

**Scotland's Census 2021
Business Regulatory
Impact Assessment
v2.0**

June 2020

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1. Title of Proposal

Scotland's Census 2021.

2. Purpose and intended effect

Background

For over 200 years, Scotland has relied on the ten yearly census to underpin national and local decision making through the production and publication of socio-demographic statistical outputs about Scotland's population. The Census Act 1920 enshrined it as a function of the Registrar General (RG) for Scotland. Each census is underpinned by a Census Order and Census Regulations.

The Registrar General intends to:

- conduct a census in 2021, focusing on an online census which actively uses administrative data in the design to support and add value to the census
- continue to assess the potential of a future census based on administrative data and surveys using the 2021 census to help assess the feasibility of such an approach

The census, which last took place in 2011, provides outputs of anonymous census estimates which offer a highly accurate picture of the number of people and their characteristics (such as age, health, where and how people live). National and local government, the education and academic communities, the third sector, commercial business and others require reliable information if they are to plan and conduct many of their activities effectively. The census provides this information and these outputs are particularly important when there is no other reliable source or when the ability to cross-reference or compare characteristics is necessary.

Whilst many aims and elements of the 2021 Census will be similar to previous censuses, there are some significant differences in the design of the 2021 programme. Arguably the largest difference relates to the intended use and impact of technology and changes in how it will be used. Around 20% of households opted to respond online during the 2011 Census. In 2021, we anticipate Census responses will be received predominantly through an online collection instrument, with others participating on paper or by other means, such as telephone data capture.

Objectives

The Census has the following high-level objectives:

- to produce high-quality results;
- to generate outputs that meet the needs of our users;
- to maximise online response rates for the census;
- to produce timely outputs to maximise benefits;
- to protect, and be seen to protect, confidential information;
- to do so in a cost effective way; and
- to make recommendations for the approach to future censuses in Scotland.

Rationale for Government intervention

The Census Act 1920 requires the Registrar General (RG) for Scotland to conduct a census. Each census is underpinned by subordinate legislation in the form of Census Order and Census Regulations.

The stated purpose of National Records of Scotland is “to collect, preserve and produce information about Scotland’s people and history and make it available to inform present and future generations.” Conducting this and future censuses enables this purpose.

Providing a supportive environment for businesses contributes to the Scottish Government's Wealthier and Fairer strategic objective and to sustainable economic growth in Scotland.

Which businesses are impacted by the census?

We anticipate that the only impact of the census on businesses will be the enumeration of communal establishments, and the legal responsibilities which fall to the managers of those establishments under census legislation. A communal establishment is typically a managed residential accommodation where there is full-time or part-time supervision of the accommodation. Communal establishments include hospitals, care homes, hotels, guest houses, B&Bs, youth hostels and -halls of residence / student accommodation. The exact nature of those responsibilities is decided by the Scottish Parliament through subordinate legislation.

Enumeration is the process of collecting data from the people of Scotland during the census. This includes the operational aspects of census data collection:

- Encouragement of self-response (including digital self-response)
- Direct contact
- Follow up

A robust enumeration strategy and process is essential to ensure a high level of participation, particularly digital, during Scotland’s Census 2021. Scotland’s Census will collect information on everyone usually resident within Scotland on census day, which is planned for 21 March 2021.

Census enumeration activities are currently planned to commence three weeks before census day for households and 7 weeks before census day for communal establishments and continue until approximately five/six weeks after.

To ensure the proposed enumeration approaches and processes are fit for purpose Scotland’s population will be split into three main groupings of respondents: standard households, communal establishments and population groups that require a tailored approach.

A more indirect but nonetheless hugely significant impact on business from census is the value of the statistical data outputs it generates, which is put to numerous uses across the commercial sector amongst others. More information can be found at [chapter 6 – ‘Benefits’](#).

Census Rehearsal

As part of our preparations for Scotland's Census 2021, NRS undertook a public rehearsal in parts of Scotland. The rehearsal took place during October and November 2019. People living in households in parts of Glasgow City, and in Dumfries and Galloway, and Na h-Eileanan Siar were asked to help by taking part, and received a letter in early October with more information about the rehearsal and how to participate.

Unlike the Census itself, participation in the rehearsal was not a legal requirement. Householders in these areas were asked to take part on a purely voluntary basis to help ensure things go smoothly for the main Census in 2021. Communal establishment enumeration operations were not included in the rehearsal activities.

The rehearsal highlighted that the majority of the approaches NRS are proposing to use to contact citizens and collect data were feasible and worked as expected. It also provided further evidence that there are a relatively small number of aspects of our approach that require additional improvements, the majority of which were already known to us and are tied into our post-rehearsal work schedule.

The rehearsal also provided further reassurance that our chosen approaches in many respects worked well. For example, initial contact materials and reminder letters worked well to increase returns, elements of our local engagement and marketing strategy tested strongly, and the overall design and functionality of the online and paper questionnaires allowed the public to complete returns and deliver usable data for our systems.

The rehearsal did importantly identify some new areas of improvement for NRS to take forward. These included the need to:

- make improvements to how we collect address information;
- make improvements to some online question routing;
- review the timing and tailoring of reminder letters; and
- improve the provision of management information.

The rehearsal evaluation report can be found [here](#).

This BRIA covers the intended processes for communal establishment enumeration for the 2021 census and reflects the position shortly after the rehearsal.

3. Consultation

Within Government

The communal establishment enumeration approach and processes relies on a high-quality address register supplied by the NRS Geography team, assured through close regular collaboration with each local authority, supported by the Improvement Service.

Public Consultation

No formal consultation is conducted around census enumeration however the [Plans for Scotland's Census 2021](#) were published in September 2018 outlining the proposed operations.

NRS undertook a period of consultation throughout September 2019 for each of the Impact Assessments accompanying the Census Order. Impact Assessments have been

updated to reflect feedback where appropriate. A report on the consultation can be found [here](#).

Business

Stakeholder Engagement during design

Engagement with organisations and managers within a variety of communal establishments was conducted during the early stages of the enumeration strategy development. Engagement with communal establishment managers will continue through to 2021 with every establishment contacted to:

- Promote census
- Explain the process of enumeration for their establishment
- Help the manager understand their role in census
- Aid the preparation of census contact materials

There have been recent changes to the communal establishment approach to simplify the operational process. The new approach is very similar to 2011. Establishments will receive census supplies, either paper questionnaires or initial contact letters depending on the establishment and resident type. For the majority of establishments online completion will be offered as well as paper with an internet access code available on the paper product.

This is a change from the original design where it was intended that field staff would visit care homes and similar establishments for one day to sit with residents and capture their census response on a mobile device.

While this was less respondent burden for the manager the burden on vulnerable and elderly residents was agreed too high to consider an effective method of collecting census data.

With this change the manager of the establishment will be involved similarly to 2011, where they will be asked to issue, encourage completion (online or paper) and collect completed paper questionnaires from residents.

The [Census \(Scotland\) Order 2020](#) provides that the CE Manager must make a return for any communal individual who is either under 16 years of age or incapable of making a return. Depending on the size of the establishment this could be time consuming for the manager.

Engagement pre-census

Engagement will continue as we approach census day and the enumeration team will conduct an enumeration address check against the communal establishment register (CER).

All communal establishments will be contacted to:

- introduce the census and the enumeration process
- make them aware of timescales
- confirm address and resident information in preparation for enumeration activity
- answer any questions they may have

- inform them of the Census approach for their establishment
- obtain managers contact information, name, telephone number and email address

Communication Method for Enumeration Address Check

The following communications and methods around pre-census activity and engagement are proposed:

- a. Introduction email to umbrella provider organisations – this will enable them to raise awareness amongst the establishments in their areas ahead of our initial contact.
- b. Introduction letter and establishment information request form to communal establishment managers – this will introduce census, and ask them to complete the establishment information request to aid preparations.
- c. Follow up contact to any non-responding establishment by telephone (email and reminder letters also possible).
- d. An e-mail account will be given on all communications to provide a line of contact for communal establishment managers to ask any questions they may have ahead of census collect.

The communal establishments engagement approach for before, during and after the data collection phase is currently undergoing further development and refinement.

Ongoing Engagement

The enumeration team will continue to engage with organisations where enumeration can be difficult, for example rough sleepers, caravan park resident etc. This will increase our knowledge of user needs and provide the opportunity to discuss our approach with the establishment managers who will be taking part.

This engagement is intended to fulfil the requirements of the Scottish Firms Impact Test and feedback and results will be reflected in future iterations of the BRIA.

4. Options

Field-force option with no assistance from managers

Whilst 'standard' enumeration of Scotland's households relies on detailed up-to-date address information and registers which NRS compiles and maintains, the numbers, locations and needs of residents of communal establishments does not show a complete picture of the requirements for each establishment within the address register therefore relies on the provision of supporting information and tasks by those managers and other persons responsible for and familiar with the establishments. Without this supporting information the management and effectiveness of enumeration processes would be highly problematical and there would be an unacceptably high risk of undercount on a scale which could significantly impact the statistical viability of the census.

'Do nothing' option

To do nothing would constitute breach of the Registrar General's duty to carry out a census in terms of the Census Act 1920.

Approved approach for Communal Establishment (CE) Enumeration

The communal establishment approach for 2021 -has been reviewed and undergone revision to simplify the approach and processes. The overarching process for CE Enumeration is:

Address Check	All known establishments contained in the Communal Establishment Register (CER) will be contacted
Initial Contact	Initial contact phone calls will be conducted by Census Area Managers to their assigned establishments to introduce themselves and census, confirm the details obtained at the address check and provide the courier delivery date of census materials to the establishment
Courier Delivery	The date of delivery differs depending on establishment type, all establishments will receive their census initial contact packs by courier
Support	Support to CE managers throughout collect phase (phone and email contact) will be provided by the Census Area Manager assigned to their establishment, they will provide their contact details to the CE manager at the initial contact call
Follow up calls	Census Area Managers will conduct follow-up calls to all CE's. Where a response to the establishment questionnaire has not been received telephone data capture (TDC) will be carried out (excluding CE4 rough sleepers). They will also provide the CE Manager with the courier collection date (except CE 3).
Courier Collection	Courier collection of completed paper questionnaires from the establishment (excluding CE 3 due to the online first approach for this group)

Further information on the different types of communal establishment is included below.

For CE Type 1, 2 and 4 paper questionnaires with an internet access code (except prisons) will be delivered to the establishment managers for issue to all usual residents.

For CE Type 3 Initial Contact Letters (two letters tailored to each type of establishment/respondent) with internet access codes will be delivered to establishment managers.

Census Area Managers will be allocated to a number of CE's and will provide support via telephone/email to CE Managers throughout the collection period. CE Managers will be asked to support and assist residents to complete their census if they need help. And in line with the Census Order the CE Manager will have a legal responsibility to complete the establishment questionnaire and make a return for any resident aged under 16 or otherwise incapable of doing so themselves (and where no other assistance can be sought).

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Follow up with CE Managers will be carried out to ensure that an establishment questionnaire is completed, and where it has not been completed online or paper, it will be captured by telephone data capture using OCI.

There will be no follow up activity of individuals in communal establishments
Individuals will be directed to the CE Manager for help but they can choose to use any of our support mechanisms if they prefer, for example, the contact centre or online help.

An additional level of support will be available where it is clear that telephone contact is not sufficient and a visit to the establishment may be required. This will not be promoted but -considered on a case by case basis. Examples of this are Care Homes with vulnerable residents or larger establishments where the respondent burden on the CE Manager is affecting returns.

The enumeration processes proposed which directly impact on establishment staff and managers are illustrated below. This reflects the process for all CE Types, with the exception of CE 4 – homeless people sleeping rough.

Step	Process	Timing	Activity
1	Communication to umbrella organisations and service providers	tbc	E-mails to umbrella organisations and service providers to inform them of the upcoming activity for them to inform their establishments.
2	Enumeration Address Check - Establishment check and initial engagement – promote census, confirm establishment type, gather bed space and usual resident numbers, and confirm contact details for manager. Follow up phone calls will be made to any non-responding establishment.	– TBC – Nov 2020	Initial contact commences by sending an information letter and form for completion to the establishment. All CEs on the CER will be contacted.
3	CE is allocated to a Census Area Manager. One to one relationship for the duration of census collect phase	Jan 2021	Number of CE's allocated per Area Manager to be agreed.
4	Enumeration Initial Contact Calls – Introduce themselves and provide CE Manager with contact details, remind manager	1 – 10 February 2021	Phone call to the CE Manager by the allocated Census Area Manager

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	of census activity, verify number- of usual residents, provide date for the courier delivery of Census Initial Contact Packs		The delivery of census packs and the collection of questionnaires will take place by courier.
5	Contact In recorded in DCOMS	1 – 10 February 2021	Record Contact In Record – CE Activity and note in comments 'delivery date of [date] confirmed to CE Manager'
6	Courier Delivery of Initial Contact Packs - to the CE manager	1 March 2021	<p>Courier will deliver the required material for enumeration directly to the establishment.</p> <p>These packs will need to be signed for to allow the courier to complete delivery.</p> <p>CE 1- Manager – ICL, individuals paper questionnaire with IAC.</p> <p>CE 2 – Manager and individuals will receive paper questionnaires with internet access codes (except prison individuals – no IAC)</p> <p>CE 3 – Manager and individuals will receive ICL's</p> <p>CE 4 – Manager (except rough sleeper hubs – no establishment questionnaire) and individuals will receive paper questionnaires with internet access codes.</p> <p>A Listing Form will be provided in the manager packs to help managers to keep track of the distribution and collection of paper questionnaires (or confirmation of online completion).</p>
7	Distribution of Census Initial Contact packs to residents	tbc	The CE manager will distribute the individual initial contact packs to all

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			<p>usual residents of the establishment (as per Census Order and Regulations) and encourage completion, either by paper or online.</p> <p>The CE Manager will provide help and advice to residents.</p> <p>The CE Manager will complete or arrange for the completion of an individual questionnaire for any resident aged under 16 or otherwise incapable of doing so themselves (as per Census Order and Regulations)</p>
8	Follow up call – establishment questionnaire	tbc	<p>Census Area Managers conduct follow up calls to their assigned establishments and:</p> <ol style="list-style-type: none"> 1. Confirm completion of establishment questionnaire on paper and awaiting completion. 2. If CEQ not completed – carry out TDC of establishment questionnaire using allocated IAC in OCI 3. Advise manager of collection date (except CE3 – no collection required).
9	Contact In Recorded in DCOMS	tbc	<p>Record Contact In Record – CE Activity and note in comments 'collection date of [date] confirmed to CE Manager'</p> <p>Record Contact In Record – CE Telephone Data Capture (where required).</p>
10	CE Manager preparation for collection (except CE 3)	tbc	<p>The CE manager will collect all completed paper questionnaires (or tick confirmed completed online on the Listing form) from residents before the scheduled collection date.</p>

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			The Manager will prepare the return package as per instructions provided.
12	Courier collection of questionnaires (except CE 3)	tbc	A courier will attend on the agreed date to collect all completed and unused paper questionnaires and deliver to the paper capture site.

Communal Establishment Enumeration Type 1 includes the following types of establishment:

- Care homes with nursing
- Care homes without nursing
- Staff/worker accommodation
- Religious establishments

The majority of usual residents in type 1 establishments are in care homes. In the [2011 Census](#), care homes had the highest number of usual residents of any communal establishment type (36,448 usual residents, which was 36.8% of the total communal establishment usual resident population). According to the Communal Establishment Register (CER), March 2020, there are approximately 1,313 Type 1 establishments in the whole of Scotland. Exact numbers for 2021 will be determined during live operation.

The decision has been taken not to collect online responses using a mobile device from residents in CE Type 1 establishments.

While the approach reduced the burden on the manager the approach to have multiple field staff attend an establishment such as a care home for a one day enumeration period would have increased the burden and stress on already vulnerable residents in the establishment.

As part of our stakeholder engagement, we will highlight the importance of establishment managers and staff raising awareness of census to encourage family members and others in support roles (e.g. carers, friends, relatives, legal guardians, powers of attorney) to-assist with completion and response.

Communal Establishment Enumeration Type 2 includes the following types of establishment:

- General Hospital
- Mental Health Hospital (including inpatient units)
- Other Hospital
- Other medical and care establishment
- Prison and young offenders institution
- Immigration Removal Centre
- Children's Home
- School
- Other educational establishment

- Hotel, guest house, B&B, youth hostel (30 and over bed spaces only, under 30 will be treated as households for enumeration purposes)
- Other travel establishment
- Other hostel or shelter establishment
- Leisure/ holiday establishment
- Other establishment

Census responses for these types of establishment will primarily be collected using paper questionnaires. With the exception of prisons and detention centres, paper questionnaires for this group will include an Internet Access Code (IAC). This will enable online completion if the respondent prefers.

In the [2011 Census](#) there were 20,060 usual residents in 3,063 Type 2 communal establishments. The CER (March 2020) shows currently there are 1,936 establishments - Hotels, Guest Houses, B&Bs and Youth Hostels (30+ bed spaces) make up the majority of these establishments. They however have a low proportion of usual residents, in the 2011 Census only 4.1% of total bed spaces in hotels etc. were occupied by usual residents. Establishments like prisons however have a very high proportion of usual residents.

Due to the nature of type 2 establishments there are a number of reasons for the chosen approach.

The establishment types and reasons are detailed below: -

Prisons and detention centres

Due to residents in prisons and detention centres having limited access if any to the internet, an online approach would not be appropriate for this group. Paper questionnaires for these establishments will not contain an internet access code.

Hotels, Guest Houses, B&Bs and Youth Hostels (30+ bed spaces)

The paper only approach was chosen for this group as there is a low proportion of usual residents in these establishments.

In Census 2011 hotels, guest houses, B&Bs and youth hostels were the category with the highest number of communal establishments (2,498), with an estimated 125,649 bed spaces. There was a total of 5,140 usual residents at these establishments, equating to only 4.1% of total bed spaces occupied by usual residents.

We have very little information about usual residents in these establishments, unlike students for whom there is a strong assumption of adequate digital skills, therefore we will supply a paper questionnaire with an IAC. The inclusion of an IAC on the paper questionnaire allows residents the option to complete online if that is their preference.

We will rely on the establishment manager's understanding of who is considered a usual resident in the establishment. Therefore clear guidance will be provided to the manager in the Guidance Note for Managers.

With the 30 bed space rule any of these types of establishments with under 30 bedspaces will be treated as households and receive a household questionnaire. This has been reviewed and agreed that due to the low numbers of long term residents in

these types of establishments, who are not a family unit, the decision to approach them as households is the most appropriate. Where we identify that an address is a CE or business we will treat as such. As households there is no business impact to consider.

Boarding Schools and Children's Homes

The age of the residents in these establishments is the main reason for this approach. Residents will mostly be under 18 years old with the manager being responsible for making a return for those under the age of 16. Paper questionnaires allow the establishment manager to track responses and co-ordinate the enumeration process.

As with most other establishments, residents will have the option to complete online if they prefer.

Again clear guidance will be provided to managers, to explain their role in the enumeration process.

People under the age of 16, resident in either households or communal establishments, will be prohibited from completing individual questionnaire responses. Under the Census (Scotland) Order 2020, the making of a return for a child under 16 will (by default) be the responsibility of the Communal Establishment (CE) manager. This places legal responsibility upon the CE manager to provide a completed CE Questionnaire, either online or paper, and to sign and physically return any completed Communal Individual (CI) paper questionnaires, but does not mean that they necessarily have to fill in all the information on each individual questionnaire personally before they sign it. For the relevant type of CE, the CE manager can arrange for a 'relative or companion' to complete the individual form on behalf of those under 16.

No child under 16 will be able to 'make a return' on their own behalf but they could provide answers to questions on an individual questionnaire and provide that to the CE Manager. This scenario will be the same for under 16s within a household. The CE Manager will be responsible for signing the declaration for any CI filled in by an under 16 or make arrangements for a relative or companion to complete an individual form. The manager will determine how best to encourage and ensure how returns are made for their CE.

Other Establishments

There are a range of establishments that do not fit into any of the other communal establishment types.

In 2011 there were very small numbers of usual residents in these types of establishments, and this approach is considered the most practical and cost-effective.

Communal Establishment Enumeration Type 3 includes the following types of establishment:

- Halls of Residence / student accommodation
- Defence establishments (including ships)

The decision has been taken not to carry out targeted non-response follow up visits in student halls of residence.

Whilst the approach of direct postal contact to students had merit in terms of the group being capable of self-response, it was agreed room level data was difficult to verify across the varying types and structure of halls, postal delivery methods, students regularly moving rooms in halls, and that a field force presence in a communal of this structure would be difficult to manage.

The burden on managers of these types of establishments could be considered high due to the number of residents in these types of establishments.

There will be a need for the manager to issue out initial contact letters to each student and encourage completion but with the online approach managers will not be expected to gather in completed responses.

To reduce burden on the managers of these establishments, which tend to be high in numbers we recommend across the board reminders to all students via the CE Manager. Reminders would be issued once a week for four weeks. The Census Area Manager will email each CE they have responsibility for.

In the 2011 Census there were 33,609 usual residents in 238 halls of residence.

Due to the demographic mix of the residents, confusion around usual resident criteria and the complex nature of the establishments themselves, halls of residence have historically been a very difficult group to enumerate.

This has resulted in previous censuses having lower than desired response rates.

This has influenced our approach for these establishments, and we believe that offering online completion for this group will help to improve response rates from a previously low response group. Students most likely require reasonable digital skills to complete their studies, therefore there is a reasonable expectation that low digital skills will not be a barrier for completion. Stakeholder engagement has shown students prefer to complete administrative tasks online. Students' engagement with their universities and learning establishments is also predominantly conducted through online channels.

The approach to Armed Forces is being agreed with ONS and the Ministry of Defence (MoD) -. As of April 2020 the MoD have confirmed they are content with the approach we intend to use.

Census responses from these types of establishments will still be driven for online completion using access to the OCI by individuals on their own device after receiving their initial contact letter.

If a resident prefers to complete their response on paper then they will be able to request a paper questionnaire through the census contact centre or website.

Communal Establishment Enumeration Type 4 includes homeless shelters and hostels and homeless people sleeping rough.

The enumeration approach for these types of establishment will be paper based. The paper questionnaires will have Internet Access Codes (IACs) so the residents can complete online if they prefer.

In the 2011 Census, there were a total of 98 homeless people sleeping rough and 2,027 usual residents in 149 homeless hostels/ shelters. The approach for homeless people sleeping rough was for enumerators to walk the streets on a selected night with a council worker. It is widely accepted that this produced a significant undercount and therefore this population group is a particular focus for 2021. The CER (March 2020) shows there to be 112 Type 4 communal establishments.

Homeless people in temporary accommodation

The approach for census is to conduct enumeration for homeless people in temporary accommodation i.e. hostels and shelters to be a shorter period than other establishments, with a shorter courier delivery and collection window.. For these types of establishments, it is unfair to ask them to hold on to completed paper questionnaire for a longer than is needed period of time. This should also help to ensure that there is as little over-count as possible. Feedback from organisations like Shelter have advised that people attending the shelter may not remember completing and would do several times over. This timescale also reduces the burden on managers of these establishments to hold onto completed census questionnaires and unused products any long than they have to.

We are proposing to conduct enumeration with the help of third sector volunteers, an approach supported by stakeholder feedback.

Homeless people sleeping rough

The current thinking after engagement with stakeholders at Shelter and Simon Scotland is to conduct the enumeration of rough sleepers in urban areas only.

5. Sectors and groups affected

As above the most significant anticipated impact relates to the managers of communal establishments, subject to the provisions of the Census Regulations.

For planning and operational purposes, four types of communal establishments have been identified, as detailed above. The relevant classifications are set out in the Census (Scotland) Order 2020 can be found at [Annex B](#).

The following types of establishment are in-scope:

- Care homes with nursing
- Care homes without nursing
- Hotels, Guest houses, B&Bs and youth hostels (30+ bed spaces only)
- Other travel establishment
- Leisure/holiday establishment
- Staff/worker accommodation
- Religious establishment
- General hospital
- Mental health hospital (including inpatient units)
- Other hospital
- Other medical and care establishment
- Prison and young offenders institution
- Immigration Removal Centre

- Children's home
- School
- Other Communal Establishment
- Halls of residence / student accommodation
- Other educational establishment
- Defence establishments (including ships)
- Hostel or shelter for the homeless
- Other hostel or shelter establishment
- Day services for rough sleepers

6. Benefits

Whilst there are an enormous number of uses and related benefits of the census outputs, the most valuable can be categorised in two broad areas:

- Supporting evidence based policy making and related research
- Informing the allocation and targeting of resources

In addition, the outputs improve the knowledge and understanding of the make-up and characteristics of Scotland and its people (and related trends) and serve to inform public debate.

Known uses of census data by central government include pensions and benefits policy, macroeconomic policy, resource allocation for health, local authorities and emergency services, equality and diversity monitoring, transport schemes and environmental policy. Local government uses include schools and education provision, capital schemes, libraries, social care, housing and waste collection.

NRS calculated¹ the cost to health board funding allocations if the census was not carried out in 2011. If census figures from 2001 had been used to make population estimates and allocate funding to health boards, in 2014/15 there would have been misallocations of between £30m and £40m. Some health boards would have received more, some less, than their appropriate share.

With specific regard to Scotland's business and commercial interests, census data outputs are equally valuable as a measure which informs market intelligence across a wide range of sectors including market research, data-mining, the financial sector, utilities, direct marketing and advertising, and retail and leisure planning.

7. Costs

Given the number of communal establishments in Scotland, considerable variations in the sizes of establishment, the types of residents and the needs of enumeration processes, it would not be cost-effective to accurately estimate the cost to business of the obligations conferred on communal establishment managers. These obligations occur only once every ten years and extend to a handful of communications, forms and visits at the most. Effort is made to design census fieldwork practices in such a way as to minimise the burden which falls to establishment managers and staff, whilst maximising the level of response from establishment residents.

¹https://www.scotlandscensus.gov.uk/documents/censusresults/Scotland's_Census_2011_General_Report.pdf

8. Scottish Firms Impact Test

In advance of the census, the enumeration team may visit a selection of communal establishments. This will increase our knowledge of user needs and provide the opportunity to share and discuss our approach with the establishment managers who will be taking part, and to obtain their feedback.

This engagement is intended to fulfil the requirements of the Scottish Firms Impact Test and feedback and results will be reflected in future iterations of the BRIA.

9. Competition Assessment

The four Competition and Markets Authority (CMA) competition assessment questions below and the accompanying answers provide an assessment of competition.

Q: Will the proposal directly limit the number or range of suppliers? A: No.

Q: Will the proposal indirectly limit the number or range of suppliers? A: No.

Q: Will the proposal limit the ability of suppliers to compete? A: No.

Q: Will the proposal reduce suppliers' incentives to compete vigorously? A: No.

The census has no impact on competition in supply markets, and will have minimal impact on business. NRS therefore considers that there is no requirement to complete a 'Competition Assessment' as part of the BRIA exercise.

10. Test run of business forms

Forms and questionnaires which will be used to support the 2021 Census communal establishments enumeration operation are under development and testing strategies will be defined in due course.

11. Legal Aid Impact Test

The Scottish Legal Aid Board has confirmed that it does not anticipate that Scotland's Census 2021 will give rise to any impact on the provision of legal aid.

12. Enforcement, sanctions and monitoring

The exact legal obligations of communal establishment managers is provided for in the Census (Scotland) Order 2020 and the forthcoming Census Regulations. These can be found in [Annex A](#).

As noted above there are set procedures for non-response follow-up in respect of failure to supply the necessary information to facilitate enumeration of communal establishments.

Penalties which apply to non-compliance with the provisions of the Census Act 1920, the Census Order and the Census Regulations are set out in Section 8 of the Census Act 1920.

13. Implementation and delivery plan

Census Day is planned for Sunday 21 March 2021 and strategies and processes will reflect any testing and stakeholder feedback processes undertaken in advance of the census. Future iterations of this BRIA will provide an update on this work.

14. Post-implementation review

The arrangements are reviewed and defined under the Census Order and Regulations which are laid in advance of each census, every ten years.

15. Summary and recommendation

In summary, the enumeration of communal establishments is essential to meet the requirements of the 1920 Act, and cannot be effectively achieved without the support and assistance of establishment managers, which is underpinned by their legal obligations in census legislation.

Approaches, strategies and processes have evolved over many years and many censuses, but are subject to regular review and improvement with the input of those impacted.

NRS is confident that the intended approach will be successful and that the burden it places on communal establishment managers and staff is reasonable and proportionate in the context of an operation run only every ten years.

16. Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable interim view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been and will continue to be assessed with the support of businesses in Scotland.

Signed:

*Kind regards
Fiona Hyslop*

Date: 09 June 2020

Name: Fiona Hyslop

Title: Cabinet Secretary for Economy, Fair Work and Culture

Annex A - Legal obligations – Census Order and Regulations 2020

Census (Scotland) Order 2020

Persons by whom the returns are to be made

5. - (1) Where a dwelling is occupied by a household consisting of one person in Group I, that person must make a return with respect to that person and every visitor at that dwelling.

(2) Where a dwelling is occupied by a household consisting of more than one person in Group I a return must be made with respect to every person in Group I and every visitor at that dwelling.

(3) Subject to paragraph (12), a return under paragraph (2) is to be made by—

(a) the householder, or

(b) if there is no householder or the householder is unable to make the return, the members of that household aged 16 years or over on census day.

(4) Any person with respect to whom a return falls to be made in accordance with paragraph (2) may elect to make an individual return with respect to that person if the person is—

(a) aged 16 years or over on census day,

(b) capable of completing the form of return, and

(c) not a visitor.

(5) A person (“A”) who has, in accordance with paragraph (4), elected to make an individual return—

(a) may, but need not, notify the person making the return under paragraph (2) that A has so elected, and

(b) must make the individual return.

(6) In the case of any premises in Group II, III, IV or V, the manager, chief resident officer, director or governor, or other person for the time being in charge of the premises and in the case of any premises in Group VI the commanding officer or other person for the time being in charge of the premises, must make a return.

(7) Every person in Groups II, III, IV, V, VI and, subject to paragraph (8), Group VII must make an individual return, but where any such person is not aged 16 years or over or is, for any other reason, incapable of making a return and that person is—

(a) a person in Group II, then the manager or other person for the time being in charge of the hotel or guest house must make a return with respect to that person or arrange for it to be made by a relative or other person accompanying that person,

(b) a person in Group III or IV, then the chief resident officer or other person for the time being in charge of the premises must make the return with respect to that person or arrange for it to be made by a relative or companion of that person,

(c) a person in Group V, then the director or governor or other person for the time being in charge of the premises must make a return with respect to that person or arrange for it to be made by a member of staff of the owner of the establishment,

(d) a person in Group VI, then the return must be made with respect to that person by the commanding officer or other person for the time being in charge of the premises,

(e) a person in Group VII, then the return may be made with respect to that person by any other person capable of doing so on his or her behalf.

(8) As regards a person in Group VII who is capable of making a return, the return referred to in paragraph (7) may be made by any other person authorised by that person to do so on that person's behalf.

(9) Subject to paragraphs (10) to (12), in the case of a dwelling in Group VIII, the householder must make a return with respect to the person in Group VIII and every visitor at that dwelling.

(10) A return need not be made under paragraph (9) if, in relation to the dwelling to which the return relates, either or both of the following apply—

(a) for a period of 6 months or more ending with census day, no person has stayed or lived at the dwelling,

(b) the householder expects that, for a period of 6 months or more including census day, no person will stay or live (or will have stayed or lived) at the dwelling.

(11) The return referred to in paragraph (9) may be made by any person authorised by the householder to make the return or by any visitor staying at the dwelling on census night.

(12) The obligation to make a return under paragraph (2) or (9) is satisfied if, as the case may be, any householder or member of the household mentioned in paragraph (3)(b) makes such a return.

Annex B - Definitions/classifications from Census (Scotland) Order 2020

PREMISES IN RELATION TO WHICH, AND PERSONS WITH RESPECT TO WHOM, RETURNS ARE TO BE MADE:

<i>(1) Premises or other place</i>	<i>(2) Persons</i>
GROUP I	Any dwelling occupied by a household. Every person who is usually resident in the dwelling.
GROUP II	Any hotel or guest house, not being a dwelling occupied by a household, and excluding any part of the premises which constitutes such a dwelling. Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.
GROUP III	Any hospital, nursing home, religious or charitable community or other residential establishment whatsoever, not being a dwelling or an establishment mentioned elsewhere in this schedule, and excluding any part of the premises which constitutes a dwelling or establishment so mentioned. Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.
GROUP IV	Any residential school, college or other educational establishment, not being a dwelling occupied by a household, and excluding any part of the premises which constitutes such a dwelling. Every person who is usually resident in the premises.
GROUP V	Any civil prison or other place of detention. Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.
GROUP VI	Any barracks, station or other premises under naval, military or air force discipline. Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.
GROUP VII	Every person usually resident in Scotland but not usually resident at

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	any dwelling or premises mentioned elsewhere in this schedule and who has not been included in any other return in the United Kingdom.
GROUP VIII	Any residential dwelling which is not occupied by a household consisting of persons in Group I. The householder or, if there is more than one householder, one of those householders.