

## **Diversity monitoring categories guidance**

### **Introduction**

#### **Who is this guidance for?**

This guidance is to support you when collecting diversity data from individuals. It is for all employees of the NMC to use to ensure we use standard categories when monitoring the diversity data of individuals.

#### **How should this guidance be used?**

The following sections give some background to why and how diversity data should be collected, with some information about the legal requirements

The categories presented in the main part of the document are based on best practice and should be used in the majority of cases. However they can be changed/adapted when there is a good reason to do so e.g. if you are aware that the cohort being monitored are already disproportionately represented by a certain group.

There are guidance notes at the start of each category section to assist with how (the correct terminology/categories) and when to collect the data in that category. You should only collect diversity data where it's necessary to carry out work related to ensuring we treat people fairly and meet our responsibilities under equality legislation.

In all the categories listed, whether there is a free text box for 'other' will depend on whether the system can capture and record free text. Also consideration should be given to whether or not the free text will be analysed.

There is an FAQ section at the end of the documents that can be used to respond to queries about why we use these particular categories.

Some of the suggested categories in the consultation section at the end of the document are different to the categories in the main body of this document as they are often comparing information with specific UK population groups.

## Review sheet

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## Contents

Section 1.....	4
Why collect diversity data? .....	4
Legislative background.....	4
Data protection .....	4
Using anonymous and pseudonymous data.....	4
Informing individuals of the use of their data .....	5
How to manage diversity data? .....	5
Section 2.....	5
Age.....	5
Caring responsibilities .....	6
Disability .....	7
Ethnicity.....	9
Gender .....	11
Gender identity .....	12
National identity.....	13
Religion and belief.....	14
Sexual orientation.....	15
Marriage and civil-partnership, and pregnancy and maternity .....	15
Titles.....	15
Section 3: Consultations .....	16
Consultations diversity monitoring form.....	16
Section 4: FAQs.....	21

## Section 1

### Why collect diversity data?

We are committed to treating everyone fairly and meeting our legal responsibilities under the Equality Act 2010 and related legislation. One of the ways we do this is by asking people to provide information about their diverse characteristics e.g. ethnicity, disability, gender, sexual orientation, religion and belief. This helps us monitor the impact of our activities on different groups and make changes where necessary e.g. making reasonable adjustments for people with disabilities. We can also use the data given us to analyse and report on statistical trends in the nursing and midwifery professions in all four UK countries and the diversity of our workforce.

### Legislative background

Some diversity characteristics listed in this document are classified as 'protected characteristics' and some are not. The Equality Act 2010 identifies nine groups of people who share protected characteristics that are covered by the legislation. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

### Data protection

Whenever people give us their diversity data we're processing their personal information. Often the information we process will also be sensitive, such as information about disabilities. We need a clear legal basis for processing diversity information before we can collect and use it.

You must make sure that you always follow the NMC's [Data protection policy](#) and obtain advice from the Data Protection Officer before you collect any diversity data.

### Using anonymous and pseudonymous data

You should always consider whether you can use anonymise or pseudonymise diversity data to achieve your purpose.

The distinction between anonymised and pseudonymised data is that pseudonymous data still allows for some form of re-identification (even indirect and remote), while anonymous data cannot be re-identified.

You should seek advice from the Data Protection Officer on whether it's possible to anonymise any data you collect.

## **Storage and security**

Always encrypt personal data using Egress when sending identifiable personal information containing special category data outside the NMC.

Don't share any diversity information with people that don't need to see it.

## **Informing individuals of the use of their data**

Equality and diversity data should only be collected and used in the ways outlined in our [Privacy Notice](#). You must never use diversity data to make fitness to practise or registration decisions.

We may need to provide people with more information about the way you're going to use their diversity information, such as providing details of any people or organisations you're planning to share their data with. You should always take advice from the Data Protection Officer on whether you need to provide individuals with more detailed privacy information.

## **How to manage diversity data?**

Giving us this information should always be optional not mandatory. Giving a 'prefer not to say' option on a mandatory form is acceptable as it gives people the option to not respond.

## **Section 2**

### **Age**

Guidance note: Date of birth (DOB) should only be asked if it is necessary to do so to comply with a legal obligation or in a registrations or ID checking context. Alternatively for research purposes year of birth or age range should be used. In the majority of cases collecting age bands is best practice and can be easier to analyse, for example in consultations or surveys. The age bands below are in line with our reporting in FtP, Registration, Revalidation and the annual EDI reports.

### What is your age?

Age under 20	<input type="checkbox"/>
Age between 21 – 30	<input type="checkbox"/>
Age between 31 – 40	<input type="checkbox"/>
Age between 41 – 50	<input type="checkbox"/>
Age between 51 – 55	<input type="checkbox"/>
Age between 56 – 60	<input type="checkbox"/>
Age between 61 – 65	<input type="checkbox"/>
Age between 66 – 70	<input type="checkbox"/>
Age between 71 – 75	<input type="checkbox"/>
Age above 75	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

### What is your year of birth?

Prefer not to say	<input type="checkbox"/>

### Caring responsibilities

Guidance note: Carer status is not a protected characteristic under the Equality Act 2010. It is increasingly recognised, that people with caring responsibilities may need specific support, particularly for workforce management purposes.

**Do you have caring responsibilities? Please tick all that apply.**

None	<input type="checkbox"/>
Primary carer of a child or children (under 18 years)	<input type="checkbox"/>
Primary carer of disabled child or children	<input type="checkbox"/>
Primary carer of disabled adult (18 years and over)	<input type="checkbox"/>
Primary carer of adult (18 years and over)	<input type="checkbox"/>
Primary carer of older person or people (65 years and over)	<input type="checkbox"/>
Secondary carer	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
Other (please specify)	

## **Disability**

Guidance note: Question A is the standard disability question. Question B should not be used as standard - it lists of types of impairment and can be used in ADDITION to A when trying to understand the types of impairment. For example if you are trying to understand how many people going through our complaints processes have a mental health concern – in addition to the number people that identify as being disabled. This question was developed with advice from the Business Disability Forum.

**The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment, which has a substantial and long-term (i.e. has lasted or is expected to last at least 12 months) adverse effect on the person’s ability to carry out normal day-to-day activities.**

**A - Do you have a disability?**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

**B – If you answered yes to the question above - please tell us if any of the below apply to you.**

Blind or sight loss	<input type="checkbox"/>
Deaf or hearing loss	<input type="checkbox"/>
Mobility	<input type="checkbox"/>
Manual dexterity	<input type="checkbox"/>
Learning disability	<input type="checkbox"/>
Mental health concern	<input type="checkbox"/>
Speech impairment	<input type="checkbox"/>
Cognitive disability	<input type="checkbox"/>
Other impairment - e.g. epilepsy, cardiovascular conditions, asthma, cancer, facial disfigurement, sickle cell anaemia, or progressive conditions such as motor neurone disease.	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

Other (please specify)	
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## Ethnicity

Guidance note: These categories are based on 2011 census categories for England and Wales from the Office of National Statistics (ONS).

Everyone has an ethnicity. The UK population is made up of different ethnicities. 87% of people are White, and 13% belong to a Black, Asian, Mixed or Other ethnic group<sup>1</sup>.

The ethnic majority are therefore the White ethnic group. Ethnic minorities are all the other ethnic groups combined. It is important to refer to the exact groups being reported and not generally use terms such as BME<sup>2</sup>, BAME<sup>3</sup> or 'ethnic groups' without specifying which groups you are referring to.

In 2019 we will add the Filipina/Filipino category to our ethnicity question for nurses, midwives and nursing associates in recognition of the significant number of overseas registrants that identify as Filipina/Filipino. This does not have to be included in monitoring forms that don't relate to people on our register and it is not a category in the ONS Census.

### What is your ethnic group?

Please select only one option.

<b>A: White</b>
<input type="checkbox"/> British, English, Northern Irish, Scottish or Welsh
<input type="checkbox"/> Irish
<input type="checkbox"/> Gypsy or traveller
<input type="checkbox"/> Any other white background, please specify
<b>B: Mixed or multiple ethnic groups</b>
<input type="checkbox"/> White and Black Caribbean
<input type="checkbox"/> White and Black African
<input type="checkbox"/> White and Asian

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<sup>1</sup> Census 2011, ONS

<sup>2</sup> Black and Minority Ethnic

<sup>3</sup> Black, Asian and Minority Ethnic

<input type="checkbox"/> Any other mixed or multiple ethnic background, please specify
<b>C: Asian or Asian British</b>
<input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Filipina/Filipino <sup>4</sup> <input type="checkbox"/> Any other Asian background, please specify
<b>D: Black, African, Caribbean or black British</b>
<input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Any other black, African, or Caribbean background, please specify
<b>E: Other ethnic group</b>
<input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, please specify
<b>F: Prefer not to say</b>
<input type="checkbox"/>

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<sup>4</sup> Filipina/Filipino is not a category in the ONS Census. We have added it because we recognise the significant number of people that have applied to be on the UK register from the Philippines.

## Gender

Guidance note: In medical and social contexts, someone's sex usually refers to whether someone was assigned as male or female at birth, and a person's gender refers to how they identify – i.e. whether they regard themselves as a man, a woman, or any other term.

The Equality Act 2010 refers to the term 'sex'. There is no requirement under our legislation to record a person's sex in order for us to fulfil our regulatory function. For monitoring purposes we ask for gender, rather than sex, which captures how a person identifies at the present moment, rather than what they were assigned at birth.

Therefore an example of when it may be appropriate to ask for an individual's sex is if we specifically wanted to know how many people were assigned a certain sex at birth, potentially to understand a health/midwifery context for the NMC to fulfil its registration functions it is unlikely this information would ever be needed.

There should be an additional category of 'other' or 'self-describe' for people who do not identify as a man or woman exclusively, or who prefer their own term.

### What is your gender?

A woman	<input type="checkbox"/>
A man	<input type="checkbox"/>
Other or self-describe	<input type="checkbox"/> <input type="text"/>
Prefer not to say	<input type="checkbox"/>

## Gender identity

Guidance note: **Always seek guidance from the EDI Team initially about whether you should be asking this question.** Do not monitor gender identity unless you are working to specifically target or improve services for trans people. When considering whether or not to monitor gender identity, all NMC employees that have access to the an information about an individual's varied gender status must be made aware of Section 22 of the Gender Recognition Act 2004 which prohibits organisations from making known the former gender status of an individual who is protected by the Act. This carries criminal sanctions. Absolute confidentiality must be guaranteed. If in doubt seek advice from the EDI Team who will obtain legal advice where necessary.

Everyone has a gender identity. Alternatively the umbrella term that may be used to describe people with changing gender status are 'trans' people.

A reference to a transsexual person in the Equality Act 2010 is a reference to a person who has the protected characteristic of gender reassignment.

The following question has been provided by the Gender Identity Research and Education Society<sup>5</sup>.

**Does your gender identity match your sex as registered at birth (or within 6 weeks)?**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

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<sup>5</sup> Gender Identity and Research Society (2018) *Monitoring Sex and Gender Identity* available at: <http://www.gires.org.uk/wp-content/uploads/2018/04/GIRES-Partnership-Monitoring-Note.pdf> (accessed 13 May 2018)

## National identity

Guidance note: This category may be useful to collect if you are doing work which would need to consider differences in response by the four countries.

It is important to be aware that in Northern Ireland, to comply with the Good Friday Agreement, the national identity question must be asked in such a way that no-one is forced to choose between being British, Irish and Northern Irish. This requirement is satisfied through the question allowing for multiple responses.<sup>6</sup>

National identity is different from nationality and citizenship. Nationality is acquired by birth or adoption, marriage, or descent (the specifics vary from country to country). Citizenship which is a legal relationship between a person and a country. It gives that person certain rights and responsibilities.

**How would you describe your national identity? Tick all that apply.**

British	<input type="checkbox"/>
English	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Northern Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>
Welsh	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

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<sup>6</sup> Measuring Equality: A guide for the collection and classification of ethnic group, national identity and religion data in the UK; 2011; Office for National Statistics;  
<https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/ethnicgroupnationalidentityandreligion#national-identity>

## Religion and belief

Guidance note: The recommended question below was used in the 2011 census for England and Wales. ONS have carried out extensive testing on the question and response categories for religion and belief. Testing has found that the question ‘what is your religion?’ best meets the requirements of collecting good quality data on religious affiliation.

The ONS recommends different questions for England and Wales, Scotland and Northern Ireland<sup>7</sup>. We have used the categories for England and Wales that have all the Christian groups as one category.

An example of where we might use this question is to analyse the number of different religious groups that are going onto our register in comparison with the nationality of people going through overseas registration. This could indicate that we may need to provide more information about the elements of the Code that relate to religion and belief. Another area is to compare the % of registrant panellists of certain religion with the % of certain religious groups on the register.

### What is your religion or belief?

No religion	<input type="checkbox"/>
Christian	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>
Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>
Muslim	<input type="checkbox"/>
Sikh	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
Any other religion please describe	

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<sup>7</sup> <http://www.ons.gov.uk/ons/guide-method/measuring-equality/equality/ethnic-nat-identity-religion/religion/index.html> provides further details and guidance on the questions to be used in other parts of the UK and points to be taken into account when comparing diversity data.

## Sexual orientation

Guidance note: These are the categories suggested by Stonewall<sup>8</sup>.

**Which of the following options best describes your sexual orientation?**

Bisexual	<input type="checkbox"/>
Gay or lesbian	<input type="checkbox"/>
Heterosexual or straight	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
Other (please specify)	

## Marriage and civil-partnership, and pregnancy and maternity

Guidance note: Neither of these categories would usually need to be monitored in a non-employment context for data to be analysed. There may be exceptions to this, for example to monitor the Test of Competence (ToC) for overseas candidates that had adjustments made to the clinical skills assessment due to pregnancy. These would be simple yes and no answer questions.

## Titles

**Mr, Mrs, Miss, Mx, Dr, Dame etc.**

Guidance note: Titles can be linked to gender identity and the legal restrictions in the Gender Recognition Act 2004.

In our communication with all stakeholders we should adopt a flexible approach to titles in order to meet our stakeholder's needs. For example by using the title that the individual uses when referring to themselves. An example of when we may use a title is when communicating with senior stakeholders such as Members of Parliament or Chief Nursing Officers.

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<sup>8</sup> Stonewall (2012) *Using Monitoring Data* available at: [www.stonewall.org.uk/other/startdownload.asp?openType=forced&documentID=3339](http://www.stonewall.org.uk/other/startdownload.asp?openType=forced&documentID=3339) (accessed 13 April 2015)

## Section 3: Consultations

The diversity categories may need to be altered to fit the consultation you are doing. Consider how you plan to analyse the results of the consultation and what you are trying to find out before deciding which diversity categories to use. **All consultation questions must be signed-off at director level.**

The following introductory text is best practice for consultations. This can be changed. If you need further guidance seek advice from the EDI Team who will obtain legal or data protection advice where necessary.

### Consultations diversity monitoring form

**Please complete this survey about your background and the views you/your organisation represent.**

We are committed to treating everyone fairly and meeting our legal responsibilities under the Equality Act 2010 and related legislation. We will use this information to better understand if we are engaging with a diverse and broad range of people. In this section we ask for information about your background. Specifically, we use this information when we analyse responses to make sure we understand the impact of our proposals on diverse groups. Although we will use this information in the analysis of the consultation response, we will not publish this information linked to your individual feedback.

Giving us this information is optional and will be anonymised in publication/reports.

#### About your organisation

Do you represent an organisation? yes/no

Does your organisation officially represent the views of registrants and/or the public that share any of the following protected characteristics?

Older

Younger

Disabled

Ethnic minorities



Gender based difference

Lesbian, Gay and/or Bisexual

Trans/gender diversity

Pregnancy/maternity

Religion or belief

**About you**

**Age**

0-18

19-29

30- 39

40-49

50-59

60 and over

**Disability**

Please select one option to indicate whether you consider yourself to have a disability<sup>9</sup>?

Yes

No

Prefer not to say

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<sup>9</sup> The Equality Act 2010 defines disability as a physical or mental impairment which has a substantial long-term adverse effect (at least 12 months) on a person's ability to carry out normal day to day activities.

## Gender

What gender do you identify as?

A woman

A man

Other or self-describe

Prefer not to say

## Gender identity

**Does your gender identity match your sex as registered at birth (or within 6 weeks)?**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

## **Ethnicity**

### **A: White**

- British, English, Northern Irish, Scottish or Welsh
- Irish
- Gypsy or traveller
- Any other white background, please specify

### **B: Mixed or multiple ethnic groups**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed or multiple ethnic background, please specify

### **C: Asian or Asian British**

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background, please specify

### **D: Black, African, Caribbean or black British**

- Caribbean
- African
- Any other black, African, or Caribbean background, please specify

### **E: Other ethnic group**

- Arab

Any other ethnic group, please specify

**F: Prefer not to say**

**Religion**

No religion

Buddhist

Christian

Hindu

Jewish

Muslim

Sikh

Prefer not to say

Any other religion or belief, please specify

**Sexual Orientation**

Bisexual

Gay or lesbian

Heterosexual or straight

Other

Prefer not to say

## Section 4: FAQs

Below are some FAQs with answers that can be used to respond to queries about the diversity categories presented in the previous sections.

### 1. Why are there different questions for consultations?

Through consultations we are often engaging with a wider public. The questions are designed to be comparable with wider population figures. The questions in the main body are targeted more to the registrant population. But all the categories should be considered specifically in the context they will be used in.

### 2. Why is there no category for my ethnic group?

The ethnicity questions are based on the ONS Census categories. These are historically linked to the UK's colonial ties with countries in Asia, Africa and the Caribbean. This means that some ethnic groups are not represented.

### 3. Why is there no category of 'Filipino' or 'Philippines' on the ethnicity question?

Historically this was because the ethnicity monitoring questions are based on the categories that are used in the UK census. This enables us to maintain consistent categories that can be compared with the UK population. There is an additional question of nationality that captures people who have nationality from the Philippines in a separate registration form.

In 2019 we will add the Filipina/Filipino category to our ethnicity question in recognition of the significant number of overseas registrants that identify as Filipina/Filipino.

### 4. Why is there no category for the group/demographic I belong to? I don't feel represented.

Unfortunately all difference cannot be represented in monitoring forms. People may feel their voice isn't being heard in these instances because they are not identified. That is why there is an 'other' or 'self-describe' option in many questions. Also – when we report back data to maintain data protection principles, when a group has a small number they are not reported in order to maintain anonymity of individuals.

### 5. Why do you use the terms woman/man instead of female/male?

We want to know 'what is your current gender identity' – not, 'what were you assigned at birth', and male/female refers to the legal term i.e. what you're assigned legally, and man/woman refers more to gender role/identity.