Association of Chief Police Officers of England, Wales and Northern Ireland

Guide to Self-Defined Ethnicity and Descriptive Monitoring

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This document was audited in October 2001 by the Human Rights Audit Team within the guidelines of the Human Rights Act 1998. The audit was carried out on the assumption that the guiding legislation is in itself compliant with the Human Rights Act 1998.

Where there are areas of potential interference with individuals rights under the Act due regard has been given to the issues of legality, legitimate aim, proportionality and fairness.

Subject to any new legislation or changes in case law, which require immediate amendment, this document next requires reviewing in November 2002.
Acknowledgements

ACPO wishes to thank:

- The members of the ACPO Race and Community Relations Business area for Ethnic Monitoring comprising David Coleman, Chief Constable of Derbyshire Constabulary, Chris Gray, Deputy Chief Constable, Gloucestershire, and Tony Toynton, Assistant Chief Constable, Sussex.

- The Drafting Group, led by Chief Inspector Garry Sherwood (Derbyshire), comprising: Detective Chief Inspector Peter Strawbridge (MPS); Inspector David Peake (Gloucestershire); Mrs Julie Walker (West Yorkshire Police); Inspector Bruce Tippen (Sussex); Sergeant David Newton (NPT and West Yorkshire Police); Sergeant David Tasker (Suffolk Police); Sergeant Gary Parkin (Derbyshire Police); Sergeant Adrian Parker (Sussex); Superintendent Doug Rattray (Sussex) and Mrs Veronique Derrick (Sussex)

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  - Gordon Barclay, Research, Development and Statistics Directorate, Home Office
Foreword

Effective policing in the 21st century is dependent upon productive partnership between the service and all members of society. To achieve this we must treat everybody proportionately, according to their needs and operate in a culture of transparency and openness.

It is important that we gather information to indicate fairness in operational policing and to highlight priority areas for closer scrutiny and decisive action.

For this reason we support the introduction of self-classified ethnicity monitoring across the criminal justice system.

We commend this guide to you.

David Coleman, Chief Constable, Derbyshire Constabulary
Chris Gray, Deputy Chief Constable, Gloucestershire Constabulary
Tony Toynton, Assistant Chief Constable, Sussex Police
# Contents

1. **Introduction**  
   1.1 Key Principles  5  
   1.2 Ethnicity and Descriptive Monitoring  5  
   1.3 Criminal Justice Act 1991 and other developments  6  
   1.4 The Ethnicity and Descriptive monitoring system  7  
   1.5 Implementation dates  7  
   1.6 The continuing role of ACPO  8  

2. **Collecting data**  
   2.1 Street Interventions - Exceptions to seeking self-defined ethnicity  9  
   2.2 Other Interactions  9  
   2.3 Authority  10  
   2.4 Protocol for recording data  10  
   2.5 Supervisory Responsibility  10  

3. **Entering, Collating and Retaining Data**  
   3.1 New Statistical Requirements  12  
   3.2 Minimum Data Entry Standards  12  
   3.3 Collation of Information  12  
   3.4 Retention of Information  12  
   3.5 Ethnicity and Descriptive Monitoring Data supplied to other Criminal Justice Agencies  13  

4. **Analysis**  
   4.1 Analysis  14  
   4.2 Force Level Information  14  
   4.3 BCU Level Information  15  
   4.4 Team and Individual Level Information  15  

5. **Sharing and Using Data**  
   5.1 Sharing and Using  17  
   5.2 Data Protection  18  

6. **Training and Development**  
   6.1 The imperative for training  19  
   6.2 Self-classified Ethnicity Monitoring Training  19  
   6.3 The role of the force training manager  19  
   6.4 Required trainer skills  20  

   **Bibliography**  21  

   **Glossary**  22  

   **Appendices**  23  

March 2002  

3
Section 1

Introduction

1.1 Key Principles

Policing in the 21st Century must, above all, deliver a fair service to everybody, consistent with our duty to protect and uphold human rights. We are committed to embracing the strengths, which diversity offers the service and acknowledge our responsibility to recognise and address individual needs. To meet the challenge of a constantly changing environment we must focus on equipping the service to deliver best value through continuous improvement.

In common with all other public services, and in particular with our many partners within the criminal justice system, we need information to indicate the effectiveness of our endeavours and to focus our attention on priority areas for closer scrutiny and decisive action.

ACPO is well aware, and it has been reinforced through a sustained ministerial priority, that it is vital that the service attains the full confidence of minority ethnic communities. This is an area where we have been found wanting in the past and where we have recently made great strides through the implementation of diversity strategies.

However, progress must be charted and we must ensure advances that have been achieved are sustained. Ethnicity and descriptive monitoring across a range of activities can provide an important indicator of fair performance in this regard.

1.2 Ethnicity and Descriptive Monitoring

The police service has, routinely, recorded details of peoples’ identity for many years in the course of detection and prevention of crime. This has taken the form of visual appearance as perceived by police.

Ethnicity monitoring records something different. It does not relate to visible appearance but to people’s self image in relation to their own cultural origins. The national census in 1991 was the first to seek universal information about ethnicity. At that time the categories used were simply ‘white’ and a number of sub-groupings of ‘black’ and ‘Asian’. This census information has provided the benchmark for statistical analysis of ethnicity in relation to a host of different aspects of life.

In relation to the public services, self-defined ethnicity and descriptive monitoring provide indications of disproportionate experiences of minority ethnic groups. Such disproportionality is a useful signpost indicating the need for action to identify and, where appropriate, to rectify the causes.

1.3 Criminal Justice Act 1991 and Other Developments

Section 95 of the Criminal Justice Act 1991 provided the first statutory requirement to gather and publish ethnic monitoring information in relation to certain aspects of the operation of the criminal justice system.

These are currently:

- Stops and Searches
• Arrests;
• Cautions, Reprimands and Final Warnings;
• Police Complaints;
• Police Manpower (and personnel);
• Deaths in Police Custody; and
• Homicide.

Home Office guidance was provided, in H.O. Circular 3/96, to ensure consistency. The Home Office is issuing revised guidance to coincide with this ACPO guide and both documents should be referred to in tandem.

Since the introduction of this provision there have been a number of significant developments, such as the Human Rights Act, 1998; the Stephen Lawrence Inquiry Report, 1999; and the Race Relations (Amendment) Act, 2000. These have, collectively, raised the imperative to secure meaningful performance information to quality assure the issue of fairness in policing and in all other elements of the criminal justice system, particularly in the light of acknowledged institutional racism.

Public debate, arising from Recommendation 61 of the Stephen Lawrence Inquiry, on the subject of stop and search, highlighted minority ethnic community concerns that the exercise of discretionary intrusive street powers by police was unfairly influenced by racial bias. In response to this, ACPO saw the need for more comprehensive statistical data in this area.

In October 2000 ACPO voluntarily extended the racial monitoring requirement on forces to include the following traffic forms:

• Forms HORT1;
• Vehicle Defect Rectification forms;
• Endorsable Fixed Penalty Notices; and
• Negative Breath Tests.

1.4 The Ethnicity and Descriptive Monitoring System

The importance of self-defined ethnicity monitoring was recognised in the preparation of the 2001 national census, where self-classified ethnicity was sought in terms of a wider range of categories – extended to 16 + 1. (see appendix A) In order that comparable data is gathered, it is the intention of the Home Office that all criminal justice agencies in England and Wales shall collect information on self-classified ethnicity using these 16 + 1 categories. This will be in addition to the continuing need to collect the existing information on racial description derived from the Phoenix 6+1 categories (see appendix B), in order to maintain national identification systems.

ACPO recognises that the collection of self-defined ethnicity information and extending the collection of descriptive information will place an additional administrative burden on the service, incurring both financial and opportunity costs. However, there is an even greater cost if the police fail to engage the confidence of all communities. Accordingly ACPO endorses, as policy, that this shall be done.

Our commitment to self-defined ethnicity and descriptive monitoring and to using the information to inform action is an important step in building community confidence. It is vital that, at an individual level, officers manage the process of seeking self-classified ethnicity information in a manner, which is not detrimental to the positive nature of their encounters.

March 2002

5
This document sets out the ACPO minimum standards for self-defined ethnicity and descriptive monitoring by the police service. It provides guidance on the collection, recording, collation, analysis, sharing and use of monitoring data, highlighting the importance of quality assurance of every element of these processes. It seeks to assist in standardising administrative approaches to ethnicity and descriptive monitoring and in minimising cost and bureaucracy.

In the light of local risk assessments, forces may wish to extend self-defined ethnicity and descriptive monitoring to additional areas of local concern around either service delivery or internal issues such as personnel profile.

1.5 Implementation Dates

The Home Office has asked that monitoring of self-defined ethnicity using the new 16+1 categories should commence from 1st April 2002. However, they have accepted that due to the need for changes in IT systems this may not be possible for all criminal justice agencies. ACPO and the Home Office have therefore agreed that monitoring should begin as early as possible during 2002/3 but must be fully implemented by 1st April 2003. However, information on personnel should be collected on this basis from 1st April 2002.

Many forces have already commenced descriptive ethnic monitoring of traffic forms and ACPO have agreed that locally all forces should begin this from 1st April 2002. In due course there will be a requirement for central monitoring of both self-defined ethnicity and descriptive monitoring. We await the advice from the Home Office regarding this matter.

1.6 The Continuing Role of ACPO

Self-defined ethnicity and descriptive monitoring is very much a live and developmental issue. ACPO must be responsive to emerging needs arising from the experience of forces in implementation so that these can be conveyed to the Home Office to inform emerging policy and practice.

Section 2

Collecting Data

For practical purposes there are two types of circumstances where the police service will be seeking self-defined ethnicity and descriptive monitoring information:-

- Street Interventions
- Other Interactions

2.1 Street Interventions - Exceptions to Seeking Self-Defined Ethnicity

Self-defined ethnicity and descriptive monitoring data will be recorded for all recordable stops except -

A record need not be made at the time owing to exceptional circumstances. These are described as: -
• situations involving public disorder, or
• when the officer’s presence is urgently required elsewhere.

In these circumstances the officer must record the intervention as soon as practicable afterwards. The ethnicity will be recorded as “not stated” and the reason given. The descriptive monitoring information will be recorded in the normal way.

2.2 Other Interactions

Self-defined ethnicity and descriptive monitoring extends to the following interactions:

• Arrests
• Cautions, reprimands and final warnings
• Homicide suspects
• Police complaints

Both self-defined ethnicity and descriptive monitoring is required in these cases in the same way as with street interventions. There shall be no exceptions.

2.3 Authority

ACPO acknowledges that officers conducting street interventions operate in a complex and challenging environment that can often be hostile and confrontational. However, officers must remember that whilst they are required to request self-defined ethnicity monitoring information, the giving of such information is entirely voluntary. Accordingly, whilst officers are expected to use their interpersonal skills to encourage participation, no form of coercion may be applied.

2.4 Protocol for Recording Data

It is important that when an officer asks a person what they regard their self-defined ethnicity to be, this question is put in a sensitive manner that is appropriate to the person and situation. Legal jargon should be avoided and it should be delivered in plain easily understood terms. The standard aide memoire (appendix C) should be produced and used on every occasion.

Officers may encounter circumstances where, after all their efforts, a person cannot understand what is being asked of them. ACPO recommends that in these instances the officer records “not stated” and specifies the reason on the form.

ACPO accepts that this will require changes to local forms and software. In any case the following boxes/fields will be required:

• Self-defined ethnicity code (see appendix A)
• Reason for a ‘Not Stated’ entry in the self-defined ethnicity box. These will be ‘Called Away’, ‘Disorder’, ‘Not Understood’ and ‘Declined’.
• Visual Description Code (the PNC/Phoenix code – to be completed on every occasion) (appendix B)

As a matter of good practice it is recommended that the question of self-defined ethnicity is raised at the conclusion of the encounter. It is important that when
the self-defined ethnicity is ‘Not Stated’, officers write a concise explanation on the form to demonstrate that the issue was dealt with fairly and reasonably.

2.5 Supervisory Responsibility

Effective supervision is recognised as a key part of this process.

Following initial submission, records should be scrutinised and endorsed either by the line supervisor or other nominated person. Quality control ensures compliance with the law, codes of practice and human rights principles, and monitors integrity issues. This allows for timely intervention that identifies and addresses any individual or group development needs. Additional information on recording and supervising Stop & Search can be found in the ACPO Stop & Search Good Practice Guide.

Section 3

Entering, Collating and Retaining Data

The way in which details of individuals are entered in order to provide aggregated data will influence the type of analysis which can be performed. Data has been captured in various ways.

3.1 New Statistical Requirement

With effect from 1st April 2002 the statistical returns to the Home Office will reflect the requirement for forces to collect information on both self-defined ethnicity and the existing visual assessment descriptive monitoring. The Home Office will be issuing specific guidance on this matter. However, it has been agreed that this will be phased in by police forces during 2002/2003. Police Forces need therefore only complete those parts of the statistical returns relating to visual assessment until their self-assessment data collection system has commenced. From 1st April 2003 both sets of data will be required.

3.2 Minimum Data Entry Standards

The initial record of an encounter is an officer’s original record. As such it is an important document. Accordingly, the protocols regarding the integrity of original documents must be applied. Forces’ quality assurance systems at operational and administrative levels must ensure the accuracy and completeness of the ethnicity and descriptive monitoring sections prior to data entry.

3.3 Collation of Information

It must be remembered that the Home Office imperative is for self-defined ethnicity and descriptive monitoring information for statistical purposes. The police service needs the ability to ‘drill down’ through the data to BCU, unit and individual level to explore disproportionality or other inconsistencies and to effect positive change. Collation systems must be established to enable this to take place.

3.4 Retention of Information

ACPO recommends that, at present, no weed dates be applied to self-defined ethnicity and descriptive monitoring data.
Forces should design their systems (paper or I.T.) with sufficient storage capacity. Capability for weeding should be incorporated to accommodate future developments.

ACPO will issue guidance on weeding and retention of data in due course.

3.5 Ethnicity and Descriptive Monitoring Data Supplied to Other Criminal Justice Agencies

Changes are being introduced in the appropriate MG forms to enable information on self-defined ethnicity to be passed to other criminal justice agencies. Copies of the revised forms will be circulated to enable this process to start from 1st April 2003.

SECTION 4

Analysis of Data

4.1 Analysis

In addition to the prescribed returns to the Home Office, to enhance confidence and trust in the police, through openness and transparency, consideration should be given at force and local level to sharing and discussing analysed ethnicity data with the community.

Key lessons from research have shown that quality is more important than quantity.\(^1\) Management information should therefore include qualitative measures rather than simply the numbers of street interventions undertaken. Comprehensive data allows a better understanding of street interventions and will enable us to improve our service delivery to the community and to inspire confidence. Management information on these issues is essential at the following levels:

- Force;
- BCU; and
- Team and Individual.

4.2 Force Level Information

Analysis is currently based upon the 1991 census data on resident population and describes the impact of various interventions on different minorities.

This population data will be replaced by information from the 2001 census based on the 16+1 classification when published by the Office of National Statistics.

ACPO has agreed that a number of other street interventions will also be subject to self-defined ethnicity and descriptive monitoring. These relate to:

- HORT/1;
- Vehicle Defect Rectification Scheme;
- Endorsable Fixed Penalty Notices;
- Negative Breath Tests; and
- Public Order Fixed Penalty Notices (once implemented).

\(^1\) See ACPO Guide to the use of Stop and Search, section 7 Management Information.
However, the self-defined ethnicity and descriptive monitoring data from these interventions will be recorded within force and will not be a required return to the Home Office at this time.

Self-defined ethnicity and descriptive monitoring data can command high levels of media and community interest. A proactive communication strategy, both force-wide and locally, may be the most appropriate means of demonstrating transparency and ensuring informed debate.

Responsibility for the quality of this data starts at the highest level. Accordingly, there has to be a commitment to use the analysis of self-defined ethnicity and descriptive monitoring information to direct and prioritise action, particularly in respect of identified disproportionality. To achieve maximum effect, a holistic approach is required, encompassing the full breadth of the criminal justice system, from street intervention to judicial disposal.

ACPO recommends that work be undertaken by the Home Office to provide a series of analytical tools for application to ethnicity and descriptive monitoring data for use across the criminal justice system to identify disproportionality.

Exploring disproportionality identified through analysis of self-defined ethnicity and descriptive monitoring information is not straightforward. Many factors must be considered. For example, if disproportionality in stop and search records is revealed, and it is found that this relates to police activity in a particular area, it is not sufficient explanation that the ethnicity profile of those interventions corresponds to the ethnic composition of that local population. Further questions must be asked as to why the activity was concentrated in that area as opposed to any other. Objective justification must be shown if fairness is to be demonstrated. This will be readily achievable if such issues are addressed and documented from the outset.

4.3 BCU Level Information

A prime consideration at BCU level is the provision of information to inform the Senior Management Team about the self-defined ethnicity and descriptive profile of street interventions taking place within the BCU. In addition consideration must be given as to how this information can best be shared locally to inform external groups and agencies. Decisions must be taken in respect of what details will be released and to whom. Local commanders should be in a position to link street intervention information to trends in their areas, providing outcomes of any specific operations within the overall analysis. The analysis of street intervention information forms an important element of the evaluation of strategies to tackle local problems.

4.4 Team and Individual Level Information

Information relating to the team and its members can be used to identify specific development needs. This will require both qualitative and quantitative analysis. It is not about league tables and achieving numbers but about standards of service delivery and problem solving. However, significant differences in rates or patterns of the self-defined ethnicity of subjects of street intervention by individual officers or teams must be explored to identify the reasons. Management information prompts questions and informs action rather than providing answers. Managers and supervisors need to explore street intervention data – not just ensure that it is collected.
Section 5

Sharing and Using

5.1 Sharing and Using

The analysed data from self-defined ethnicity and descriptive monitoring is information for action. If it is not put to constructive use, then the effort and resources devoted to producing it at every stage are wasted. Opportunities for positive change may be missed and the test of best value is clearly failed.

Self-defined ethnicity and descriptive monitoring information has a variety of uses, such as:

- Sharing local data with local community representatives and groups to inspire confidence through transparency and openness. Discussions arising from sharing facts with community partners may help to dispel false perceptions and assist in identifying explanations for data and gain shared ownership of proposals for action.

- Placing global data in the public domain to inspire confidence by making it available for external scrutiny, comparison and further analysis.

- As a management information tool to identify trends, extremes or inconsistencies which should be prioritised for further investigation and action at individual, team, BCU or force level. This applies to both service delivery matters, where the use of discretionary powers warrants close scrutiny, and to the wide range of issues relating to internal fairness. These are equally important in the process of building community confidence and inducing a truly representative workforce. Self-defined ethnicity and descriptive monitoring data must be seen as a useful tool in the process of continuous review and improvement.

- Sharing with statutory partners in the criminal justice system to facilitate ‘cradle to grave’ fairness analysis of criminal justice processes to help identify areas for change.

It must be stressed that sharing data is not an end in itself and may have a negative impact if it is not accompanied by appropriate explanations for the intended audiences. Data out of context carries risks, so written or oral commentaries must always be considered. For example, disproportionality identified through the monitoring statistics is a signpost for further exploration. It does not necessarily equate to discrimination.

5.2 Data Protection

Self-defined ethnicity and descriptive monitoring information is gathered for statistical purposes only and should, in analysed form, be depersonalised and thereby outside the remit of the Data Protection Act. However, when information is to be supplied to anyone outside the service it must be reviewed to ensure that data protection compliance is maintained.
Section 6

Training

6.1 The Imperative For Training

The issue of police treatment of minority ethnic groups has been the subject of much formal and informal debate in recent years. A result of this has been a number of changes to legislation and procedure. One of these has been the introduction of self-defined ethnicity monitoring, to enable the service to analyse its performance in this field with greater accuracy.

To work, the system requires consistent correct use of all procedures from point of contact with the public to its use as a strategic analytical tool.

In order to achieve this, all staff involved with any part of the self-defined ethnicity monitoring process should receive training to have an appreciation of its importance and future implications. There is also a need for training in its basic application in the work place.

6.2 Self-Defined Ethnicity Monitoring Training

ACPO recommends that National Police Training review the ‘Stop and Search’ training package, currently under development, to identify any elements that are inconsistent with any aspect of self-defined ethnicity monitoring, so that these may be addressed.

It is proposed that training specific to the completion of documentation and administrative processes relating to self-defined ethnicity and descriptive information monitoring is developed in-force as it will need to conform to local forms, systems and protocols. Such in-force training must ensure compliance with the Protocol for Collecting Data (see Section 2)

6.3 The Role of the Force Training Manager

Force Training Managers should conduct a training needs analysis prior to devising local training material. The material should be targeted at all individuals involved in the process and should complement the ‘Stop and Search’ programme devised by NPT. Suggestions and guidance on how this may be achieved will be in the ‘Stop and Search’ package.

6.4 Required Trainer Skills

ACPO recommended that only trainers who have received specialist CRR training be used to deliver the ‘Stop and Search’ package. While this would be the ideal for the local delivery of ethnicity monitoring training it is not seen as essential, particularly where this takes place in isolation from the “Stop and Search” package.
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Code A, Police and Criminal Evidence Act, 1984

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ACPO, August 2001

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Home Office, 2000

Extension of Ethnic Monitoring of Police Activity, Guidance for Police Forces  
(Attachment to Home Office Circular 3/96)  
Home Office, February 1996

The Stephen Lawrence Inquiry  
Home Office, February 1999

Race Relations (Amendment) Act, 2000
**Glossary**

<table>
<thead>
<tr>
<th><strong>ACPO</strong></th>
<th>Association of Chief Police Officers of England, Wales and Northern Ireland</th>
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</thead>
<tbody>
<tr>
<td><strong>BCU</strong></td>
<td>Basic Command Unit. (Some forces would relate this to their Operational Command Units, or Borough.)</td>
</tr>
<tr>
<td><strong>CRR</strong></td>
<td>Community and Race Relations</td>
</tr>
<tr>
<td><strong>Disproportionality</strong></td>
<td>In the context of policing, ACPO defines disproportionality as a difference in policing outcome between different ethnic or other groups in respect of the application of a police power (such as stop and search or arrest) or delivery of a police service (such as to victims of burglary or assaults).</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td>The concept denotes social groupings and is pertinent in any analysis of the structure of society. The defining factors include common practices, beliefs, religion and/or language and in some cases distinctive physical characteristics.</td>
</tr>
<tr>
<td><strong>HORT1</strong></td>
<td>Home Office Road Traffic Form 1. This is the form issued to a motorist which accompanies a requirement to produce various vehicle documents.</td>
</tr>
<tr>
<td><strong>IT</strong></td>
<td>Information Technology</td>
</tr>
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<td><strong>MG</strong></td>
<td>Manual of Guidance</td>
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<td><strong>NPT</strong></td>
<td>National Police Training</td>
</tr>
<tr>
<td><strong>Opportunity Costs</strong></td>
<td>The cost of passing up the next best choice when making a decision</td>
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<td><strong>PACE</strong></td>
<td>Police and Criminal Evidence Act 1984</td>
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<td>Police Information Technology Organisation</td>
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<td><strong>PNC</strong></td>
<td>Police National Computer</td>
</tr>
<tr>
<td><strong>Phoenix 6+1</strong></td>
<td>Visual Descriptive system see appendix B</td>
</tr>
<tr>
<td><strong>Racial Monitoring</strong></td>
<td>Statistics that are gathered by the service to identify any inequalities in the delivery of policing services.</td>
</tr>
</tbody>
</table>
| **Racist Incident** | The agreed ACPO definition:-
“A racist incident is any incident which is perceived to be racist by the victim or any other person” |
| **Section 95** | Section 95 of the Criminal Justice Act 1991. |
| **Self Defined Ethnicity** | The ethnic group to which an individual classifies him/herself. |
Appendices

A  16 + 1 Ethnic Classification System

B  PNC/Phoenix Codes

C  Ethnicity Aide Memoire

D  Comparison of the Three Monitoring Systems
### 16+1 ETHNIC CLASSIFICATION SYSTEM

**ETHNIC CATEGORIES AS USED IN 2001 CENSUS FOR ENGLAND AND WALES**

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<td>Any other ethnic group</td>
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**PNC/Phoenix Codes**

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<td>Broad Ethnic Group</td>
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</tr>
<tr>
<td>Black or Black British</td>
<td>B</td>
<td>L. Black – Caribbean</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M. Black – African</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N. Any other Black background</td>
</tr>
<tr>
<td>Chinese or other ethnic group</td>
<td>O</td>
<td>O. Chinese</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>P. Any other ethnic group</td>
</tr>
<tr>
<td>Not Stated</td>
<td>NS</td>
<td>NS</td>
</tr>
</tbody>
</table>
Comparison of the three monitoring systems

This grid is for comparative purposes only. Data derived from self-defined ethnicity cannot be used to provide information for descriptive monitoring purposes.