

Chief Constables' Council

Please select intended audience: **Chief Constables Council**

Title: National Protected Characteristics Code Schemes

Agenda Item: Session 1 - Regional

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When completing the Chief Constables' Council submission template the below 3D model agreed at the December 23 meeting should be reviewed and the paper written against for completion and final submission to the respective Coordination Committee and then onward to the NPCC Business Support team managing Chiefs' Council via CCC ccc@npcc.police.uk

Decision	Discussion	Dissemination
<ul style="list-style-type: none"> • If the item is for decision, what is/are the decision(s) that are sought from council? • Has it been through the relevant Committee first? Is the decision appropriate for delegation? • Has it been through the Regional process? 	<ul style="list-style-type: none"> • If the item is for discussion, is it for discussion with Chief Constables, all Chief Officers, Heads of Departments, a particular Committee? • If it is for a group other than Chief Constables, use the relevant forum. If it is for Chief Constables, be clear on the points for discussion. 	<ul style="list-style-type: none"> • If the item is for information only, who is it for? Can it be disseminated via another route than CCC, such as ChiefsNet, email, or an All Chief Officers Day? • If it is purely for Chief Constables, be clear on why it needs to come to CCC for dissemination.

Please indicate what the paper is requesting: **Decision**

1. INTRODUCTION/PURPOSE

The current national protected characteristics data standards (that provide the code scheme for the recording of protected characteristics for both workforce and Operational data) were formally approved at Chief Constable' Council and are currently under review following the recent Supreme Court Judgement. The code schemes are developed, owned and maintained by the College of Policing.

The code schemes are part of a broader programme of work to ensure consistent, lawful, and accountable recording of protected characteristics across UK policing. This will support the identification of disproportionality and disparity at both local and national levels, help address individual force Areas for Improvement (AFIs) related to data recording and respond to recommendations from multiple national inquiries and reports. This includes Baroness Casey's recent National Audit on Group-based Child Sexual Exploitation and Abuse, which calls for mandatory collection of ethnicity and nationality data for all suspects in child sexual abuse and criminal exploitation cases, as well as improved ethnicity data collection for victims.

Approval of the changes to the code scheme is a critical enabler for a broader scope of work to embed the national protected characteristics data standards effectively across policing IT systems and equip our workforce with the correct knowledge and skills, ensuring a consistent and scalable implementation.

The purpose of this paper is for Chief Constables Council to approve the revised National Protected Characteristics Data Standards which are attached as an appendix. These will continue to be maintained by the College of Policing in conjunction with the NPCC DEI Coordination Committee.

2. BACKGROUND

Police forces in the UK generate and manage ever-increasing amounts of data, including crime records, incident logs, intelligence reports, body-worn video, and performance data. The value of this asset is in part predicated on the quality of the data, the ability to share at scale and pace and transparency in what is recorded and why.

The current landscape means that recording of protected characteristics across police forces is often inconsistent or incomplete – and evidence (taken from the PND Information Assets dashboard) would suggest that for certain characteristics there is a 70% incompleteness rate. The recent written evidence submitted by The National Centre for Violence and Public Protection to parliament stated, that data quality and consistency is a challenge. Recent contributory factors such as the UK Supreme Court judgment in relation to the scope of the Equality Act on sex and gender and misinformation around the ethnicity of grooming gangs and the lack of reliable data around the ethnicity recording in policing have raised further scrutiny and queries relating to the recording of protected characteristics on policing systems.

For policing to be able to make operational decisions about risk, it needs to do so with high quality, reliable data. What we know and therefore understand about the people who represent a risk, or the people who may be subjected to risk is directly impacted by low quality data. In simple terms, policing needs to record key data about people in a consistent manner.

This cannot be left to forces to determine locally, each force works within the same legislative and regulatory framework and faces the same challenges. We have responsibilities through the Equality Act 2010, the Public Sector Equality Duty, the Data Protection Act and the Human Rights Act. A standardised approach negates the risk of multiple interpretations of requirements which open the service and individual forces to risk.

The implementation of the National Protected Characteristics Data Standards are also integral to aspects of the HMICFRS PEEL inspection where it has been highlighted and an issue consistently for forces. Many forces have an AFI for improvement around the recording of protected characteristics.

30 different reports have been published since 2017 describing the problem of a lack of accurate data on race and recommendations for improvement. A review of crime data recorded during 2021-22 found that where a victim had been identified, 61% of cases had no victim ethnicity recorded.

The 2025 Casey National Audit on Group-based Child Sexual Exploitation and Abuse also made a recommendation to order police forces in England to mandate collection of ethnicity data in child sexual abuse and exploitation cases.

3. SUMMARY OF PROPOSAL

This paper seeks approval from Chiefs' Council for the revised *Recording Standards Code Scheme* (attached at annex 1) for protected characteristics, to be formally adopted as part of policing's national data catalogue.

The revised Code Scheme serves as the foundation for both the Workforce and Operational Recording of protected characteristics data standards. While the overall structure and content of the existing scheme remain largely unchanged from the previously approved version. Amendments have been made to the following questions.

- Sex
- Gender identity
- Gender Reassignment
- Disability – additional questions for specific circumstances such as determining care in custody or provision of reasonable adjustments in assessment and examinations.
- Nationality

The proposed changes and rationale are evidenced within this section of the paper. These changes are essential to ensure legal compliance, improve data integrity, and support more inclusive and evidence-based policy and service delivery.

Reassurance, Consultation and feedback

The original code scheme has a full Equality Impact Assessment (EIA) which has been updated based on the proposed changes to the Disability, Sex, Gender Reassignment and Gender Identity questions. The proposed changes have also been reviewed by the College of Policing’s legal validation team.

Sex, Gender Reassignment and Gender Identity questions consultation

Initial consultation was conducted with OSR (Office for Statistics Regulation), Alice Sullivan (Author of [Independent review of data, statistics and research on sex and gender - GOV.UK](#), published on 19 March 2025), Ann Fairweather, Senior Policy Advisor – Home Office Priority Postings Team, Strategy and Corporate Governance Unit.

The following people and groups were invited to provide feedback on the updated Sex, Gender Reassignment and Gender Identity questions:

- National LGBTQ+ Lead
- NPCC LGBTQ portfolio lead and + SO
- Police Federation
- NPCC
- APCC
- Police Scotland
- BTP
- BAWP

Updated Disability question consultation

The following people and groups were consulted during the development of the updated Disability question:

- NPCC Disability Portfolio Lead

- NPCC Neurodiversity Portfolio Lead
- National Disabled Police Association
- National Police Autism Association

The NPCC/College of Policing also participated in a Police Scotland Stakeholder event on Data recording standards as it relates to sex and gender, attended by a variety of statutory and non-statutory staff associations, trade unions, community groups and representatives of women’s and LGBTQ+ groups, to gather input and feedback on proposals and suggest improvements. Comments and feedback from this consultation have been taken into account to help inform the proposed new coding scheme.

PROPOSALS FOR THE UPDATED QUESTIONS AND RATIONALE FOR CHANGE

SEX QUESTION

The new proposed question for the recording of sex is:

- What is your Sex?

Guidance Note

If you are considering how to answer, use your Sex registered at birth, a question about Gender Identity will follow.

Response Options

- Female
- Male
- Prefer not to say (Only used in limited cases where information is not required)

The rationale for the new wording of this question is as follows:

On 16th April 2025, the Supreme Court ruled that references to “sex”, “man” and “woman” in the Equality Act (2010) refer to biological sex (a person's sex at birth).

It is accepted that in some systems or in some scenarios, a guidance note may not be applicable or appropriate.

Additionally, an [Independent review of data, statistics and research on sex and gender - GOV.UK](#) commissioned by the government was published on 19 March 2025. It states that “Questions on sex and/or gender identity should not contain an additional category for people with DSD (Disorders of Sex

Development) conditions, sometimes also known as 'intersex'. As a result of this research and the fact that "Intersex" cannot be a sex assigned at birth, it has been removed from the response options.

The proposed question replicates the ONS harmonisation standard and the 2021 Census, making it useful for comparisons to communities and other data sets.

Effectively the question and output (with the exception of removing "Intersex" as an option) remains unchanged, the guidance note explains what is meant by "Sex" and aligns to new legislation.

GENDER IDENTITY QUESTION (not a protected characteristic)

The proposed question for the recording of gender identity is:

The proposed question is:

- What is your Gender Identity?

Response Options

- Woman
- Man
- Non-Binary
- Other
- Prefer not to say

Whilst gender identity is not a protected Characteristic, we have a duty to treat all individuals with dignity and respect. This is a fundamental aspect of ethical policing and is enshrined in the Code of Ethics.

To help us adhere to these principles, it is important that, in most cases, we collect the Gender Identity of those we work with or come in to contact with. This will help us to carry out our duties with respect and empathy.

In September 2024 (updated November 2024), The OSR (Office for Statistics Regulation) published the Review of statistics on gender identity based on data collected as part of the 2021 England and Wales Census. In this review the OSR states that "We consider that there is sufficient correlational evidence that the gender identity question in the census has underperformed, and some users, producers and stakeholders have lost confidence in the suitability of the gender identity question."

Some organisation's questions around Gender Identity, use a two-tier approach, first asking whether a person's Gender Identity is the same as that registered at birth, followed by either a free text box (which is unreliable and unlikely to be a cost-effective system update) or a list of Gender Identities. We propose that a simpler, one tier approach is taken, that provides users with the information required to treat individuals with dignity and respect.

The response options that we have provided in the proposed question below are research based. The output from the Census 2021 Gender Identity question highlighted the following:

Across England and Wales, there were responses from 45.7 million people (94.0% of the population aged 16 years and over).

A total of 45.4 million (93.5%) answered “Yes” to the question, indicating that their gender identity was the same as their sex registered at birth.

A total of 262,000 people (0.5%) answered “No”, indicating that their gender identity was different from their sex registered at birth. Within this group:

118,000 (0.24%) answered “No” but did not provide a write-in response

48,000 (0.10%) identified as a trans man

48,000 (0.10%) identified as a trans woman

30,000 (0.06%) identified as non-binary

18,000 (0.04%) wrote in a different gender identity

GENDER REASSIGNMENT QUESTION

The proposed question for the recoding of gender reassignment is:

Definition

The EHRC defines gender reassignment, for the purposes of the Equality Act (2010), as a process of reassigning a person's sex by changing their physiological or other attributes of sex. This means that a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing, or have undergone such a process, even if they are not undergoing medical treatment or have not obtained a Gender Recognition Certificate.

Question

Do you have the protected characteristic of gender reassignment?’

Response options

- Yes
- No
- Don’t know
- Prefer not to say

Gender Reassignment is a Protected Characteristic under the Equality Act (2010). The EHRC defines gender reassignment, for the purposes of the Equality Act (2010), as a process of reassigning a person's sex by changing their physiological or other attributes of sex. This means that a person has the protected characteristic of gender reassignment if they are proposing to undergo, are undergoing, or have undergone such a process, even if they are not undergoing medical treatment or have not obtained a Gender Recognition Certificate.

It is important to note that a person may not hold a GRC, but still identify with the protected characteristic of gender reassignment. As such, an additional question will need to be asked to collect data for those who do not hold

The Office for National Statistics suggests the following question, which is the same as used in the existing Standard Code Scheme.

Question: Is your gender the same as the sex you were registered at birth? Note: This question is voluntary
Response options: Yes; No, write in gender. However, The Office for Statistics Regulation (OSR) has stated that the statistics produced by this Census variable do not comply with important quality aspects of the Code of Practice for Statistics and has de-accredited these as official statistics. This question (and variants of it) should not be used.”

The review of data, statistics and research on sex and gender, published on 19 March, 2025 states “For organisations wishing to capture the protected characteristic of gender reassignment for the purposes of equalities monitoring, a question on trans status lacks sufficient specificity, and therefore will not assist in compliance with the PSED (Public Sector Equality Duty)

Any question about gender reassignment should provide a definition to assist with responding. In this case it is proposed that the EHRC definition is used, in the same way we use the Equality Act definition of Disability to assist with responses and increase data quality and consistency. The question is designed to capture the protected characteristic information in a simple and consistent way and it is the question recommended for use in the review of data, statistics and research on sex and gender, published on 19 March 2025.

DISABILITY QUESTION/S

Part 1

Guidance Note

Does your condition(s) meet the definition of a disability under the Equality Act? Please read the definitions below to understand how your condition(s) might be included. It does not matter whether you have a formal diagnosis. The Equality Act 2010 imposes a positive duty on employers to make reasonable adjustments for disabled employees and job applicants.

You are disabled under this act if you have a physical or mental impairment, or neurodivergent condition that has a 'substantial' and 'long-term' negative effect on your ability to perform normal daily activities. What 'substantial' and 'long-term' mean.

'substantial' is more than minor or trivial, for example it takes much longer than it usually would to complete a daily task like getting dressed.

'long-term' means 12 months or more, for example a breathing condition that develops because of a lung infection.

Progressive conditions

A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled. However, you automatically meet the disability definition under the Equality Act 2010 from the day you are diagnosed with HIV infection, cancer, or multiple sclerosis.

Question

Do you consider yourself to have a disability according to the definition above?

Response Codes

- Yes
- No
- Prefer not to say

Part 2 (To be included ONLY if additional data is required)

Question

Do you have any of these health conditions, learning or communication differences?

Response Codes

- ADHD (Attention Deficit Hyperactivity Disorder)
- ASD (Autistic Spectrum Disorder), Aspergers or another condition with differences in communication and interaction
- Blindness or visual impairment not corrected by glasses
- Deafness or Moderate to severe hearing loss
- Dyslexia, Dyspraxia, Dyscalculia, Dysgraphia, or another learning difference
- Long term illness. For example, cancer, HIV (Human Immunodeficiency Virus), diabetes, chronic heart disease or epilepsy
- Mental Health Condition. For Example, PTSD (Post Traumatic Stress Disorder), depression, schizophrenia, or anxiety disorder
- Physical disability or mobility issue. For example, impaired use of arms or legs, use of wheelchair or crutches
- Neurological or Movement Disorder, Tic Disorder or TS (Tourette's Syndrome)
- Another disability, health condition or impairment affecting daily life. For example, Colitis, Crohn's, Fibromyalgia, ME (Myalgic encephalomyelitis), MND (Motor neurone disease), etc.
- No, I do not have any of the above
- Prefer not to say

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Following consultation with the National Disabled Police Association, National Police Autism Association, NPCC Disability Lead and NPCC Neurodiversity Lead, it was agreed that merely providing the definition of disability indicated in the Equality Act would not be the best way to ask people to share information relating to disability. Instead the question was opened up to be more inclusive and consider neurodiverse conditions. The list in part 2 of the question set was developed in consultation with key stakeholders and should be used when greater detail is required.

Nationality Question

Question

How would you describe your nationality?

Response Options

The codes should be selectable from a drop-down list of nationalities.

For ease of use, the list should start with the following nationality codes: British, English, Scottish, Welsh and Northern Irish, then be followed by the alphabetical list of all nationalities.

Rationale

Whilst not a protected characteristic per se, the Casey Review specifically recommended the mandatory collection of nationality data for all suspects in cases of child sexual abuse and exploitation. Because of this, Nationality has been included as part of that code scheme.

Deviation from ONS harmonised standard or Census 2021

The Census 2021 question asks about National Identity, which can differ from Nationality. The response options in the Census were the following: British, English, Scottish, Welsh and Northern Irish, followed by a free text option. The code scheme proposal uses a drop-down list to increase usability.

- 4. STATEMENT/DETAILS OF COST OR RESOURCE IMPLICATIONS (All papers which have a funding request or implication (i.e. resource abstraction) will need to be reviewed by the NPCC Finance Coordination Committee before submission to the NPCC central office) – Finance Committee Coordinator will provide financial contribution per force / partner organisations.**

Funding and Financial Implications (NPCC/Forces):

Is there a financial implication for Police Forces and/or policing bodies? No

5. STRATEGY, DELIVERY AND BUSINESS PLANNING

The approval of the revised National Protected Characteristic code scheme is the first stage of a wider programme of work to improve the recording of protected characteristics across policing. CC Rachel Swann chairs the National Steering Group for the Implementation of National Protected Characteristic Data in Policing including representatives from DDAT, DEI, PMCC, CJ and Workforce Committees along with representatives from the College of Policing Home Office, HMICFRS, NCA and PDS.

The NPCC DDAT Committee has started a piece of work to support forces' technical implementation across the most relevant policing IT systems (Force Records Management Systems) by provision of an outline technical and data specification. The technical and data specifications can be used for ongoing

other local force and national IT systems. This work is currently paused waiting approval of the National Protected Characteristic Code Scheme and will start again following a positive decision at council.

A paper has been submitted to the College of Policing's TCDG board to scope what support forces may require implementing the standards at a practical level, including considerations on how to use the data standard with respect to necessity and proportionality, how and when we collect information about a person's protected characteristics, how confident people feel in doing so and explaining why personal information is being requested will all be key to improving data quality.

6. OPPORTUNITIES AND RISK – What are the strategic, operational and/or tactical opportunities, benefits and risks associated with the funding request and the proposed strategy/deliverables outlined above?

6.1. Benefits

Developing a greater understanding of diverse communities, will ultimately improve police relations. This could be measured through victim satisfaction rates and complaints data. (TRUST AND TRANSPARENCY)

- Improvement in the quality of policing data relating to victims, witnesses, Suspects, etc. The benefits of this include: greater community confidence, improved investigation capability, improved outcomes for victims. (HIGH QUALITY DATA)
- Improvements in knowledge of what to ask, when to ask and how to ask about characteristics. The benefit of this will be improved data completion, greater confidence in data and improved decision-making capability. (CONFIDENCE IN THE USE OF DATA)
- Improved capability to monitor community impact, identify disparity and react to risks. (MANAGEMENT OF RISK)
- A national, standardised recording system will allow forces to share information more effectively, leading to improved customer service and more effective resourcing. (INTEROPERABILITY)
- Greater compliance with the current legislative and regulatory framework, including Public Sector Equality Duty, Data Protection Act 2018 and Human Rights Act 1998. (COMPLIANCE)

6.2. Risks

1. **Lack of uniformed approach:** given increasing pressure around the recording of protected characteristics forces may start to take their own approach and no national, uniform approach is adopted.
2. **Failure to detect and address disparity/disproportionality:** where protected characteristics are not recorded consistently, we cannot identify patterns of disproportionality or unequal treatment.

3. **Erosion of public trust:** Inconsistent data collection can damage trust in the police, particularly among communities that already feel marginalised or over-policed.
4. **Inability to identify national trends:** Without standardised data across all forces, we cannot detect national patterns or systemic issues in policing outcomes.
5. **Compromised integrity of national crime statistics:** Inconsistent recording practices can distort national crime data, leading to inaccurate conclusions about crime rates, victimisation, and justice outcomes.
6. **Poor evidence base for equality and diversity initiatives:** Without reliable data, we cannot effectively design, implement, or evaluate initiatives aimed at promoting equality and diversity.

7. CONCLUSION (incl DECISIONS REQUIRED)

A decision is required to agree the revised National Protected Characteristics Code Scheme to ensure consistent, lawful, and accountable protected characteristics data recording practices across UK policing.

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