Exploring ethnic data collection for the Child and Family Agency

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Acknowledgements

1. Introduction

1.1 Context

Ethnic diversity in Ireland is increasing and is likely to continue to do so in response to current trends in society such as rapid immigration and a greater number of people seeking asylum (McGinnity et al, 2018; Sheridan, 2017). Internationally, data relating to ethnicity is collected to track inequality, improve services, inform policy and to monitor outcomes (Strmic-Pawl et al, 2018). There is an argument that ethnic data should be collected for positive purposes to measure experiences, outcomes and to track disparities, to inform policymaking to accomplish greater social justice (American Sociological Associations, 2003). Ethnicity can change over time and was used negatively in the past to categorise people. Measuring ethnic identity has historically been challenging and given its sensitive nature it is important to consider how to collect data regarding ethnicity in an ethically appropriate way (Burton et al, 2009). In the Irish context there is a belief that some ethnic groups, for example, Irish Travellers, are over represented in the child welfare and protection system. However, currently there is no clear policy or procedure in Tusla for collecting ethnic data. This exploratory study aims to support the development of an ethically appropriate, legal ethnic data collection system within Tusla that adheres to a human rights framework.

1.2 Aims and Objectives

This research aims to assist Tusla - Child and Family Agency in identifying current legislative, policy contexts and obligations to develop an ethically appropriate, legal ethnic data collection system that adheres to a human rights framework. The project consists of three main objectives:

  a) Identify the legislative and policy context within which Tusla can develop an ethnic data collection system.

  b) To establish best practice guidelines for Tusla in ethnic data collection methods and systems.

  c) To ensure that Tusla's information systems (IS) can apply best practice to inform service improvement.

As part of a partnership agreement, the UNESCO Child and Family Research Centre (UCFRC) was commissioned to conduct this research on behalf of Tusla. Throughout this work, the UCFRC has worked in close collaboration with Tusla's national research office staff.

1.3 Structure of the Report

Following this introduction, the report is structured into four further chapters:

Chapter 2 sets out the methodological approach taken towards consulting with experts about ethnic data collection.

Chapter 3 contains a literature review, which helps define ethnicity and discusses the collection of ethnic data as well as existing legislation.

Chapter 4 summarises the results of interviews with 17 identified stakeholders.

Chapter 5 provides an overview of our conclusions and discusses recommendations for the future collection of data regarding ethnicity in Tusla.

1.4 Summary of Key Messages

Set out below is a summary of the key messages from the research.

- Data relating to ethnicity are subjective and difficult to define.
- The collection of ethnic data is a sensitive issue.
- Barriers towards collecting ethnic data include fear or suspicion from participants and the capacity of practitioners to collect data.
- It is important for organisations who collect ethnic data to have a clear rationale for doing so.
- Data collection should be fully informed by relative legislation (Equal Status Acts; Data Protection Act and Article 8 of EU Directive 95/46/EC).
- The Central Statistics Office (CSO) categories should be used by organisations collecting ethnic data in an Irish context.
- Ethnic data should be collected on a voluntary basis.
- Training should be provided for staff in organisations collecting and inputting ethnic data.

2. Methodology

This research aims to assist Tusla in identifying current legislative, policy contexts and obligations to develop an ethically appropriate, legal ethnic data collection system that adheres with a human rights framework.

The project consists of three main objectives as follows:

Objective 1: Identify legislative and policy context within which Tusla can develop an ethnic data collection system.

Objective 2: Establish best practice guidelines for Tusla in ethnic data collection methods and systems.

Objective 3: To ensure that Tusla's information systems (IS) can apply best practice to inform service improvement.

2.1 Literature Review

A search of formal academic literature using appropriate search engines and databases on legislation, policy, practices and literature on ethnic data was undertaken. This search utilised social science, academic databases available through the James Hardiman Library at NUIG. The search also included publications retrieved through research institutes at other Irish and international universities. A search of other web-based sources including websites of government and non-governmental agencies nationally and internationally involved in ethnic data collection was also undertaken. A search of child protection and welfare literature was carried out using the web of science database and collated onto endnote. Abstracts were then scanned for relevance and suitable papers were included in the review. Key search terms included the following: Ethnic data and out of home care; ethnic data collection and children in care; child protection and ethnic data; indigenous data and child protection; Ethnic data and youth in care (Appendix 3).

2.2 Semi-structured Interviews

To meet objective one and two, 17 semi-structured interviews were conducted with key-identified stakeholders. More specifically, interviews were designed to answer the following research questions:

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- What are Tusla's current practices in the collection of ethnic data and what practices exist within other public-sector bodies that Tusla can learn from?

- What is required by Tusla to establish a sustainable data collection system that connects with Tusla's development of IS such as NCCIS and what financial costs will be incurred?

- What are the challenges and enablers to ethnicity based data collection in Ireland and to Tusla?

Interview questions were developed based on findings from a literature review as well as research aims and objectives.

The Interview schedule was based upon six topics namely background information, challenges, practice guidelines, legislative context, European Framework for the protection of children's rights and policy context (Appendix 1). Ethical approval for interviews was granted from the research ethics committee (REC) at National University of Ireland Galway (NUIG) and Tusla Research Ethics Review Group, Child and Family Agency.

2.3 Sampling

As many participants wished to preserve their anonymity in this report, this section will offer a brief non-identifiable description of the sample interviewed.

Initial interviewees were purposively sampled based upon their knowledge of ethnicity and child protection services in Ireland. Access was gained through our gatekeeper, Tusla. The Agency provided the researchers with contact information of ten potential interviewees with backgrounds in Tusla's five service strands namely, child protection and welfare, alternative care, family and community support, educational welfare services and domestic, sexual and gender-based violence. Ten initial invitations were sent to participants and four stakeholders agreed to take part. Using information gleaned from our literature review, a further five potential interviewees were invited to participate based upon their expertise and knowledge of working with ethnic data in the UK. Three agreed to take part. These interviewees were involved in the use and development of exemplary data collection systems and best practice services in the educational sector. Thereafter, participants were selected through snowball sampling with each participant asked at interview to suggest further interviewees who are knowledgeable in the area of ethnic data collection. In total 25 requests were sent to potential participants through snowball sampling and ten were recruited. It should be noted that given the sensitive nature of this topic many potential participants declined to take part in the research process. The reason

for low response rates is not fully clear, however, many of those who declined to take part cited concerns over sensitivity, over researching the topic, short time frame and changes to staffing as reasons for not taking part. Figure 1 below provides a more detailed description of participants.

Figure 1 - Participant Descriptions

Participant Code Name	Country
Participant 1	Ireland
Participant 2	Ireland
Participant 3	Ireland
Participant 4	Ireland
Participant 5	Ireland
Participant 6	Ireland
Participant 7	Ireland
Participant 8	UK
Participant 9 & 10	UK
Participant 11	UK
Participant 12	UK
Participant 13	Ireland
Participant 14	Ireland
Participant 15	Ireland
Participant 16	Ireland
Participant 17	Ireland

2.4 Analysis

Interviews were tape-recorded and lasted from 30 minutes to one hour in length. Interviews were analysed using NVivo 11 software. A modified form of thematic framework analysis developed by the Qualitative Research Unit at the National Centre for Social Research in the UK (Richie and Spencer, 1994) and Braun and Clarke (2006) was used to analyse interviews. Firstly, interviews were transcribed from tape recordings. Secondly, the researchers familiarised themselves with the data which involved reading and re-reading the text. Similarities, differences and contrasts between transcripts were noted. Thirdly, initial codes were generated, this involved categorising interview content using pre-existing interview topics from interview

schedules as well as using margins at the side of interview texts to generate new codes. Fourthly themes were developed and recorded in NVivo 11 for organisational purposes. The fifth phase, involved reviewing themes to ensure that they were relevant. Themes that were too broad were subdivided. Finally, themes were rearranged to form clusters of organising themes and subthemes (Braun and Clarke, 2006). While often themes developed through thematic analysis refer to consensus of opinions, much of what was sought in this project was informational in nature and the level of information gained varied from person to person. Therefore, there is an emphasis on learning points, suggestions and guidance throughout the results section.

2.5 Limitations

In the context of a relatively small scale study two limitations arise. Firstly, we had great difficulty achieving our desired sample size. While the research team is satisfied that the research has generated good information, interviewees may have been cautious in their responses to the questions asked.

3. Literature Review

3.1 What is ethnicity?

This section seeks to define ethnicity and key related concepts such as race, culture, citizenship and nationality. It will then describe how each concept relates to one another.

3.1.1 Race

Hirschman (2004) asserts that race is a concept that was developed in the 19th century to account for differences between groups in society. Scott and Marshall (2005) maintain that racial categorisation is based upon observable characteristics of an individual such as facial characteristics, skin colour, hair type and eye colour. On the other hand, Williams et al (1994) argue that race is an unscientific and socially-constructed term that is founded upon the view that some human population groups are different to others on the basis of appearance.

3.1.2 Culture

Kidd and Teagle (2012) contend that culture is related to macro-patterns or the way in which a group lives in terms of customs, attitudes, beliefs, traditions and rituals of society. Culture is founded upon how people behave as a part of a group, whilst identity relates to the micro-patterns of individuals and how we think about ourselves as a people as well as what we imagine others think of us. Culture and identity are connected but should not be viewed as exactly the same concept (Kidd and Teagle, 2012). Thus, cultural identity is "how people understand and define themselves and others" (Bilton et al, 2002, p. 177).

3.1.3 Citizenship and Nationality

Citizenship involves the position or status of being a citizen of a particular country. Citizenship describes the rights and duties of the member of a nation-state or a city (Scott and Marshall, 2005). Nationality involves belonging to a particular nation. Being a citizen consists of individualistic and collective elements. As well as having rights, citizens also have duties and obligations to their state or nations (Faulk, 2005).

3.1.4 Ethnicity

Ethnicity is a widely used term and authors have outlined its origins as a word to describe those who were not Christian or Jewish (Malešević & Malešević, 2004; O'Hagan, 1999). The word ethnicity was first used to distinguish from race which is often viewed in biological terms. Scott and Marshall (2005) state that "members of an ethnic group may be identifiable in terms of racial attributes, but they may also share other cultural characteristics such as religion, occupation, language or politics" (p.197). New ethnic groups are continuously formed and given its origins, ethnicity is often used to identify minority or less dominant groups and therefore has the potential for negative or discriminatory interpretations or political misuse. Malešević & Malešević (2004) suggest that imposing the idea that individuals belong to an ethnic group can become oppressive by categorising or boxing individuals into involuntary associations. However, Jenkins (2008) argues that there is a need to acknowledge that ethnic categorisation is a necessary part of how ethnic identification works. For the purpose of this report, ethnicity or an ethnic group is defined as individuals who consider themselves or who are viewed by others to share common characteristics that differentiate them from other groups in society and from which they develop their distinctive cultural behaviour (Scott and Marshall, 2005).

3.1.5 Relationship between concepts

Definitions of ethnicity overlap with the meaning of race, cultural identity, nationality and citizenship. For example, Fenton (2003) maintains that the meanings of ethnic group, race and nation share the common idea of descent or shared ancestry, ideas of class type alongside place. He states that each term occupies the same terrain and conveys a sense of people but that they also diverge. O'Hagan (1999) affirms that identity is the absolute sameness with something, which can include a group, community, nation-state, race with specific features, a religion, sexual orientation or language. He notes that the definition of culture has evolved considerably and strongly varies within different academic disciplines.

In Fenton's view, ethnic groups refer to descent and culture communities but it often "refers to sub-sets within a nation-state, difference is typically culture rather than physical appearance and often that group is referred to as other to a majority that is not ethnic" (p.23). With nationality, descent and culture communities are associated with a state or country. In keeping with this, Pobal (2017) states that nationality can be used interchangeably with citizenship for instance a Traveller may identify as Irish, English or French. Nationality may refer to a person's country of birth or their citizenship. However, race refers to descent and culture communities

but also alludes to physical differences as the main marker of difference and that local groups are abstractly developed divisions of humankind (Fenton, 2003).

3.2 What is the rationale/justification for gathering data on ethnicity?

This section will discuss the rationale or justification for gathering data on ethnicity. It will describe how data relating to ethnicity is gathered for various purposes within different sectors including equality, service improvement relating to needs, migration and child welfare and protection.

3.2.1 Service improvement relating to needs

The collection of ethnic data and statistics has become common practice in many countries. Population statistics are useful to map trends including levels of education, gender distributions and labour market figures, yet, they also offer an insight into particular states' cultural, social and economic primary concerns (Walter, 2013). Aspinall and Anionwu (2002) note that one of the main strengths of ethnic data monitoring is that it enables policy makers and governments to investigate inequalities in society. National census statistics are used as a lens by governments and policy makers to view the population profiles, geographic distributions, educational profiles, labour force participation and health status of indigenous populations. Census data regarding indigenous populations are often "presented as a sub-set of the general population and have become the backbone for the creation and implementation of social policy for indigenous people" (Walter, 2013, p.8). Data is collected to enable departments to effectively plan and deliver culturally appropriate services to diverse populations (Government of Western Australia, 2014). It is also necessary for government agencies and service providers to have access to data and to fully comprehend the demographic, socioeconomic and cultural characteristics of their clients (Government of Western Australia, 2014).

Statistics concerning ethnicity can be used to develop policy, for example, the over representation of indigenous people in homeless populations. In the not-for-profit community and inclusion sector, Pobal (2017) state that ethnic data should be used to monitor discrimination, contribute towards policy and to help identify barriers for groups who wish to access services. The Parekh Report (2000) is a report by the commission on the future of multi-ethnic Britain, which suggests ways in which racial discrimination and disadvantage can be countered (Uberoi, 2015). The Parekh Report recommends that all children and adult services should monitor ethnicity, language and religion. Ethnic data is collected to ensure that specific

target groups are not excluded, individuals are registered in the most appropriate categories and services can be tailored to suit specific needs (Pobal, 2017). Egenberger (2007) notes that in Europe, Roma are often discriminated in the areas of education and child protection systems and although research has examined the issue, little change has occurred. She argues that to achieve worthwhile change policy makers need to know the full scope of the situation and that information that can inform policy could be achieved through accurate ethnic data collection.

3.2.2 Healthcare services

In the USA, reporting data on patient race, ethnicity and language to state agencies, such as California Office of State-wide Health Planning and Development (OSHPD), and federal agencies such as Medicare, is mandatory (Azar et al., 2012). In terms of legislation, the Patient Protection and Affordable Care Act and Education Reconciliation Act, 2010 demand that reliable and enhanced collection and reporting of patient race, ethnicity along with language to monitor the health care needs of the USA population. In the USA, ethnic data is also used to track healthcare disparities and to facilitate comparability across hospitals.

In Ireland, ethnic data is collected to record the alcohol and drug consumption of various groups and this information is used to inform harm and alcohol policy. The National Drug Treatment Reporting System (NDTRS) is a database regarding treatment for drug and alcohol misuse which includes an ethnic identifier question. Health Research Board (HRB, 2016) has been analysing NDTRS since 2007 and advises that membership of an ethnic minority often presents risk factors which may increase the likelihood of drug use. Data from NDTRS can help to frame policy such as National Drug Strategies and social inclusion policy. The NDTRS later used ethnic data sets that are comparable with those used in the CSO census (Pavee Point, 2012). The Pompidou group is the Council of Europe's drug policy co-operation platform who have developed a protocol to collect drug treatment demand data. Pavee Point (2012) state that NDTRS originally defined groups using the Pompidou group's definition Protocol and later revised this in line with European Monitoring Centre for Drug and Drug Addiction's treatment Demand Indicator Protocol.

3.2.3 Migration

In recent years there has been an increase in the number of people seeking asylum in Ireland. Accordingly, children who are seeking asylum and have become separated from their primary care givers are referred to Tusla (Tusla, 2018). Many of these children have previously experienced issues such as trauma, bereavement or language barriers (Tusla, 2018). Tusla's

separated children services offer care, family reunification and aftercare support for unaccompanied children (Tusla, 2017). Many EU states have an over representation of Romani children in state care and ethnic data is necessary to identify figures, to ensure that the ethnicity of children living away from their parents can be developed and it can also be used to verify change (Egenberger, 2007).

Examples of projects that collect data and carry out analysis on migration and migrants' rights include estimates of the number of irregular migrants in the USA, disaggregated data on migrant children, ensuring all migrants, regardless of status are included in the civil registry and data collection focusing on measuring integration and discrimination by mapping the outcomes of migrants and minorities. The Pew research center's Hispanic Trends Project use a residual method based on official government data along with census data to measure impacts of irregular migration. The Clandestino Project (2009) aims to collect reliable data on trends in irregular movement across Europe. Because of this project a database on irregular migration in Europe was created. In spite of this, Ceriani et al (2015) note a lack of official estimates on the number of migrant and undocumented children. However, Eurostat (2011), Clandestino (2009), Pew Hispanic Center and the Swiss monitoring office for Asylum and foreigners law offer estimates on undocumented migration. Administrative data gathered through civil registries on births and deaths are important. However, there are many obstacles towards migrant parents registering births for instance; unauthorised migration, accessibility issues for mobile populations and difficulties accessing registration services (Butt et al, 2015). As a result, in the Netherlands birth registration can be made by a third party. To map integration and discrimination the Australian Bureau of Statistics included many additional questions in the national census pertaining to the relationship between a migrant's entry visa status and their outcomes after arrival, regarding aspects such as language, employment and income.

3.2.4 Child protection and welfare

In the child protection and welfare sector, ethnic data is collected to identify disparities between groups, to examine referral patterns, to explore the representation of groups in care, outcomes and duration of time in care. Academic studies explore racial and ethnic disparities of families using child protection and welfare services (Johnson et al, 2007; De nard et al, 2017). Dakil et al (2011) suggest that an improved understanding of racial disparities relating to physical abuse can help to determine if education programmes or prevention resources specific to ethnic populations are necessary. Studies compare referral rates of children from different ethnic

backgrounds to out-of-home care (Fusco, Rauktis, McCrae, Cunningham, & Bradley-King, 2010; Lovato-Hermann et al, 2017; Summersett-Ringgold, Jordan, Kisiel, Sax, & McClelland, 2018). Other studies examine the representation of indigenous groups in out of home care (Tilbury, 2009; Zhou & Chilvers, 2010). Researchers also explore the outcomes of children in care from different ethnic backgrounds (Abram et al., 2017; Dworsky et al., 2010). Attar-Schwartz (2013) investigate differences between ethnicities, their research focuses on the prevalence of runaway or attempted runaway behaviours of Jewish and Arab children in residential care. Garcia et al (2017) examine ethnicity and the effects of adverse childhood experience on social, emotional or behavioural outcomes about youth who received mental health services after entering the child welfare system. It is also used to understand the attitudes and experiences of parents, social workers (Williams & Soydan, 2005). This includes research that examines services for children and parents with limited English proficiency (Alaggia, Maiter, & Jenney, 2017; Maiter, Alaggia, Chan, & Leslie, 2017). Williams and Soydan (2005) advise that it is important for social workers to have an awareness of ethnic diversity. They caution against taking a colour blind[1] approach that would eschew "difference in its search for a universal formula" (p. 903). They feel that this approach is misleading and simplifies diversity.

Using ethnic data provides evidence to readdress, rethink or disprove ethnic disparities. It helps to improve access to services, to provide an awareness of how social work practice can be affected by cultural issues and can offer an insight into the effectiveness of child protection and welfare policy (Zhou et al, 2010; Bywaters et al, 2017; Lee et al, 2017; Littlechild, 2012). Collecting this type of information can help to develop evidence based policy to improve the lives of children and their families. The following section will discuss challenges and risks with gathering data on ethnicity.

3.3 What are the challenges and risks with gathering data on ethnicity?

This section will discuss the challenges and risks associated with gathering data relating to ethnicity in terms of limited experience, data misuse, missing data, costs and feelings of distrust. Pavee Point (2012) suggests that challenges associated with ethnic data collection include data misuse, categorisation and time associated costs. Challenges with the collection of ethnic data include the limited experience that most countries have of data collection and that although data should not be collected without consent many data targets may feel suspicious of declaring their ethnicity (Egenberger, 2007). Ethnic monitoring does not always fulfil its potential as a tool to

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[1] A colour blind approach is where deliberate race-neutral policies are introduced to promote equality and to ensure that racial classifications do not limit someone's opportunities. (Webb, 2002, p.405).

monitor inequality as many organisations undertaking ethnic data collection view the process as bureaucratic work rather than constructive and useful information (Aspinall & Anionwu, 2002). It is reported that the quality of ethnic recording and missing data is a challenge (McNair et al., 2018). Neelotpol et al (2016) find that recruitment challenges include cultural, religious conservativeness, language barriers, lack of interest and feelings of extra stress. In Australian research with indigenous populations it was found that communication, linguistic and transportation challenges existed (Lawrance et al, 2014). Collecting ethnic data can involve increased costs relating to training staff in cultural sensitivity. Data collectors may feel uncomfortable with asking people about their ethnicity and participants may feel distrust towards answering questions relating to ethnicity (Pavee Point, 2012). Farkas (2017) maintains that challenges towards using national data on ethnicity include maintaining confidentiality, representativeness, comparability, categorisation, the inclusion of minority communities in data collection, methods of building confidence in data collection and designing indicators of social inclusion. In terms of child welfare and protection, Johnson-Motoyama (2018) find that child welfare agencies face challenges in harnessing administrative data to examine racial disproportionality due to limited resources. Other limitations with using administrative data include; that it is unclear how decisions regarding participants' race are made; poor quality data; missing variables; analysis is limited to information available in the database and that databases may not include specific populations of interest (Dakil et al., 2011; Fusco et al., 2010; Lee et al., 2017; Zhou & Chilvers, 2010).

3.4 What approaches are taken in different jurisdictions and service settings?

Different jurisdictions and services use various methods or processes to collect data regarding ethnicity including surveys, census, administrative data and qualitative methods. How ethnic groups are categorised and how ethnic identifiers are used in various sectors will be discussed.

3.4.1 Methods used to collect information regarding ethnicity

In the Irish health care sector, ethnic data is collected through surveys, census and inputting medical records into a database. For example, the Health Service Executive (HSE, 2014, 2013, 2012, 2011) survey children and young people seen by community-based child and adolescent mental health services (CAMHS) teams. HSE also collects information on the administration of young people under the age of 18 who are admitted for inpatient assessment or treatment. Cystic Fibrosis Registry of Ireland (CFRI) recruit participants through an opt-in basis where medical records of consenting cystic fibrosis patients are inputted into a database (CFRI, 2016). Other

services such as the Coombe Women and Infants University Hospital (CWIUH) take a census of referrals for mothers attending the hospital (Fitzpatrick et al, 2009). Similarly, in the education sector, census data is collected. For instance, the primary online database (POD) uses information collected from the national school annual census. The post-primary online database (P-Pod) uses data inputted by schools while, the national pupil database in England and the Northern Ireland Schools Census collect data from schools (Strand, 2015). In line with this, the Irish Prison service' Prison Information Management Systems (PIMS) take a census of persons committed to prisons.

In the child protection and welfare sector, data regarding ethnicity is collected in many ways including analysis of existing administrative databases (Dakil et al., 2011; Fusco et al., 2010; Garcia et al., 2017; Johnson, Clark, Donald, Pedersen, & Pichotta, 2007; Lee, Fuller-Thomson, Fallon, Black, & Trocme, 2017; Malvaso, Delfabbro, & Day, 2017; Okpych, 2015; Summersett-Ringgold et al., 2018), longitudinal research (Attar-Schwartz, 2013; Dworsky et al., 2010). For instance, Bywaters et al (2017) use UK administrative data to explore ethnic inequalities in England. Attar-Schwartz (2013) use longitudinal research to compare the runaway behaviour among adolescents in residential care in Israel, while, Dworsky et al (2010) use longitudinal research to uncover the outcomes of foster alumni in USA. Others use qualitative research using interviews as well as focus groups (Alaggia et al., 2017; DeNard, Garcia, & Circo, 2017; Maiter et al., 2017; Sawrikar, 2015). In Australia Sawrikar (2015) use qualitative semi-structured interviews with child protection workers and non-English speaking families in gathering ethnic data.

3.4.2 How ethnic data is categorised

Aspinall and Anionwu (2002) note that when examining ethnic groups, it is important to identify what groups should be observed, for instance in census surveys, how many ethnic identifiers will be used and what groups should be listed. They highlight variations across surveys in the UK and warn against the merging of categories for example, Black or South Asian. Strmic- Pawl et al (2018) maintain that decisions to change or add categories should be based upon the need to track inequality rather than for cultural recognition. In response to findings by Pavee Point (2012) for the need to create a standardised system of ethnic identifiers, the Department of Justice (2017) recommends the development and introduction of a new system of ethnic identifiers across the public sector:

"The Department of Justice and Equality will chair a cross-Departmental working group, with involvement from Traveller and Roma representatives, with a view to developing a methodology for the introduction of an ethnic identifier on all data sets to facilitate the monitoring of access, participation and outcomes to services for Travellers and Roma" (Department of Justice, 2017, p. 43).

Appendix 2 outlines eight categories currently used by CSO (2016) in the Irish Census. Within each ethnic grouping there are categories for example those who are white are asked to identify as either Irish, Traveller or other and these categories are currently under review. The CSO census Advisory Group reviews and examines submissions from the public to determine whether existing questions should change (CSO, 2018).

In 2012, the Irish Prison service introduced ethnic identifiers that did not correspond with CSO categories and they consisted of 13 identifiers namely; Arab, Asian, Black, Caucasian, Gypsy, Latin, Native American, Oriental, Polynesian, Semitic, Slavic, Traveller or other (Lalor, 2017). The Department of Justice (2017) recommends that a pilot initiative will be introduced to capture better information on Travellers committed to prison. Other public sector organisations such as the HSE are in consultation with Traveller advocacy groups to work towards a phased introduction of standard ethnic identifiers. In Ireland many departments are already using CSO categories for comparative purposes. A question on ethnic or cultural background was added to the Irish Census for the first time in 2006.

The National Drug Registry of Deliberate Self Harm (2011) is funded by the Health Service Executive (HSE) and the National Office for Suicide Prevention. It seeks to determine and monitor the incidence and repetition of self-harm presentations to hospitals. It also uses the same categories as the CSO. However, white Roma and Chinese are used as an additional sub-category. The Primary Online Database (POD) provides statistical information for the primary school sector and collects information on each student in terms of country of residence, ethnic or cultural background, nationality and mother tongue. It is used to monitor educational progress and is held by the Department of Education and Skills. In terms of ethos or religion ten categories are listed namely Catholic, Church of Ireland, Inter-denominational, Jewish, Methodist, Muslim, other/unknown, Presbyterian or Quaker. Cultural background categories are in line with the Irish Census. However, this is in contrast to data collected by The Coombe Women and Infants University Hospital (CWIUH) which uses four categories to describe mothers using their services, specifically Republic of Ireland, EU, Non-EU and un-coded (Sheehan et al., 2015).

3.5 What are the relevant policy and legislative instruments, national and international? What guidance do they provide on gathering data on ethnicity?

Pavee Point (2012) has extensively examined existing legislation and policy regarding the collection of ethnic data in Europe. Legislation includes UN Convention on the Rights of the Child, The European Commission (2000/43/EC) and Directive 2000/43/EC ('Race Equality Directive'). This section will describe existing policy and legislation that may relate to the collection of ethnic data by TUSLA.

3.5.1 UN Convention on the Rights of the Child

The UN convention on the Rights of the Child is a legally-binding international agreement that sets out the basic human rights to which children are entitled regardless of their race, religion or beliefs. Articles 2, 20 and 30 refer to the rights of the child in terms of ethnicity.

Article 2.1 states that children should not be discriminated against irrespective of their or their parents or guardians' guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 20.3 refers to care and continuity of care and it states that due regard will be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 30 maintains that in states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority will not be denied the right to enjoy their own culture, to profess and practice their religion or to use their own language.

While not directly referring to the collection of data, these articles provide an implicit rationale for the collection of data on ethnicity in order to uphold children's rights.

3.5.2 Council of Europe's Convention ETS 108

This is the first international instrument to provide guidance that member states have adopted into national laws (Kavanagh, 2016; Pavee Point, 2012). It is applicable to all data processing carried out by private and public sectors. The principles state that data should be obtained and used in a respectful way. Data should only be retained for a clear and well-founded purpose and may only be used for the stated purposes (Kavanagh, 2016; Pavee Point, 2012). Sensitive data relates to information concerning a person's racial or ethnic origin, religious beliefs, trade union

activities, physical or mental health, sexual life, criminal conviction or physical or mental health (Data Protection Commissioner, nd). It is legal to collect sensitive data regarding ethnicity when it is obtained through voluntary informed consent, it is anonymised, legitimately obtained, data is accurate and meets a specific stated purpose (Kavanagh, 2016).

3.5.3 European Commission Directive 2000/43/EC ('Race Equality Directive')

European Commission (EC) Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of racial or ethnic origin and article 13 of Directive 2000/43/EC refers to discrimination. Directive 2000/43/EC states that any direct or indirect discrimination based on racial or ethnic origin should be prohibited throughout the Community. Pavee Point (2012) outline that Article 13 of the Directive states that member states should assign a body or bodies for the promotion of equal treatment of all people without discrimination on the grounds of racial or ethnic origin. Directive 2000/43/EC (Race Equality Directive) prohibits discrimination on the grounds of race and ethnic origin, it covers the areas of employment and occupation, vocational training, membership of employer or employee organisations, social protection, social security, health care, education and access to goods or services.

3.5.4 Data Protection

Until 2018, Article 8 of EU Directive 95/46/EC which refers to the processing of special categories of data, was the main EU legal instrument on data protection and allowed national legislation to authorise the processing of sensitive data if safeguards are implemented (Kavanagh, 2016). Under the Directive personal data had to be collected for specified and legitimate purposes only. This Directive states the specific conditions under which the processing of sensitive data could be carried out. To prevent the misuse of data, under Directive 95/46/EC, Article 8 sensitive data could only be collected if the data subject has given explicit consent to the use of the data (Pavee Point, 2012, Egenberger, 2007).

Until recently in Ireland underpinning legislation was provided by the Data Protection Acts 1988 and 2003 and the Data Protection Commissioner was required to ensure that data collectors adhered to the provisions of the Acts. It was an offence for data collectors to go against the provisions in the Acts and those who do may face fines upon conviction (Data Protection Commissioner, nd). Data collectors were required to comply with the eight rules of data protection as follows (Kavanagh, 2016; Data Protection Commissioner, nd, p. 5):

1. Obtain and process information fairly.

2. Keep it only for one or more specified, explicit and lawful purposes

3. Use and disclose it only in ways compatible with these purposes

4. Keep it safe and secure

5. Keep it accurate, complete and up-to-date

6. Ensure that it is adequate, relevant and not excessive

7. Retain it for no longer than is necessary for the purpose or purposes

8. Give a copy of his/her personal data to an individual, on request.

In May 2018 the European Union (EU) General Data Protection Regulation (GDPR) 2016/679 took effect and replaced previous European legislation on data protection, Directive 95/46/EC (Marelli and Testa, 2018). It sought to harmonise data protection legislation in EU states and to provide increased protection to citizens over personal data. In Ireland Data Protection is managed by the Data Protection Commission. The Data Protection Commission was established by Data Protection Act 2018 and is responsible for monitoring the application of GDPR. Personal data and special category personal data are protected under GDPR (Citizens information, 2018). Special category data includes a data subject's ethnicity and the processing of this type of data is prohibited unless the individual has given their explicit consent before processing of data begins or is legally authorized (Citizens information, 2018). Under Article 6 of GDPR those seeking to process ethnic data must have a lawful basis for doing so. Conditions for processing special category data are outlined in Article 9(2) of GDPR. These include the following conditions:

> (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

> (d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3 (Commission Regulation (EC) 2016/679).

In order to prepare for the introduction of GDPR, Tusla completed a report of data protection compliance and appointed an interim Data Protection officer (Tusla, 2017). In keeping with GDPR, Tusla Privacy policy sets out how Tusla aims to process personal data and states that any use of sensitive personal data including personal data about an individual's racial or ethnic data must be strictly controlled in accordance with their privacy policy (Tusla Data Protection Officer, 2018).

3.6 Summary

Ethnicity or an ethnic group is described as people who consider themselves or who are identified by others to share similar characteristics that distinguish them from other cohorts in society and develop their particular cultural behaviour from an ethnic group (Scott and Marshall, 2005). Definitions of ethnicity overlap with the meaning of race, cultural identity, nationality and citizenship. There are many rationales for collecting ethnic data across a variety of services or sectors. However, there are also challenges, including limited experience, data risks associated with gathering data, data misuse, missing data, costs and feelings of distrust. Approaches to collecting ethnic data include surveys, census, administrative data and qualitative methods. In terms of using ethnic identifiers, it is important to maintain consistency and therefore, many government departments are employing CSO identifiers. Relevant policies and legislation include Council of Europe's Convention ETS 108, General Data Protection Regulation (GDPR) 2016/679 and Data Protection Acts 1988 and 2003.

4. Results

Using thematic analysis, we determined five themes namely rationale, challenges and risks of collecting ethnic data, what data to collect, how to collect ethnic data and existing policies, guidelines and legislation (Table 1). Given the small scale sample recruited and their multifarious nature, participants had diverse responses to the questions asked. This has meant that many themes overlap and that within each theme participants present differing perspectives, thoughts and ideas. There is an emphasis on learning points, suggestions and guidance throughout this chapter.

Table 1 Themes and subthemes

Themes	Subthemes
Rationale	
Challenges and risks of collecting Ethnic data	Defining ethnicity and agreeing categories
	Subjective categories
	Harmonising categories
	Missing data
	Access to information and workloads
	Incorrect data input risk and staff resistance
What data to collect	Developing questions
	Coherent categories
How to collect ethnic data	Equality and human rights values
	Articulating the purpose of ethnic data collection
	Transparency for participants
	Importance of consultation
	Clarity at organisational level
	Involving people from ethnic minorities in data collection phase
	Staff training

Existing policies, guidelines and legislation	Data privacy policies and policies promoting ethnic data collection
	UN Convention on the Rights of the Child
	Existing guidelines
	Legislation

4.1 Rationale

Participants discussed their rationale for collecting ethnic data and given the diverse range of participant backgrounds, their rationales varied. This included planning services, tailoring or targeting services, social inclusion of people from diverse backgrounds in the work place or sector, integration, service improvement, monitoring school attendance, policy improvement, outcomes in the areas of health, education or child protection and measuring diversity.

Overall participants suggested that ethnic data can be used at a national level to examine changes in society. Ethnic data in the census can be used to enable bodies to monitor the change in diversity of society in Ireland over time, it allows for the possibility to assess integration and to promote an awareness of cultural diversity in Ireland (Participant 1). Collecting ethnic data is useful to identify best practice, to plan policy and supports for minority groups to report on EU frameworks and integration strategies (participant 2 and 8).

Data regarding education and ethnicity is collected in Ireland and the UK and two participants (P2 & P8) stated that it is used by the Department of Education and Skills to identify how the education system is working, to prevent duplication and to target funding. For example, in the UK information regarding ethnicity is used to allocate funding to schools with high numbers of diverse ethnic groups who have traditionally low attainment records, including initiatives for Irish Traveller and Roma pupils (participant 12). This was echoed by Participant 8 who suggested that data could be used to monitor attainment and attendance over time and felt that this information could be used to inform policy as well as identifying how groups are progressing. Participants 9 and 10 maintained that data could be used in education to make comparisons between cohorts or schools and to help share best practice. In keeping with this, participant 16 believed that data could provide a more comprehensive evidence base for policy and could highlight any need for additional targeted supports.

Data is also used to measure diversity and social inclusion in the workplace (participant 12 & 17). Participant 17 explained that they collect data in the workplace to understand specific cultural issues that staff may be experiencing and to help monitor recruitment practices. Participant 3 believed that collecting ethnic data is necessary for social inclusion purposes and to adhere to the migrant integration strategy in the health care sector. Furthermore, participant 16 outlined that it is also collected to report to the EU on who is benefiting from grant funding and integration measures and to monitor access to services and integration:

> *"Okay so the integration policy in Ireland is based on the principle of mainstreaming so that the migrant population is entitled to access public services in the same way as the native population....to ensure that that policy is supporting integration, we need to have the data to see what the outcomes are for migrants. So, if we have a policy that says you know education and provision for migrant children is mainstreamed, but in fact the data shows us that you know migrant children are falling behind, you know then we have a problem".*

In the child welfare and protection sector, one participant maintained that the main purpose of collecting ethnic data through the National Child Care Information System (NCCIS) is in relation to planning, monitoring and evaluating policy for children. Participant 6 discussed educational welfare within Tusla and felt that there is a need to monitor attendance of groups such as Travellers in Irish schools. Participants also believed that its purpose is to support families to encourage their children to attend school. However, they contended that there is a lack of ethnic data around educational welfare within Tusla and affirmed that there is a need to link attendance to ethnicity.

Ethnic data could also be collected to help tailor services, develop best practice and to inform Tusla employees' approach towards ethnicity. For instance, participant 5 suggested that for Tusla, collecting data about ethnicity could help inform Tusla employees about children's cultural backgrounds and so can help inform cultural awareness training. Participant 4 asserted that one of the main benefits is to use data to help plan and evaluate child protection or welfare work and they also felt that data could be used to improve practice as well as to monitor the over- representation of groups in care including Travellers. Furthermore, Participant 13 suggests that it is important to collect ethnic data to avoid a colour blind approach from Tusla employees. They felt that it could help Tusla to tailor their services to suit children's needs:

"Because sometimes in social work there's what's called a colour blind approach. And sometimes people think that's equality, but it's actually not because people like say black and ethnic minority people do have different experiences you know. They're not all the same experiences, but they're you know they can have additional challenges you know. And I think it's important for us as a service responding to that".

Participant 14, noted that data could be used to monitor inclusion and help improve the outcomes of children in care and found that it could help to develop appropriate responses to child welfare situations. Participant 13 also felt that collecting data about ethnicity could help to promote equality as well as to combat racism and discrimination: *"Finding out whether,say for example in social work, that the interventions that are put in place are actually helping. Are the outcomes different for certain ethnic groups?"*

4.2 Challenges and Risks of collecting ethnic data

Challenges and risks associated with collecting ethnic data include defining ethnicity, agreeing categories, subjective categories, missing data, lack of fluency in English, changing categories, workload, risk of upset, perception of discrimination, profiling, harmonising categories and incorrect data input risk.

4.2.1 Defining ethnicity and agreeing categories

Difficulties associated with defining ethnicity were discussed and Participant 11 maintained that defining ethnicity is complex:

"Because of the subjective, multifaceted and changing nature of ethnic identification. There is not a definitive agreement on what constitutes an ethnic group and can encompass elements of common ancestry, culture, identity, religion, language and physical appearance. Membership is also something that is self-defined".

As categories are subjective, Participant 12 suggested that often census participants are unaware of what categories mean, stating that there is a: "*lack of awareness in schools as to what some of these categories actually mean. You know so the difference between say black African or black Caribbean, black other".* Participant 13 concurred that given the diverse range of ethnic identities, it is sometimes challenging for people to identify with a single group:

"There's a huge variation in what people self-identified as. And I can imagine...compared...to say...the way the census data is collected on ethnicity...the

categories are quite broad you know. And I think it's hard for people to say well where do I fit, because it's not really, self-identified in a way you know because it's like are you this or aren't you?"

Challenges with agreeing on ethnic categories were discussed. People have diverse descriptions of ethnicity and therefore it would be difficult to limit categories (Participant 13). Participants 9 and 10 contended that it is challenging for organisations collecting ethnic data to define categories and that some groups who wished to distinguish their ethnicity from those of others were not always included in ethnic codes, for example Travellers and Cornish: *"So there have been numerous occasions where we have had pressure and you know the department's been legally challenged, that we've added in extra ethnicities into our code set".* For this reason, Participant 1 maintains that an option of ticking 'other' should be provided.

4.2.2 Subjective categories

Ethnicity is a subjective concept and therefore, from a longitudinal point of view, people may change ethnicity between data collection phases: *"We did a bit of analysis looking at the same people. And again, there were a small number of instances, not massive, but a small number of instances where ethnicity did change"* (Participant 12). In keeping with this Participant 2 observed that many people reclassified their ethnicity as Irish between census waves. Equally as Participant 4 pointed out, participants may decide not to fill out the ethnicity section of a form. Participant 8 demonstrated that on occasion participants might be inclined to define themselves in the first available category on a list: *"If you look at one of the first categories is white. So, we would have a lot of Travellers or Polish children would just see white and go yeah that's us. And they'll tick the box and they don't bother going any further".* From a longitudinal perspective, this can make it difficult to compare results of data waves. Furthermore, Participant 4 warned that it is challenging to define ethnic categories and that often other variable may have an impact upon children's outcomes: *"This is a little bit of my hobby horse when we talk about ethnicity. As I said we talk about white Irish and white Irish Traveller. Do we for example talk about working class in terms of ethnic background?"*

4.2.3 Harmonising categories

In terms of the complexity of questions asked, Participants 9 and 10, found that it is difficult to harmonise data collection categories and processes across government departments. To do this, there is a need to arrange consultation meetings between groups that include members from

various departments. In line with this, Participant 2 noted that an Irish Census Advisory Group has been convened to advise on the Irish Census questions for 2021. However, from a longitudinal perspective this can make it more challenging to compare census data. This is because once you change questions asked it becomes difficult to compare results from different time points.

4.2.4 Missing data

It was highlighted that often people do not wish to disclose their ethnicity and this can lead to missing data. There was concern from Participant 8 that data collection depends upon participants' ability and willingness to complete forms which could lead to missing data. On occasion people were suspicious or not willing to answer questions around ethnicity: *"I suppose certainly for the Roma families it would be like what does that mean. You know is somebody going to come after me now because you know I'm living in a house that I shouldn't be in because I'm sharing with my sister"* (Participant 6). She also believed that some groups such as Roma who have lived under communist regimes would be fearful of authority and government bodies. Participant 12 also felt that some participants whose first language is not English may have difficulties with filling out forms. Participant 9 and 10 maintained that it is important for participants to self-declare their information. Yet, Participant 8 noted that the opt-out nature of the forms can be an issue in terms of missing data.

4.2.5 Access to information and workloads

Organisations collecting data on ethnicity should also be clear around how information will be accessed. For instance, Participant 3 maintained that in some sectors staff who collect ethnic data may not have access to information systems and therefore in some cases there would be a need to train staff in this area. Furthermore, organisations should be clear about who should have access to data. For instance, Participant 15, asserted that the only person who should have access to ethnic information is the social worker who is dealing with an individual case. They were concerned that collecting ethnic information regarding children would be used for negative reasons. They stated that it is important for social workers involved in family reunification to understand a child's cultural needs but did not feel that there would be a need to access collective data regarding ethnicity and children in care:

> *"The social worker is the only person that needs to have that information...Nothing has been demonstrated to me to show why I need to tell you I've got thirteen children from*

Nigeria, I've got 27 children from Syria, six from Afghanistan, 24 from the Philippines…What are you gonna do with?…It's not gonna change anything. There's no reason anybody needs to know how many blue-eyed children I have and how many brown-eyed children I have. So why are they asking?"

Participant 16 also warned that there may be a considerable workload associated with asking existing front- line workers to collect data:

"I wouldn't underestimate the work required and the leadership required to get (professionals) all over the country to standardly record ethnic data at the point of a first visit of somebody into their (professional's) office…it would be difficult to do, simply because you're talking about you know very devolved systems and a lot of nervousness around data collection generally…I think there would need to be a converted centrally lead drive to have that data collected".

4.2.6 Incorrect data input risk and staff resistance

Participants outlined staff resistance towards collecting ethnic data and risks of inputting data incorrectly. For instance, Participant 16 said that sometimes there is resistance around collecting data regarding ethnicity from community and voluntary organisations. Staff may feel uncomfortable asking others about their nationality. They stated that some front-line staff members may feel that it is discriminatory to collect data. Therefore, they recommended central leadership on guidance to show that it is difficult to examine migrant integration without data. Participant 3 determined that in many organisations it is challenging to dispel negative preconceptions toward collecting data amongst staff: *"The overall challenge is getting buy-in from the most senior management you know, including a lot of so many competing priorities. It's difficult for them to grasp that this is an important aspect, and then you know to kind of encourage it".*

Misreporting of data was also considered as a possibility and participants 4 and 12 maintained that there are challenges around developing clear guidance around inputting data correctly. Participant 8 cautioned that organisations are often reliant on external bodies such as schools to collect data and this can lead to under-representation, over representation or under-recording of information.

4.3 What data to collect

This section will describe participants' views around how to develop questions relating to ethnicity and the best categories to use when collecting data regarding ethnicity. It is important to note that participants had differing opinions around developing categories. Others note that it is necessary to have an open ended question. Some described how questions or categories should be developed whilst others maintained that it would be more pragmatic to use standard questions that were developed by CSO who are leaders in the area of statistics in Ireland.

4.3.1 Developing questions

Participant 1 advised that it is challenging to ensure that questions regarding ethnicity are relevant and that they will capture the required data. Consistency is also important and Participant 6 felt that it is fundamental to ask each participant the same question about ethnicity. Participant 5 advised that given the vast number of options, questions relating to nationality would need to be open-ended. Formulating a question is challenging and Participant 2 found that using an incorrect format could cause upset at an individual level. Furthermore, Participant 2, found that each country has particular challenges in relation to ethnicity and this may be reflected in the categories that are used:

> *"Each country looks to their own particular challenges...So, if you googled race of the American census, they talk about race...you'd probably find quite a lot of discussions and you know conversations around what that question should look like, and should it be there or shouldn't it be there. But you know the categories on it will be along the lines of Hispanic and you know African/American. And then if you...to Canada, they've got their own challenges with regards to Inuit population you know. And then when they go...to New Zealand if you look at their categories, they're around the Maori and Polynesians. And you go to Australia, they've got their own categories around the Aborigines. And then in the UK you know their question will have categories on Sikh and Hindu and Pakistani and you know. So, each country has to I think approach it you know from the point of view of their own particular challenges".*

Given the large number of potential ethnic categories a practical challenge is limited space on forms. Therefore, as discussed earlier, consultation to refine categories is sometimes necessary. According to Participant 2 questions should be tested through meetings with consultancy groups. For instance, when the question regarding ethnicity was developed for the Irish census

the CSO engaged with key stakeholders and agencies before conducting a pilot survey. Participant 13 also consulted with groups that encouraged community groups to record ethnicity and to monitor equality. Participant 5 stated when developing a question relating to ethnicity it is necessary to be mindful about who would be best to consult with and therefore, that it is important to consult with departments within organisations as well as external agencies to develop appropriate questions. However, participant 12 cautioned that when bringing groups together to agree wording of questions, it is important to note that there will be a need to compromise.

4.3.2 Coherent categories

As reflected earlier, it is important to harmonise categories across departments. Therefore, Participant 2 maintained that it is important for government departments to follow CSO categories and describes the CSO as experts who are aware of international best practice. Participant 4 commented that NCCIS has adopted CSO categories. Furthermore, Participant 16, asserted that ethnic identifiers from CSO are critical to help provide evidence to inform integration policy. Participants advised that when developing data collection systems there is a need to include comparable data categories. For instance, Participant 2 recommended that in future organisations collecting data should use Central Statistics Office (CSO) categories as it makes pragmatic sense to work with identifiers that were developed through a consultation process by lead statisticians: *"My advice to Tusla, would be to probably take the lead from the census. I think it's important at all government agencies".* Participant 11 found that similarly the UK census uses Government Statistical Service (GSS) harmonised principles to provide recommended questions that were developed through consultation with a wide range of stakeholders. They maintain that harmonised questions provide comparability across data sources. However, Participant 2 confirmed that CSO categories were criticised by some groups in the past and this has led to reviewing categories and therefore, CSO 2021 census will be piloted to include more categories.

4.4 How to collect ethnic data and define what information is needed

This section will describe participants' advice around how to collect ethnic data and what types of information may be needed in the education, transport, census and child protection and welfare sectors. It will be discussed in terms of equality and human rights values, articulating the purpose of collecting ethnic data, transparency for participants, importance of consultation, clarity at organisational level, data collectors and staff training. Participants who were involved

in school census stated that information was gathered from schools' management information systems and by asking parents to return questionnaires to their schools. In the transport sector, participants' nationalities are gathered from drivers' licenses and ethnic information is gleaned from surveys. National census forms were delivered to homes by enumerators. Presently, in the child protection and welfare sector, ethnic information is a data item and voluntary field on NCCIS database, a system that is currently in the process of being rolled out nationally.

4.4.1 Equality and human rights values

Participant 14 asserted that any decision to collect information on ethnicity should be considered in line with equality and human rights values. They also maintain that there is a need to consider participants' autonomy and dignity. It is important to ensure that the collection of data regarding ethnicity will help rather than isolate participants:

> *"The second piece of advice would be to assess any decisions made against the values of equality and human rights...will this include people more or will it alienate people more? Is people's dignity respected in what we're about to do?...Are we being respectful of people's autonomy in this dataset?...I would be looking to assess the data that I've decided on, whatever the finished product is. I would be looking to assess that against the values, the inter-sectoral values of the equality and human rights"* (Participant 14).

4.4.2 Articulating the purpose of ethnic data collection

Participant 16 felt that it may be challenging to articulate why data is needed to potential participants and staff. Participant 7 believed that many people are unaware of inclusion issues and that in future Tusla will need to identify why it needs this data, when people should be asked and how it will be stored. Participant 14 maintained that one of the challenges for Tusla is that most work modules use tools that are based on the needs of white Irish people and therefore, there is a need to understand other cultures. Participant 8 also asserted that it is important to provide service users with clear information around the purpose of collecting ethnic information, to help them feel at ease, to inform them about confidentiality and to explain how their data is protected:

> *"I think that's the critical thing is to explain it properly and have a proper lead-in. Make sure parents know before they come whether they're filling it in electronically or they're coming to a school to complete it that they understand that that information is required and how the data is protected, the confidentiality, but that it's used in a*

positive way, not a controlling thing. It's not a restrictive thing and it's a good thing. It's a good thing for society to have that".

In line with this, Participant 7, also felt that organisations should educate service users around why ethnic data is collected and what they are going to do with the data. They also suggest implementing an awareness campaign around ethnic data collection. It is also necessary for data collectors to use technology correctly and to have clear systems in place to input data (Participant 7). Participant 1 also stated that publicity campaigns can help educate the public around the purpose of census or data collection. Participant 11 advised that show cards can be used for ethnic group questions during face to face interviews to help reduce the burden placed on the interviewer in reading all the options.

4.4.3 Transparency for participants

It is necessary for organisations to base their data collection around best practice and transparency. Participant 6 believed that in doing so, people will feel confident around collecting this information. They also maintained that the data should remain safe prior to collection and that it should not infringe upon children's rights. In terms of confidentiality, Participants 16 and 17 advised that it is crucial to have clarity around who will have access to data and how to future proof that access: *"If we collect this data, who else is going to be allowed to use it. Can we think kind of quite expansively and openly about who else might be able to use this data and what would the mechanisms be for that"* (Participant 16). Participant 2 outlined the importance of transparency and being clear to participants around what the data will be used for. They also informed that when collecting ethnic data there is a requirement to adhere to General Data Protection Regulation (GDPR) and legislation. Furthermore, Participants 9 and 10, maintained that given the sensitive nature of the topic, it is important to give participants the opportunity to opt out from identifying their ethnicity. One participant was concerned that data would be used for negative reasons. They stated that Tusla staff have a duty to protect children: *"I just don't think that anybody needed to have access to (case) files, except for management and HIQA".* In keeping with this, Participant 5 advised that organisations should research any policies or legislation that cover the collection of ethnic data. They also suggested organisations should explore existing ethnicity research and uncover: *"what should and shouldn't be collected".* They suggested that organisations should be aware of legislation or guideline documents around ethnic minorities to help set up information systems.

4.4.4 Importance of consultation

As referenced earlier, it is sometimes necessary to consult with advisory groups and when developing working or advisory groups it is important to consult with the most appropriate people. Participant 14, suggests that children should be consulted as perhaps their experiences are different to that of their parents. But also, children are involved in providing information or translating questions for parents whose first language is not English. Participants recommended that consultation with representatives from diverse ethnic groups is important. It is also advised that social workers should also be consulted:

> *"Make sure that you consult with the relevant people...consulting with workers on the ground, or the social worker, whether they're family support workers or community development workers. So, people that would have knowledge around, or people that would actually have experience in being with different ethnicities. So, they can give you first-hand the information in terms of you know say challenges that may exist in terms of collecting data from different ethnicities"* (Participant 5).

Finally, Participant 14, advises that to pilot and evaluate new data collection systems and to include diverse groups in that process: "trial it on a number of groups that have agreed to be part of a trial, and then evaluate it based on, and evaluate it with those people as well".

4.4.5 Clarity at organisational level

Participant 12 also noted that there should be clarity for data collectors and organisations should develop clear guidelines around how to collect data. The Participant felt that data collectors should be aware of categories: *"I think very clear definitions as well. We would get sometimes a bit of confusion with some of them"* (Participant 12). Furthermore, Participant 4 also advises that data collectors should be clear about how to record ethnicity. They note that sometimes ethnicity can be ambiguous:

> *"You know so as that we made sure that we do have a full understanding of when we talk about for example Irish Traveller, do we know really what we mean by that. So for example are we only talking about Travellers who still travel, or are we talking about Travellers who are settled you know".*

4.4.6 Involving people from ethnic minorities in data collection phase

Participant 14 believed that there is a need to involve people from different ethnic backgrounds during data collection phases and in consultation groups: *"If they're going to collect data about Roma well they need to sit down with the Roma and say look we want to collect data about Roma because… this is the reason we want it for….What do you think is the best way of doing this?"* Participation was highest from groups who felt comfortable and who felt that collecting this type of data was important: *"I think it's about maybe you know it's about maybe just bringing it as close to people for them to feel comfortable, and people maybe from their own communities being the servers of it you know"*. (Participant 6). Engaging with stakeholders helped to enable participants feel at ease. Participant 17 employed staff who acted as trained 'champions' and had a role of explaining the purpose of data collection to other employees. They also used incentives such as a raffle for survey participants. Others used pamphlets to explain the purpose of collecting data around ethnicity (Participant 3).

4.4.7 Staff training

As reflected earlier, the need for staff training was discussed: *"I mean people aren't comfortable with this. We haven't really done that much of it in Ireland. We're not that experienced with it. So, I think you know there would definitely be a need for training to make people comfortable with it"* (Participant 16). Participant 4 stated that clear policy and training should be linked to ensure that staff understand what information they are looking for and how they collect it. Participant 8 maintains that staff training is important at each stage of using data. It is necessary to train staff to collect data but it is also important to train staff to use accuracy checks.

Participants contended that organisations should invest in staff training. Participant 1 noted that the Irish census is available in 21 different languages and enumerators should be trained to help with filling out forms through English if necessary. They also maintained that training was necessary to ensure that workers are aware of increased diversity in Ireland over time: *So, to make them aware that you know when a numerator calls to a door, not to expect an Irish family behind that door*. Participant 14 suggested that there is a need to conduct a mentoring training piece that would help social workers to understand the interplay between human rights and equality:

> *"A framework for you know delivering actions based on those values and outcomes based on those values, there was also a piece of work around you know on site with*

people, looking at how now that you have this framework and now that you have this human rights and equality statement, in practice how that translates into your practice".

Participant 1 also suggested that external groups and national bodies such as Pavee Point who represent ethnic communities could be asked to provide external training around awareness. In terms of Tusla employees, Participant 13 believed that there is a need for a universal approach to recording data, where social workers are trained to explain the purpose behind collecting ethnic data because they may have difficulties asking questions around ethnicity. However, Participant 3 warned that she had difficulty with training uptake: *"We found you know with the constraints in the health service, it's very, very difficult for people to be released for training nowadays".* However, the participant's organisation developed an online training portal for staff after examining similar guides in Scotland and through consultation with key groups.

4.5 Existing policies, guidelines and legislation

Participants discussed the use of existing policies, guidelines and legislation in terms of data privacy policies, UN Convention on the Rights of the Child and practice guidelines.

4.5.1 Data privacy policies and policies promoting ethnic data collection

Participant 3 affirmed that it is important for organisations who collect data regarding ethnicity to have appropriate data privacy policies. Participant 8 stated that in the field of education there is a strong framework in place to address rights, privacy and confidentiality in terms of sharing. It is also necessary to be aware of policies that promote the collection of ethnic data. For instance, Participant 16 highlighted the migrant education strategy published by the Department of Education and Skills in 2017 and the National Traveller and Roma Inclusion Strategy published by the Department of Justice as important policy frameworks. Participant 16 states that although GDPR is important it should not make people afraid to collect data concerning ethnicity: *"there is nothing in GDPR that should make people afraid to collect ethnic data".*

4.5.2 UN Convention on the Rights of the Child

Participants also discussed the UN Convention on the Rights of the Child. Participant 1 maintained that children's rights are also similar to adults and that their confidentiality should be protected and also believed that there should be guidelines for field staff around this.

Participant 12 also suggested that it is important to preserve children's anonymity and participants outlined the importance of making questions relating to ethnicity optional and voluntary. Although Participant 2 noted that many census, are statutory instruments, there should be an option to select not stated for ethnicity. Participants 9 and 10 ensured that parents of children could opt out: "*Well in terms of how we collect it, it can only be clients who provide the information so it's not something that is a requirement to actually fit themselves into an ethnicity*". Participant 15 was concerned that collecting ethnic data about children in care would not protect their rights: "*I don't think it protects their rights at all. I think it violates their rights. Because then you're getting into profiling of children*". They warned that it could lead to racism or violation of their rights. Participant 13 suggested that the Human Rights and Equality Commission are doing workshops and organisations or public organisations should become involved to take this issue seriously. Equally, Participant 6 stated that it is fundamental to provide clarity to children and guardians towards how their ethnic data will be shared. Furthermore, Participant 1 suggested that the Irish national census has Children First guidelines which describes the obligations of the enumerator if they see a child in distress and how to report negative situations.

4.5.3 Existing guidelines

In terms of guidelines, Participant 4 maintained that practice guidelines are designed around consultation with key groups and that would involve examining legal requirements or new legislation. Participant 11 informed that there are a series of guidance documents and harmonised principles that were published across the office for national statistics and government statistical service in the UK; "*This includes the GSS harmonised principle for ethnic group. Further detailed guidance is also available in a separate document measuring equality: a guide for the collection and classification of ethnic group, national identity and religion data in the UK*". The harmonised principles were approved by the GSS Statistical Policy and Standards Committee following a two-year programme of research and consultation. They also state that race is defined by the Equalities Act 2010 in the UK and that it states that one should not be discriminated against because of race or ethnicity. Participant 5 also noted that social workers also consult the guidance on implementation of area-based prevention, partnership and family-support programme (PPFS). Participant 6 advised that it is important to ensure that guidelines are in line with international best practice and to examine what is carried out by other countries.

4.5.4 Legislation

Applicable legislation was also described by participants. Participant 2 considered the Data Protection Act; the participant stated that for example, Primary Online Database (POD) is transparent about how they follow 8 rules of data protection. In terms of NCCIS, Participant 4, found that audits are important to ensure that everyone's data is kept securely. Participant 2 also informed that data required under the Data Protection Act include sensitive personal data such as ethnic or cultural background of pupils. Participant 14 stated that Equal Status Acts are important in that regard. Participant 16 found that the public-sector duty under the Irish Human Rights and Equality Commission is important as: *the public-sector duty gives us responsibility around you know equality and human rights measures.* Participant 11 noted that in the UK, the Census Act (1920) and subsequent secondary legislation for each census (e.g. Census Order 2010) provides the legal basis for the collection of data on race and ethnicity. Other important UK legislation relates to Human Rights Act, Data Protection Act, Equality Act which states that people must not be discriminated against because of their race. It was also noted that for census data collection there is a conflict between article 3 and the use of a census as a statutory instrument. Whilst for collecting ethnic data around children in care, participant 5 believed that the Child Care Act of 1991 should be consulted. Participant 4 maintained that the Children's First Act 2015 is also significant as it states that ethnic factors may make children more vulnerable to bullying.

4.6 Summary

Much of what was delivered in this chapter was informational in nature and the level of knowledge gained varied from person to person. Therefore, there was an emphasis on learning points, suggestions and guidance throughout the chapter. The rationales for conducting research or analysis with ethnic identifiers were outlined. Challenges and risks were also discussed in terms of defining ethnicity, agreeing categories, subjective categories, missing data, lack of fluency in English, changing categories, workload, risk of upset, perception of discrimination, profiling, harmonising categories and incorrect data input risk. Learning points were offered around how participants collected ethnic data and what type of information is required in the education, transport, census and child protection and welfare services. Existing policies, guidelines and legislation in terms of data privacy policies and UN Convention on the Rights of the Child were also discussed.

5. Concluding Discussion

This research project investigated current legislative, policy contexts and obligations to develop an ethnically appropriate, legal ethnic data collection system that adheres with a human rights framework. The research incorporated findings from a literature review and 17 semi-structured interviews with key stakeholders. This chapter responds to the three objectives as set out in Chapter 1 Introduction and Chapter 2 Methodology namely, to identify the legislative and policy context within which Tusla can develop an ethnic data collection system; to establish best practice guidelines for Tusla in ethnic data collection methods and systems; to ensure that Tusla's information system (IS) can apply best practice to inform service improvements and costs associated. This concluding chapter draws together key findings and offers recommendations for future practice.

5.1 Key Conclusion and Recommendations

Ethnicity is a plastic, multifaceted term that is difficult to define and can be subjective. Ethnic equality monitoring is defined as the systematic collection and use of data regarding ethnicity to ensure that policy makers respond correctly to the needs of diverse groups and to help to promote equality (Pavee Point, 2012). Collecting ethnic data is a sensitive and complex process that requires care and diligence. There are many rationales for collecting data regarding ethnicity across various sectors including monitoring equality, service improvement relating to needs, planning services, social inclusion and integration. Based on international practice in the child protection sector ethnic data is collected to identify disparities between groups, to examine referral patterns, to explore the representation of groups in care, measure outcomes and duration of time in care.

For organisations to collect ethnic data, they firstly need to decide if there is a rationale for doing so or not. For the researchers, there appears to be a clear rationale for Tusla to collect data regarding ethnicity, something it is already doing in different areas. However, to our understanding, Tusla does not articulate such a rationale clearly in its documentation. Secondly, it is fundamental for organisations collecting ethnic data to consider what categories might be used. Given its national remit, the CSO have assembled an advisory group and a subgroup for ethnicity with experts in the area to revise ethnic identifiers in the Irish Census for Census 2021. Pavee Point (2012), an organisation with particular on the ground expertise in this area,

recommends that agencies should use CSO codes to ensure consistency and cross-comparability of data. Given this advice, the thorough nature of CSO consultation process, and the fact that the NCCIS uses the current CSO ethnic identifiers in their dataset, it makes sense for Tusla to adhere to CSO categorisation, rather than engaging in a process of developing categories tailored towards Tusla's needs only. Given that the categorization scheme is under review, it is important that Tusla is engaged with the CSO on this issue. For now, it is also important to engage with departments within Tusla and external agencies to ensure a standardised CSO-based approach is adopted.

Thirdly, Tusla should be aware of the many challenges that exist around collecting ethnic data. Service users may feel suspicious or uncomfortable in answering questions on ethnicity which can led to missing data. Staff may also feel uncomfortable or anxious about collecting often sensitive information. Associated risks relate to incorrect data input. More widely, data collection is governed by key legislative provisions and directives, nationally and internationally to ensure that the rights of citizens are upheld. Clearly, Tusla staff will need training and supports to undertake ethnic data collection effectively and appropriately. Finally, in an ever increasingly diverse Irish society Tusla needs to prioritise the issue of ethnic data and its collection at the highest level in the organization.

Recommendations:

1. We recommend that this report should be brought to the Senior Management Team and any other relevant management structures for review and that a lead coordinator be identified to promote and drive the discussion and recommendations required.
   - This work could incorporate a consultation process with relevant ethnic group representative organisations and Tusla's partners.
2. We recommend that Tusla draft and adopt a specific rationale statement to underpin any ethnic data collection activities and processes.
3. We recommend that an ethnic data collection protocol be developed inclusive of adult and child friendly information and to include the requirements of GDPR.
4. We recommend that Tusla adheres to CSO ethnic data categorisation approaches and engages with the CSO on the development of future categorisation schemes.
5. We recommend Tusla to review existing provision of diversity training to explore scope of inclusion of the training suggested here/below.

6. We recommend that Tusla put in place compulsory competency training, possibly web-based, for its staff and those of agencies it funds to cover:

- Rationale for ethnic data collection and how this should be communicated to service users
- Legal and regulatory provisions that frame acceptable data collection practices including service users' rights in relation to the provision of information and uses to which it is put including their right to opt out
- The ethnic data categories and the reasons why these are chosen
- Sensitivity in asking questions on ethnic background
- Data input

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7. Appendices

7.1 Appendix 1 Interview Schedule

Parts	Topics	Questions
Introduction	Project presentation	This project aims to assist Tusla in identifying current legislative, policy contexts and obligations to develop an ethically appropriate, legal ethnic data collection system that adheres with a human rights framework. Ethnic data collection and monitoring (EMM) are defined as the systematic and regular collection of data on the ethnic composition of a population. This is supposed to be a natural conversation, no need to wait for a question, no wrong answers.
Starting questions	Background information	Could you describe your experience of working with ethnic data collection systems? Could you describe what ethnic data you collect? What is the purpose of this

Parts	Topics	Questions
		ethnic data collection system?
		What are the benefits of collecting this type of data?
		In your opinion, what are the benefits of using an ethnic data collection system?
		Tell me about how your ethnic data collection system was set up?
	Challenges	In your experience could you tell me about the major challenges that exist towards **collecting** ethnic data in Ireland?
		Could you describe challenges that exist towards **developing** ethically appropriate databases in Ireland?
		Could you describe the main challenges you encountered when setting up your ethnic data collection system?
	Practice guidelines	Did you consult with practice guidelines and if so, could you describe practice guidelines that were consulted with developing the ethnic data

Parts	Topics	Questions
		collection system?
		Did you consult with polices, legislation or human rights framework guidelines and if so, could you describe what policies, legislation or human rights framework guidelines were consulted when developing a data collection system if any?
	Legislative context	Could you describe how the data collection system adheres to existing legislation?
		Could you describe any issues that you had relating to legislation?
	European Framework for the protection of children's rights	Did protecting children's rights feature in your thinking / data collecting?
		Could you tell me about the measures that were taken to protect children's rights in collecting ethnic data?
	Policy contexts	Could you tell me about any challenges you encountered relating to policy?
	Training of data collectors	Could you describe how/if data collectors were trained to deal with collecting ethnic data i.e. anti-racism and

Parts	Topics	Questions
		cultural awareness training?
	Cost	Could you describe the financial cost implications of developing an ethically appropriate- ethnic data collection system?
	Thoughts for the future	If you had three pieces of advice in terms of setting up an ethically appropriate, ethnic data collection system what would that be? Would you know of anyone else who would be good for us to talk to in terms of ethnic data collection systems?

7.2 Appendix 2 CSO Categories 2011-2016

White Irish

Irish Travellers

Other White

Black Irish or Black African

Other Black

Chinese

Other Asian

Other

Not stated

7.3 Appendix 3 Search Strategy

Ethnic data and out of home care	• Number of sources n= 51 • Number of papers included n= 6
Ethnic data collection and children in care	• Number of sources n= 65 • Number of sources included in review n= 7
Child protection and ethnic data	• Number of sources found n= 66 • Number of sources included in review n= 13
Indigenous data and child protection	• Number of sources found n= 45 • Number of sources included in the review n= 4
Ethnic data and youth in care	• Number of sources found n= 201 • Number of sources included in the review n= 8
Additional grey literature	• Number of sources added N= 38
Final number of sources	• N= 76