participation in the census is a legal obligation (which is enforceable under the Census Regulations through sections 3 and 7 of the Census Act (NI) 1969). The census is the only survey which provides a detailed picture of the entire population and is unique because it covers everyone at the same time. Officials recognise that the public need to be confident that their personal census records will be held securely. Therefore, as in previous censuses, assurances will be given to the public that all information provided will be treated in strictest confidence.

3.7 The information collected in the 2021 Census will be used solely for the production of statistics and statistical research. Usage will comply fully with the Census Act (Northern Ireland) 1969 and the Data Protection Act 2018. There are legal penalties for the unlawful disclosure, or breaches of confidentiality, of personal information collected in the census.

3.8 The Order indicated that the census will cover all individuals present in Northern Ireland on census night and usual residents who are absent on census night. Under the terms of the Order responsibility to fill in the census questionnaires will rest with householders for domestic properties. For communal establishments (e.g Nursing Homes and similar living quarters) responsibility rests with the manager/person in charge of the communal establishments.

3.9 To address concerns over privacy and given that the Census is mandatory, there is no penalty if respondents do not answer the questions on religion or sexual orientation. This position is specified in section 7.3 of the Census Act (Northern Ireland) 1969.

4. Consultation

4.1 The content of the 2021 Census has been informed by extensive consultation. To understand the needs of users, NISRA carried out a consultation on topics to be asked in the Census between 25 September and 17 December 2015. The consultation paper presented NISRA's initial view on the topic content of the 2021 Census questionnaire and included new topics for consideration. The aim was to promote discussion and encourage development of strong cases for questions.

4.2 The consultation was issued to over 1,000 key census users which included political representatives, key advisory groups and statutory and voluntary sector bodies. Public information events were held in Omagh and Belfast in October 2015. NISRA published the findings of the Topic Consultation in a report entitled '2021 Census: Topic Consultation for Northern Ireland – Assessment of the responses received' in August 2016.

4.3 Following the consultation, NISRA established six topic expert groups covering housing; demography and migration; ethnic group, identity, language and religion; health; education; labour market and travel to place of work/study to inform detailed proposals for the census.

4.4 In addition, there has been ongoing consultation on the census through three formal groups:

(i) the Statistics Advisory Committee (SAC) - a statutory body which advises NISRA;

(ii) the Statistics Coordinating Group - an inter-departmental group with representation from government departments; and
(iii) the Demographic Statistics Advisory Group – a multi-disciplinary group of key census users.

4.5 The Registrar General published proposals for the 2021 Census in April 2019 and engagement events were held across Northern Ireland to explain and discuss these proposals.

4.6 The proposals also take account of (i) the results of a programme of research and testing aimed at better understanding the public's comprehension and perception of census-related concepts and (ii) tests, both small and large-scale, of census question wording, questionnaire design and delivery methods. The research and testing have included a Census Test conducted in Autumn 2017 and a Census Rehearsal in Autumn 2019 covering 20,000 households in Craigavon, West Fermanagh and South & East Belfast.

5. Content of the Regulations

5.1 The Census Regulations (Northern Ireland) 2020 set out in detail key elements of the Census process (specified in section 4 of the Regulations). This includes the Address Register, the splitting of Northern Ireland into Enumeration Districts (one for each Census enumerator) and the creation of a field hierarchy for Census Team Co-ordinators and Census Area Managers.

5.2 Section 5 of the Regulations gives statutory effect to the appointment of these temporary officials who work under the authority of the Registrar General. Requirements in regards to confidentiality of all census officials are noted in Sections 21-23 and Schedule 5 of the Regulations. Under Article 7 of the Census Act (Northern Ireland) 1969, anyone who breaches census confidentiality may be prosecuted; if convicted this could lead to a significant prison sentence.

5.3 Sections 6-7, 16-18 and Schedules 1-4 set out the various details of the statutory forms – paper and online (English, English-Irish, English-Ulster-Scots) used for the Census process for households (Schedule 2) communal establishment managers/persons in charge (Schedule 3) and individuals/electors (Schedule 4). Sections 7, 16-18 and Schedule 1 – following on from details in the Census Order - set out who is required to fill out the various census forms.

5.4 The Regulations also set out the details (Sections 8-15) of how census forms will be delivered to those required to respond.

5.5 The Regulations also specify how the Registrar General through temporary officials will follow-up those who do not respond. This is specified in Sections 19-20 of the Regulations. Under the terms of section 7 of the Census Act (Northern Ireland) 1969, anyone who is required to provide a Census return but fails to do so may be prosecuted and, if found guilty, convicted of a criminal offence. Prosecution does not apply for failure to answer the questions on religion or sexual orientation.

6. Equality Impact

6.1 The census is designed to maximise the response rate to ensure that the whole population is counted. A range of measures are in place to ensure that those population groups which are harder to reach are fully represented in the census. In particular, while the census will be designed to be completed online, the elderly population and those households in areas of poor broadband coverage are likely to receive a paper questionnaire from the outset to encourage full participation. The on-

line questionnaire will have a number of options including help for those who are not proficient in English. Further details are given in the Regulations.

6.2 A screening exercise was undertaken and, in view of the arrangements that will be in place for the 2021 Census, it was concluded that a full Equality Impact Assessment was not necessary for these Regulations.

6.3 The 2021 Census will build on the positive initiatives that were successfully deployed in the 2011 Census to ensure that the 2021 Census is equally accessible to everyone, irrespective of their circumstances. For example, arrangements will be made to enable blind or partially sighted people and people not proficient in English to make a census return. This includes the provision, on request, of a copy of the census questions and the accompanying explanatory material in Braille, large print, easy read and audio formats and in a range of other languages.

6.4 Special assistance will be available to anyone who has difficulty completing a census questionnaire, particularly through language difficulties or infirmity. For example:

(i) a language helpline will be available for people who have difficulty with, or do not speak, English;

(ii) field staff will have access to translation materials to assist those who have difficulty with, or cannot speak, English; and

(iii) a text facility (NGT) will be available for those with a hearing impairment.

6.5 The census questionnaire and all accompanying information leaflets will make it clear to the general public how they can get help with the completion of their census questionnaire, should they need to do so. For example, the general public will have access to a dedicated Contact Centre and will be able to speak directly to personnel specifically trained to assist them on census matters and, if necessary, arrange for a member of the field staff to provide them with the assistance that they need at their own home. Such key messages will also be echoed through a tailored advertising and media campaign in the run up to and during the census operation.

6.6 The 2011 Census Community Liaison initiative is being further developed with an emphasis on active collaboration with the various agencies and community wide organisations involved to ensure that the support mechanisms put in place for the 2021 Census accord with best practice. Links have been established with key stakeholder organisations such as statutory bodies and others representing minority populations and special interest groups.

6.7 The comprehensive and robust statistical data provided through the census will benefit all of the population through informing the development, implementation and monitoring of a wide range of policies applicable to the categories covered by Section 75 of the Northern Ireland Act 1998.

7. Regulatory Impact

7.1 The impact of this legislation on business, charities or voluntary bodies is considered to be minimal as it is not the purpose of the census to collect business data. The only impact on business will be the requirement for persons in charge of commercial communal establishments to make a return in respect of the establishment and of any residents or inmates residing within their premises who are unable to make a return for themselves.

7.2 However, it is important to note that the statistical data gained via the census will be beneficial to many different bodies. Commercial businesses, professional

organisations and the public at large all need reliable information on the number and characteristics of people and households if they are to conduct many of their activities effectively.

7.3 The impact on the public sector of this legislation is also minimal and government, local authorities, the health service, the education and academic community and other public bodies all rely upon census data to aid the planning of budgets, front line services and resources.

7.4 A Regulatory Impact Assessment has been prepared for these Regulations.

8. Financial Implications

8.1 NISRA bids for funding for the census through the usual departmental processes. There are no additional financial implications flowing from these Regulations. A business case for the census has been approved by the DoF Economist.

9. Section 24 of the Northern Ireland Act 1998

9.1 It is the view of the Department that this Regulation is compatible with section 24 of the Northern Ireland Act 1998.

10. International Implications

10.1 The European Union Regulations 763/2008 and No 2017/543 place an obligation on Member States to provide Census-type statistical information. Whilst legislation relating to exit from the EU revokes the application of this regulation – the UK retains international obligations through the United Nations to provide key population statistics that only a census can provide.

11. Parity or Replicatory Measure

11.1 Similar legislation is being enacted in the UK, Welsh and Scottish Parliaments.

12. Monitoring and review

12.1 This legislation aims only to allow for, and governs, the undertaking of the proposed 2021 Census. Therefore, it will have achieved its aims and will have been proved to be successful, if the Census is taken on the appointed day in 2021, and the associated activities and processes necessary to undertake the Census are a success with people completing their questionnaires as requested, and these questionnaires being collected, processed and analysed to produce statistical outputs.

12.2 Consultation is on going to find out what statistical data or ‘outputs’ users of the 2021 Census want from the information gathered during the Census, and to help NISRA to prioritise identified output needs.

12.3 As with previous censuses, there will be a review of the 2021 Census Programme as a whole, after it has been undertaken. This will evaluate how it was planned and carried out.

Signed for the Department of Finance 23rd June 2020