

**Scotland's Census 2022  
Children's Rights and Wellbeing  
Impact Assessment  
v4.0**

**December 2020**

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## **CRWIA Stage 1 - Screening**

This screening process relates to the Scotland's Census 2022 programme.

### **1. Background**

#### **What is the census?**

The census is the official count of every person and household in Scotland. It is usually held every ten years and provides the most complete statistical picture of the nation available. It also provides information that central and local government need to develop policies and to plan and run public services.

Scotland's census is taken by the [National Records of Scotland](#) (NRS) on behalf of the Registrar General for Scotland. The NRS is a non-ministerial department of the Scottish Administration, established on 1 April 2011, following the merger of the General Register Office for Scotland (GROS) and the National Archives of Scotland (NAS).

NRS's main purpose is to collect, preserve and produce information about Scotland's people and history and make it available to inform current and future generations. It holds records of the census of the population of Scotland from 1841 and every 10 years after that. The one exception to date was the wartime year of 1941 when no census was taken. Census records are closed for 100 years under the Freedom of Information (Scotland) Act 2002.

#### **Move to 2022**

On 17 July 2020 Scottish Government announced the decision to move Scotland's Census to 2022 following the impact of the COVID-19 pandemic.

The census collection is a huge logistical operation involving the recruitment and deployment of thousands of staff, including a large field force team who engage with the public on their doorstep. The twelve months leading up to a census are vital in planning and testing the effectiveness and safety and security of census systems and collection processes to ensure these are ready. COVID-19 restrictions during 2020 prevented these key activities from progressing. These impacts occurred in a number of areas, from progressing recruitment to being able to undertake comprehensive testing, from contacting care homes and hospitals to establish their requirements for questionnaires to engaging with third sector and community groups to encourage participation from everyone in Scotland.

The priority and responsibility of NRS is to put in place a Census that enables everyone across Scotland to participate, so that information collected can be used to produce high quality outputs and deliver the benefits required by the people of Scotland. We had been monitoring the impacts of COVID-19 on the

delivery of the 2021 census and explored a number of [options](#)<sup>1</sup> to preserve this census date, details of which can be found on our website. The conclusion by NRS was that the only option in which there was confidence around securing the high response rate required was to move the census to 2022. Following our advice, Ministers decided to move Scotland's Census to March 2022 to ensure that a full and successful census is undertaken.

The census in March 2022 will follow the same model and question set as planned for March 2021. We will work closely with our stakeholders and partners to ensure that appropriate data is available to support work that was expecting to make use of Census 2021 data. We will also continue to work closely with our colleagues in the Office of National Statistics (ONS) and Northern Ireland Statistics and Research Agency (NISRA) to ensure the needs of data users in Scotland and across the rest of the UK will be met.

You can access FAQs around the implications of this change on our [website](#)<sup>2</sup>.

Scotland's Census 2022 will take place on Sunday 20 March, and will be conducted predominantly online. The last census was conducted mainly on paper (80%), and 20% online.

### The Census Act 1920

The Census Act 1920 ("the 1920 Act") provides for a census to be taken not less than five years after the previous census. The 1920 Act applies to England, Wales and Scotland. In Scotland it is the duty of the Registrar General to undertake the census, in accordance with the 1920 Act and any Order in Council or regulations made in terms of the 1920 Act, under the direction of Scottish Ministers. In England and Wales, the responsibility for the census rests with the UK Statistics Authority and it is conducted by the Office for National Statistics (ONS). In Northern Ireland it is conducted by the Northern Ireland Statistics and Research Agency (NISRA).

Section 1 of the 1920 Act provides the enabling power which underpins the taking of the census. It allows the making of an Order in Council ("the Census Order") which directs that the census be taken; the date on which it is to be taken; the persons by, and in respect of whom, returns are to be made; and the particulars which are to be stated in the returns. The form (or forms) used in the census are prescribed in regulations ("the Census Regulations") under section 3 of the 1920 Act. This is where the census questions, as they will be seen by individuals completing the forms, are legally set out. The questions must, of course, solicit the particulars set out in the Census Order.

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<sup>1</sup> <https://www.scotlandscensus.gov.uk/documents/Options%20Assessment%20Overview.pdf>

<sup>2</sup> <https://www.scotlandscensus.gov.uk/documents/Scotland's%20Census%20-%20Stakeholder%20QA%20-%20Frequently%20asked%20questions%20.pdf>

A similar process will be followed in England, Wales and Northern Ireland, reflecting the importance of harmonisation.

If a person refuses to answer a census question, or gives a false answer, they may be prosecuted. Currently, the only exceptions to this are the voluntary questions on religion and on sexual orientation and trans status and history, which were added by the Census (Amendment) (Scotland) Act 2000 and Census (Amendment) (Scotland) Act 2019 respectively. Together, both Acts specifically exclude penalising non-response to these questions.

### Why have a census?

For over 200 years, Scotland has relied on the census to underpin local and national decision making. Around 200 countries worldwide now undertake a regular census under the [UN census programme](#). The census is the only survey to ask everyone in Scotland the same questions at the same time. It is unique in the provision of comprehensive population statistics. It is used by central and local government, health boards, the education sector, the private sector, and the voluntary sector to plan and distribute resources that match people's needs. The information collected must be "authoritative, accurate and comparable" for all parts of Scotland, and down to very small levels of geography. Only the census can consistently provide such information.

Basic information on population size, age, sex and location are crucial to work on pensions, migration, economic growth and labour supply. Other information gathered helps governments to:

- identify housing demand and create housing supply including information on household size and family make-up. which are crucial to policies on local housing demand and planning, and poor housing and overcrowding.
- identify areas of deprivation, enabling them to target services
- gather data on equality groups, enabling them to tackle discrimination
- gather information on housing,

Census information is also used for a range of social and economic indicators:

- population estimates
- employment and unemployment rates
- birth, death, mortality, and fertility rates
- equalities data, such as age, sex, ethnicity, religion/belief and disability.

Census data is also used by local public services to meet local needs in health, education, transport, planning, and community care services.

NRS calculated 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.<sup>3</sup>

Following the 2011 Census, NRS, in conjunction with the other UK Census offices, explored alternative ways to produce population statistics. NRS had an open mind in identifying potential options and examined and compared various approaches to counting the population, both here and overseas, engaged with a diverse group of users, commentators and public bodies, and undertook qualitative and quantitative research into attitudes to the census and population statistics. More information on the work which was done can be found in the [Beyond 2011](#) section of the NRS website.

Having considered all the [evidence](#), in March 2014, NRS recommended that a modernised 'traditional' census was the best way to meet users' needs. Specifically, NRS announced its intention to focus on planning for a census in 2022 which will be primarily online, while offering alternative modes of completion where necessary, and also aiming to make best use of technology and administrative data in its design, building on the online approach used successfully in the 2011 census.

The main objectives of Scotland's Census 2022 are:

- 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.

The census is for, and about, everyone in Scotland. In conducting it, an objective is to gather as wide a dataset as possible. It is recognised that people in Scotland have a wide range of needs therefore our designs have to take account of these diverse needs, and these needs may be influenced by them having one or more of the protected characteristics as defined in the Equality Act 2010. NRS is therefore trying to make sure that firstly people are able to access the census in order to fulfil their legal obligation to participate and secondly to enable their access to the anonymised statistical outputs derived from the data collected from them, which in turn enable them to reap the benefits realised.

The census is the only survey to ask everyone in Scotland the same questions at the same time. It is unique in the provision of comprehensive

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<sup>3</sup>[Scotland's Census 2011 General Report](#)

population statistics. It is used by central and local government, health boards, the education sector, the private sector, and the voluntary sector to plan and distribute resources that match people's needs. The information collected must be "authoritative, accurate and comparable" for all parts of Scotland, and down to very small levels of geography. Only the census can consistently provide such information.

The numerous uses made of census data outlined above represent a key benefit and a positive impact of the census which is shared by all.

There are a number of barriers and challenges which can potentially limit or hinder participation in the census. These include lack of awareness, lack of understanding, privacy concerns, language, mistrust in/lack of engagement with officialdom, impairments such as physical or learning disabilities, and known limitations around the 'reachability' of communities and groups. Some relate specifically to digital participation, such as digital access or connectivity issues, lack of digital skills or confidence, data security concerns and mistrust of digital systems. In support of its objectives the programme is taking steps to address and overcome all of these challenges. Significantly, whilst the 2022 census will be predominantly online, paper questionnaires and materials will also be available. This represents a major mitigation against the risk of negative impact through digital exclusion.

### Data Collection

Respondents will be able to complete the census questionnaire online, or can request a paper questionnaire for return by post. Enumeration processes include the use of a robust address list to ensure everyone can have a fair chance of completing a census return. This is complemented by deployment of a large field force who will seek to ensure every household and communal establishment is able to participate in the census. The Census Coverage Survey, which follows up a sample of the main operation, assesses the extent of coverage across the whole population.

A free-to-use dedicated Contact Centre will be established and promoted to handle all census enquiries, fulfilment requests and complaints. It will be operated by fully-trained staff and will offer translation services, telephone data capture and other support functions. Training for Contact Centre staff will feature focus on:

- a. If anyone under 16 contacts us
- b. Confidentiality
- c. Sensitivity
- d. Details of online questionnaire age routing

### Data Processing, Administrative Data and Statistical Outputs

Statistical data processing, and the methodology underpinning it, will seek to ensure that all characteristics captured by the census are processed appropriately and consistently to best meet the identified user needs, and are considered throughout the data lifecycle.

Administrative datasets are used for quality assurance purposes. Data Protection Impact Assessments are published on the use of these datasets.

Statistical Disclosure Control policies and processes protect individuals, particularly those who hold certain protected characteristics, from being identifiable from census outputs.

### Publicity, Communications and Engagement

The census website will feature the online data collection instrument and a wide range of help and guidance. Specifically, this will include a general content portal, the online census questionnaire engine, and specific questions guidance.

Extensive user research has been conducted to support and inform the development of the online collection instrument, including the following strands of research: -

- Information Needs User Research
- Usability and Accessibility Testing Research
- Online User Testing Research
- Audience Discovery Research

This work has specifically targeted potential users from a wide range of backgrounds and capabilities, providing valuable insights into the needs and motivations of different groups and communities. These include people with skills limitations, low literacy, reading impairments, English language limitations, ethnic minorities and care home residents.

Publicity, marketing and communications will seek to raise awareness and maximise motivation to participate amongst all groups and communities. Messaging will be tailored to a number of different audiences using a range of platforms, including social media and will seek to educate and reassure whilst highlighting the benefits of the census, and allaying concerns around security of data.

NRS will seek to maximise response amongst those groups who are considered to be at most risk of non-participation, by building relationships through direct engagement with their representative and support organisations, and local authorities. This engagement will seek to identify,



explore and maximise our understanding of the motivational, attitudinal and circumstantial barriers of relevance to each group. Community engagement activities will seek to develop knowledge and intelligence at local levels to inform messaging and tactics, including local and regional prevalence of target populations and the communications channels and networks they use.

Work to establish working stakeholder relationships to support this approach is already well underway and will grow and intensify moving forward towards 2022.

### Digital participation

The public sector in Scotland is committed to respond to the changing expectations of customers by realising the opportunities that technology provides and delivering an increasing proportion of services online. Part of the [Scottish Government's Digital Strategy](#) is to increase digital participation in order to enable social mobility and tackle persistent inequalities. The online delivery of public services will also provide services which are easier, quicker and more convenient for people to use, and at a lower cost than other methods allow. The UK Government's Digital Efficiency Report suggests that transactions online are 20 times cheaper than by phone, 30 times cheaper than by post and as much as 50 times cheaper than face-to-face.

In general terms Scotland can be considered a digital nation. The 2018 Scottish Household Survey (SHS) reports that home internet access has increased steadily over time, reaching an all-time high of 88% of households in 2019<sup>4</sup>. Previously, other sources have shown 40% of people are reported to have a tablet computer (SCVO, 2015) and 63% use a smartphone (Ofcom, 2015a).

While this information is a useful indicator of internet availability it is not necessarily indicative of potential response to a requirement to use the internet for a specific task such as completing a census form. A report published by the Carnegie UK Trust (Carnegie UK, 2014) highlights this fact noting that the barriers to getting online are multiple, varied and complex. They state that "being digitally connected is not the same as being digitally included". The same point was also made in a report outlining research looking at links between digital and social disengagement (Helsper, 2008) which notes "simply providing access to these platforms is not enough – digital disengagement is a complex compound problem involving cultural, social and attitudinal factors and in some cases informed 'digital choice'".

It is important therefore to have a full understanding of all factors influencing internet use before any assessment of potential digital participation can be made.

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<sup>4</sup> [Scottish Household Survey 2019: Annual Report](#)

Everybody has their own individual set of circumstances and their own reasons for not being online. There are 4 main kinds of challenge people face: access (accessibility, location, cost, technology, infrastructure, language); skills (literacy, digital, security, confidence); motivation (risks, necessity, financial benefits, social benefits, health and wellbeing benefits); trust (identity, security, standards, reputation). The first two, a lack of access or skills result in 'Digital Exclusion' while the latter two, lack of motivation or trust may be best grouped with those situations where individuals have access and make use of the internet but will choose not to complete an online census as 'digital choice'.

Both exclusion and choice could have a significant impact on online response rates therefore it is important that a focus for Scotland's Census 2022 is on promoting online participation and not just tackling digital exclusion.

We are also keenly aware of the demographics and infrastructural aspects of the digital connectivity landscape in Scotland. Households with higher income are more likely to have internet access. Households with lower incomes and households in Scotland's most deprived areas were less likely to have home internet access than higher income households and those in less deprived areas, but the gap has narrowed in recent years. Internet access varies by household tenure. Ninety-one% of households who owned their home and 93% of those in private rented housing had home internet access compared to 79% of those in social rented housing.<sup>5</sup>

The option of submitting census questionnaires online was introduced for the first time in 2011 to those living in households; those living in communal establishments were only able to complete on paper. Around 20% of all returns were submitted online. The 2022 Census is being designed under the principle of '[Digital First](#)' with a target online completion ratio of at least 70%. Development of the online collection instrument has incorporated a programme of user research to understand accessibility issues and therefore to inform an online delivery that is accessible. The move to a primarily online census, including a change in enumeration strategy (e.g. post out of contact materials instead of enumerator hand delivery), will reduce the direct contact between householders and field staff. Public assistance channels and services together with publicity and marketing, will have a critical role in compensating for this and encouraging and enabling maximum response. Public assistance services will be designed to encourage and enable those who can use digital self-service to do so, whilst helping those who cannot use self-service. NRS will also provide a range of non-digital access channels but will encourage the public to use our digital channels. NRS will support this channel shift by ensuring quality, ease and efficiency of our digital services and by providing assisted digital support. Online services will be promoted

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<sup>5</sup> [Scottish Household Survey 2019: Annual Report](#)

through a number of different routes, such as community engagement activity, publicity initiatives, websites, contact materials and information leaflets. To reflect the steep rise in the use of social media in recent years, there will be a much greater emphasis on the use of social media as part of the programme's marketing and publicity activity, to satisfy increased customer demand and expectation. We are monitoring broadband roll-out initiatives overseen by the Scottish Government and Highlands and Islands Enterprise which have set ambitious targets for broadband coverage across Scotland. We will continue to track progress against such initiatives to develop and maintain knowledge of those localities where digital access presents the biggest challenge, so we can best channel our support and assistance efforts.

### Field Operations and Recruitment

The field force which supported Scotland's Census 2011 was in the region of around 7,500 staff who were responsible for hand-delivery of paper census questionnaires to the vast majority of Scotland's households. In 2022 initial contact with households will be by letter and field force responsibilities will focus on following up non-response. Field force is expected to be around half the size of that in 2011.

Recruitment and employment practices will be strictly in accordance with relevant employment legislation.

### Census Rehearsal

As part of our preparations for Scotland's Census 2022, 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 2022. Field force and 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.

Experience of the rehearsal indicated no contact from children and no individual questionnaires were requested.

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](#).

## **2. Aspects which affect children and young people up to the age of 18**

This assessment seeks to explore the benefits of the census, voluntary questions which could be considered sensitive and intrusive, privacy, education, age limitations and the legal obligations of householders and individuals.

- The census is required to collect data on all people usually resident in Scotland at the time of the census, including all children up to the age of 18.
- This data is published in the form of aggregated anonymised statistical outputs which describe the number, characteristics and condition of Scotland's population, including all children up to the age of 18. Census data is widely used to inform vital decisions on planning and provision of essential local services such as nurseries, schools, hospitals, transport and sport/recreation.
- Legal responsibility for completion of the census questionnaire falls to the householder. In the case of residents of communal establishments (e.g. care homes, boarding schools) responsibility falls to individuals aged 16 years and over, or the communal manager of the establishment for those under 16.
- People aged 16 years and over can request and complete an individual census questionnaire. This applies even in cases where that individual has

also been included on a household questionnaire, and can be without the knowledge of the householder.

- The 2022 Census will ask new questions on sexual orientation and trans status/history. Following the making of the Census (Amendment) (Scotland) Act 2019, these questions will be voluntary. The question on religion is also voluntary. All other questions, where applicable to children up to the age of 18, are compulsory.

### **3. Likely direct or indirect impacts on children and young people**

- Householders are legally responsible for the completion of a census questionnaire for their household and may be liable to penalty for non-completion.
- Individual household members aged 16 years and over, and who are capable of doing so, will have the option of requesting, completing and returning an individual questionnaire – and in that case the individual will be responsible for ensuring this has been done.
- A householder is responsible for recording everyone living in the household on a household questionnaire irrespective of whether an individual over 16 chooses to complete an individual response.
- Young people aged 16 years and over who reside in communal establishments such as care homes, children's homes or boarding schools are responsible for completing an individual questionnaire except in cases where they are deemed to be incapable of doing so.
- People under 16 will not be required to answer certain questions, including those about trans status/history and sexual orientation (recognising they are voluntary for everyone but will come with an age requirement for those that wish to answer), as well as qualifications or ex-service status and employment. Online respondents will be automatically routed to the relevant questions based on age. On the paper questionnaire respondents will be instructed to only answer questions on trans status/history, sexual orientation, qualifications, ex-service and employment if they are aged 16 or over.
- Every individual in a household or a communal established who is aged 16 years and over can request an individual questionnaire. NRS are offering a range of ways to receive an Internet Access Code (IAC) for an individual form, including by e-mail and SMS. Therefore, if the individual has access to any form of private electronic communications they should be able to receive a form without the head of household or any other household member being aware an individual form has been requested. Experience

of the census rehearsal indicated no contact from children and no individual questionnaires were requested.

#### **4. Groups of children and young people affected**

All children are affected to some extent. In the widest sense the data outputs from the census have in the past been extensively used to inform vital decisions on planning and provision of essential local services such as nurseries, schools, hospitals, transport and sport/recreation.

In particular there are specific respondent implications for: -

- Young people between the ages of 16 and 18
- Householders between the ages of 16 and 18
- LGBT children under 16
- Carers under 16
- Residents of communal establishments

#### **5. The need for a CRWIA**

A significant aspect of the 2022 Census is the inclusion of voluntary questions on sexual orientation and trans status/history, which is now legally enabled by the Census (Amendment) (Scotland) Act 2019. This has led to policy decisions around any necessary age limits to be applied to answering those questions, the option of completing individual questionnaires, and to consideration of issues such as public acceptability, privacy and confidentiality, and freedom of expression.

In a wider sense there are a wide range of questions asked in the census which require respondents to confirm characteristics such as race or disability, and which lead to the publication of a rich set of anonymised statistics describing in detail the number and nature of all sectors of Scotland's population.

NRS believes there are impacts on the lives of young people in Scotland and the CRWIA presents a valuable tool for assessing the nature of these impacts.

This assessment is one of a suite of Scotland's Census 2022 impact assessments exploring a wide range of programme aspects and anticipated impacts, including Equality Impact Assessment, Human Rights Impact Assessment, Business Regulatory Impact Assessment, Fairer Scotland Duty Impact Assessment, Strategic Environmental Assessment, and Data Protection Impact Assessment, Island Communities Impact Assessment.

Scotland's Census 2022  
Children's Rights and Wellbeing Impact  
Assessment – December 2020

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Scotland's Census 2022 programme has a long lifecycle and assessments will be refreshed and updated as it moves through its different phases and milestones.

Scotland's Census 2022  
Children's Rights and Wellbeing Impact  
Assessment – December 2020

<b>CRWIA Declaration</b>	
Tick relevant section, and complete the form.	
<b>CRWIA required</b>	<b>CRWIA not required</b>
X	
<b>Authorisation</b>	
<b>Policy lead</b> Name, title, division (or equivalent)	<b>Date</b>
David Sim Policy and Legislation Officer National Records of Scotland	30 July 2019
<b>Deputy Director or equivalent</b> Name, title, division (or equivalent)	<b>Date</b>
Amy Wilson (previously) Director of Statistical Services National Records of Scotland	16 August 2019



## **CRWIA Stage 2 – key questions**

**1. Which UNCRC Articles are relevant to the policy/measure? List all relevant Articles of the UNCRC and Optional Protocols. All UNCRC rights are underpinned by the four general principles: non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight.**

Those rights which are considered to be most relevant concern freedom of expression (Article 13 of the UNCRC), freedom of thought, conscience and religion (Article 14), and privacy (Article 16). The general principles most relevant are the best interests of the child and non-discrimination.

**2. What impact will the policy/measure will have on children's rights? Positive/negative/neutral.**

### Positive impact: Benefits of the census

In respect of children and young people the census delivers a wide range of benefits by accurately informing resource allocation for vital public services like education and health.

The census is the only survey to ask everyone in Scotland the same questions at the same time. It is unique in the provision of comprehensive population statistics. It is used by central and local government, health boards, the education sector, the private sector, and the voluntary sector to plan and distribute resources that match people's needs. The information collected must be "authoritative, accurate and comparable" for all parts of Scotland, and down to very small levels of geography. Only the census can consistently provide such information.

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- identify local housing demand and create housing supply
- identify areas of deprivation, enabling them to target services
- gather data on equality groups, enabling them to tackle discrimination
- and gather information on housing, household size and family make-up to inform policies on local housing demand and planning, and poor housing and overcrowding.

Census information is also used for a range of social and economic indicators:

- population estimates

- employment and unemployment rates
- birth, death, mortality, and fertility rates
- equalities data, such as age, sex, ethnicity, religion/belief and disability.

Census data is also used by local public services to meet local needs in health, education, transport, planning, and community care services.

NRS calculated<sup>6</sup> 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.

#### Neutral (both positive and negative) impact: Sensitive questions

The Census Act 1920 requires responses to all census questions to be mandatory, with the exceptions of the questions on religion, sexual orientation and trans status and history. These questions are voluntary because they can be a sensitive and personal issue.

The question on religion was introduced in the 2001 census, and its inclusion was allowed on the basis that answering it was voluntary. Consultation with users has shown that public bodies use census information on religion to assist with monitoring discrimination, linked to the introduction of the public sector equality duty. The data has also been used to inform service provision for health, social care and education.

A voluntary question on religion will be included in the 2022 census.. This balances lawful interference with the right to privacy under Article 16 of UNCRC and positively supports article 14 on the right to freedom of thought, conscience and religion.

The Census (Amendment) (Scotland) Act 2019, enables Scotland's Census 2022 to ask voluntary questions on sexual orientation and trans status/history. These questions will be asked of people aged 16 years and over only. This decision was based on stakeholder feedback and public acceptability testing which is detailed further below.

In terms of young respondents, there may be an impact on the ability to respond honestly to sensitive questions as the younger group are more likely to be living with parents or guardians. They are also more likely to have other adults responding on their behalf. For these young people who may want to respond on their own behalf, whether or not the householder has responded

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<sup>6</sup>[https://www.scotlandscensus.gov.uk/documents/censusresults/Scotland's\\_Census\\_2011\\_General\\_Report.pdf](https://www.scotlandscensus.gov.uk/documents/censusresults/Scotland's_Census_2011_General_Report.pdf)

by proxy, there will be the facility to request and complete an individual form, and to answer honestly, in private without other household members being aware. This option will be available to all individuals aged 16 years and over. This may be a preference for younger people between the ages of 16 and 18 as they may be more likely to have others respond on their behalf.

There is no available evidence to indicate how many young people will potentially take up this option, and NRS has not tested these questions with those under 16. Engagement with stakeholders such as the Equality Network and LGBT Youth indicated young people may be more likely to need privacy in order to respond honestly.

While most census outputs take the form of statistical counts, it is important that individuals cannot be identified from census outputs. The census form gives respondents an assurance that their information will be treated as confidential, and statistical disclosure control methodologies are employed to ensure that the risk of inadvertent disclosure in statistical outputs is minimised.

NRS believes that offering young people between the ages of 16 and 18 the opportunity to privately answer these questions for the first time in the 2022 Census will have a significant positive impact, with particular regard to the rights enshrined in Article 13 ('Right to freedom of expression'), by enabling some to identify in a way which may be of the utmost importance to them. The position of making such questions voluntary supports Article 16 ('Right to privacy') of the UNCRC.

Conversely, the lack of that opportunity to those under 16 years whose emotional or physical development will have a negative impact on the right to freedom of expression for those under 16, but may encourage those young people to have the necessary conversations with parents and guardians. However the census is not an appropriate vehicle to make recommendations that such conversations should take place.

Census publicity and guidance which supports the census questions will be carefully developed to ensure the right messaging is conveyed to the relevant audiences to ensure that respondent options are well known and understood.

#### Neutral impact: Householders' legal obligations

The legal responsibility for completion of Scotland's Census falls to the householder. In Scotland's Census 2011 it is estimated that less than 2,500 persons under the age of 18 identified as householders.

#### Neutral (both positive and negative) impact: Age limitations: Communal establishments

NRS will continue to restrict individual returns from those under 16, as in the 2011 census. For those under 16 who live in a communal establishment, it is the responsibility of the communal establishment (CE) manager to make the return. No child under 16 will be able to make a return on their own behalf.

Neutral (both positive and negative impact): Age routing

For the questions that are asked of all individuals and for young people and children the householder can complete the questions on their behalf. Young people under 16 years are only asked questions relevant to them – for example, they are routed past labour market questions.

The asking of some questions will be limited to certain age groups only

In 2022, we need to make sure that the census only collects the information that we need from the people of Scotland and we want to make sure that the questionnaire is easy to complete and takes as little time as possible. Testing has also shown that some questions are less acceptable when they are asked about people under the age of 16 years.<sup>7</sup> With this in mind there will be some age routing in the questionnaire. This means for example that the person completing the form will not be asked how well a two year old can read English or where a 6 month old baby lived a year ago.

For the online questionnaire the response used to the date of birth question will be used to calculate a person's age and which questions will be relevant to them, so they will not need to respond to questions that are not relevant to them. On the paper questionnaire we will provide guidance about which questions should be answered by people of particular ages.

The following age-limitations will apply:

**Questions asked of people aged 16 or over:**

- The new question on trans status or history
- The new question on sexual orientation
- The new question on Ex Service status
- The question on legal marital and civil partnership status
- The qualifications held question
- The questions on employment and activity last week

**Questions asked of people aged 4 and over:**

- The question on whether you are a school child or full-time student
- The questions on travel to place of work or study

**Questions asked of people aged 3 and over:**

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<sup>7</sup>[https://www.scotlandscensus.gov.uk/documents/census2021/Sex\\_and\\_Gender\\_Identity\\_Topical\\_Report.pdf](https://www.scotlandscensus.gov.uk/documents/census2021/Sex_and_Gender_Identity_Topical_Report.pdf)

- All of the language questions
- The question on provision of unpaid care

**Questions asked of people aged 1 and over:**

- The question on address 1 year ago

All other individual questions will be asked for everyone.

Positive impact: Education

NRS proposes to establish a census education programme in schools for 2022, building on the success of a similar initiative from Census 2011. This could include teacher resources enabling teachers to discuss census and work on it in different subjects e.g. drama, geography, English, maths, history, modern studies and global citizenship. Children are recognised as valuable advocates for the census, discussing their work at home with their parents, prompting interest, raising awareness and encouraging participation. It could be used as a form of community engagement to reach many harder-to-count audiences, particularly those for whom English may not be their first language, and groups that may not be as engaged as others with Scotland-wide advertising or publicity campaigns.

The census is already included in the curriculum for Geography, and geographers are interested in the process of the census as well as the results. Citizenship, and the virtue of being a responsible citizen, is one of the four key themes of the Curriculum for Excellence. The census relates to this in terms of the requirement to complete the census.

Neutral (both positive and negative) impact: Privacy

NRS recognises the potential negative impact of interference with Article 16 (the right to privacy) through placing legal obligations on individuals and householders to provide a range of personal information. Such interference is considered to have lawful basis because there is legal authority under the Census Act 1920, Order and Regulations.

The lawful basis for collection and processing of personal census data is provided under Articles 6(1)(c) and (e) of the GDPR and exemptions for processing special categories of personal data (sensitive personal data) are provided under Articles 9(2)(g) and (j), with additional safeguards and exemptions provided for under Article 89: -

“Processing shall be lawful only if and to the extent that at least one of the following applies:

processing is necessary for compliance with a legal obligation to which the controller is subject; processing is necessary for the performance of a task

carried out in the public interest or in the exercise of official authority vested in the controller;

The prohibition of processing of personal data revealing racial or ethnic origin, ..., religious or philosophical beliefs, ..., data concerning health or data concerning a natural person's ... sexual orientation does not apply because processing is necessary for reasons of substantial public interest, on the basis of ... law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject."

NRS is monitoring the ongoing deliberations of the European Data Protection Board including any emerging case law and developments towards establishment of e-privacy regulations.

Guidance provided to support completion of the census questionnaires will include essential privacy information detailing how the census affects respondent's rights and setting out the necessary steps to take if they have concerns.

A vast array of supporting information and guidance will be provided to respondents via a number of channels to explain what the census is, why it matters, how to participate and how to get help.

In contrast to Scotland's Census 2022, there was no legal obligation on households to participate in the census rehearsal, which does not fall within the provisions of the Census Act 1920. Section 170 of the Data Protection Act 2018 provides a safeguard against the unlawful disclosure of personal data collected in the rehearsal, with offenders liable to the maximum penalty of a fine.

The Census Rehearsal helped us to test the effectiveness of this provision and to help define how it will be delivered in 2022.

There will be mechanisms which may provide balance against any perceived negative impact through interference with the right to privacy: -

- the inclusion of voluntary questions, as for sensitive topics such as religion, sexual orientation and trans status and history
- the option to request and submit an individual questionnaire without knowledge of the householder.

**3. Will there be different impacts on different groups of children and young people? Which groups of children will be affected by the policy/measure? Are there competing interests between different groups**

### **of children and young people, or between children and young people and other groups?**

The issue of legal responsibility will impact some groups differently. Those who are householders will be responsible for completion on behalf of their household, and those residing in communal establishments will be responsible for completing an individual questionnaire if they are capable of doing so. These responsibilities will incur the threat of penalty for non-compliance. Those aged 16 years and over who request an individual census questionnaire are under a legal obligation to complete and return it.

LGBT people aged 16 years and over may welcome the new opportunity to declare their sexual orientation or trans status but this may also carry privacy implications or concerns around risks of data disclosure, or around honesty in provision of accurate information to householders.

LGBT people under 16 will not have the opportunity to express their sexual orientation and/or trans status in this way and this could represent a negative impact on the right to freedom of expression when compared to those over 16.

Further information on stakeholder engagement and public acceptability testing of these voluntary questions can be found below.

Some concerns have been expressed during the question development process about confidentiality in relation to sensitive questions, particularly for young people who may feel unable to answer the question if they still live at home with their families. Missing this group would be an issue as young people have specific service needs. To provide complete privacy and confidentiality for any person responding to the 2022 Census, the facility to request and receive an individual questionnaire for completion in confidence will be available to all people aged 16 years and over who are capable of completing a return. Any such individual will be able to complete an individual form without other members of the household being aware.

#### **4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact? If options to modify the policy/measure are included here, include associated resource implications where relevant.**

In Scotland's Census 2022 voluntary questions on sexual orientation and trans status/history will not be asked of people under 16 years of age. Online respondents will be routed past these questions.

Under 16s will not be able to request individual questionnaires.

The overall policy principle, which is in keeping with the results of public acceptability testing, is that no person under 16 should be liable to penalty for non-completion of a census questionnaire.

**5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland? Outline how the implementation of the policy/measure will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area, with wellbeing defined by eight wellbeing indicators. The indicators are: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.**

The data outputs from the census are used in a wide variety of ways which support bodies to meet their duties through the accurate allocation of funding for local and national services and facilities. They tell us about our children's health needs, education, inform provision for sport, leisure and recreation and enable self-expression. The census strives to maximise the quality of the data by ensuring all people are included, of all ages, including all those children under 16.

The following wellbeing indicators are affected by the identified impacts, particularly the inclusiveness of the census and the rich source of information and data it produces: -

**Safe**

- Allocation of funding to health and emergency services
- Quantification of risk factors based on prevalence of health conditions

**Healthy**

- Effective planning and provision of related services, sports/leisure and recreation facilities

**Achieving**

- Effective planning and provision of education services, sports/leisure and recreation facilities

**Nurtured**

- Effective planning and provision of education services, sports/leisure and recreation facilities, widen understanding and knowledge of Scotland's people

**Active**

- Effective planning and provision of sports/leisure and recreation facilities

**Respected**



- Enable self-expression and a sense of individuality through inclusion and participation

#### **Responsible**

- Promote a sense of civic responsibility and duty, freedom of conscience

#### **Included**

- Promote sense of individuality, belonging and self-expression

### **6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland? This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.**

The 2022 Census will deliver statistical outputs which comprehensively describe the number and characteristics of the population of Scotland including those of 18 years and under. This generates a wealth of information which informs decisions on resource and funding allocations across a wide range of services key to young people including health, education leisure and recreation, transport, as well as helping to inform important research and analysis around poverty, deprivation and equality of opportunity. In 2022 there will be voluntary questions around sexual orientation and trans status and history. These questions will not be asked of under 16s but in the case of those aged 16 and over will provide a richer set of information than previously obtainable from the census, addressing a lack of available data on these topics.

### **7. What evidence have you used to inform your assessment? What does it tell you?**

**The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal. Identify any gaps in the evidence base, and set out how you will address these.**

The Topic Consultation and subsequent stakeholder engagement processes have provided evidence to inform decisions on the full question set as recommended to ministers and the Scottish Parliament for inclusion in the census in 2022.

One of the evidence gaps identified through this consultation process is around sexual orientation and trans status/history and the lack of reliable existing data about the LGBT community. According to the Scottish Household Survey around 2.1% of all adults self-identified as lesbian, gay or

bisexual in 2019. 0.4% of adults preferred not to provide a response to the question, compared to 0.6% in 2014.<sup>8</sup> The relevant sample did not include any under 16s and there was no age breakdown to evidence the proportion of age 16-18. These reflect significant data gaps and the census is well-placed to address those gaps to an extent. However, NRS will not collect this information from the under 16s in the 2022 census.

There is no available evidence to indicate how many young people will potentially take up the option of requesting an individual questionnaire, and NRS has not tested new voluntary questions with those under 16. Discussions with stakeholders such as the Equality Network indicated young people may be more likely to need privacy in order to respond honestly.

The over-arching policy principle is that no person under the age of 16 will be liable to penalty for non-completion of a census questionnaire.

### Stakeholder feedback

In March 2019 views were sought from the Equality Network, Scottish Trans, LGBT Youth Scotland and Stonewall Scotland around proposed policy relating to age limits for individual questions and the completion of individual census questionnaires. The stakeholders felt that the age limit on access to individual returns (limited to 16s and over) would particularly impact LGBT children aged 13-15, especially if those children had unsupportive parents.

The stakeholders felt that the minimum age for the sexual orientation question should be 13, in line with young people's evolving capacity. However, this would conflict with the limitation under census policy to request an individual form until the age of 16. Stakeholders felt it inappropriate to ask this question of young people without giving them the opportunity to respond individually. They felt there should be a mechanism that allows trans children and young people to be recognised in the trans status/history questions, because parents who know their child is trans should be able to record this on the census. Children of any age may have transitioned to live in a different gender, so it would be most useful for parents who had young trans children who had transitioned to be able to respond to the trans status/history question. Ideally, stakeholders want as many LGBT children and young people to be able to respond to the questions on sexual orientation and trans status/history as possible, and so feel that any decision to implement an age filter on these questions should remain under review as circumstances, such as public acceptability, develop going forward.. For LGBT young people, a lower age limit would allow for data that can be used for health and education purposes.

Stakeholders also felt that if the sexual orientation question age limit were 13 it would be important that this age limit were also reflected in who could

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<sup>8</sup> [Scottish Household Survey 2019: Annual Report](#)

complete an individual questionnaire. This would ensure that LGB young people with unsupportive parents could respond on their own behalf to this question.

Stakeholders made a number of other useful recommendations around language for the questions guidance for 2022.

#### Public acceptability testing of voluntary questions

Research<sup>9</sup> during the question development process found a sexual orientation question (asked of those aged 16 years and over) was generally acceptable to the public and the majority of respondents would provide a valid response. Overall, 14% of the public said they would not answer a sexual orientation question if it was included in the 2022 Census. The majority of these (13% of the population) said they would skip the question and continue completing the rest of the form. Only a very small proportion of participants said that they would request an individual form (less than 1%) or stop completing the census altogether.

In the context of completing the census on behalf of another household member, the proportion who found the question not acceptable increased to 20%. Similarly, just over one in five people (21%) indicated that they were not comfortable with providing this information on behalf of others.

Testing of the questions showed almost all participants provided a valid response to the question on sexual orientation. Of those who did not provide a response to the sexual orientation question, the majority were aged 65 or over (59%). Less than 1% of participants provided an invalid response to the question. The question was voluntary and, as such, 9% of participants chose not to provide an answer.

In 2009 a Home Office-funded report estimated that, in 2007 on a UK level, the prevalence of people who had sought medical care for gender variance was 20 per 100,000, i.e. 10,000 people, of whom 6,000 had undergone 'transition'. 80% were registered as boys at birth (now trans women) and 20% as girls (now trans men).

NRS tested a trans status or history question, alongside the sex question to replicate responses as they would be perceived in the census itself. Testing found the trans status question was acceptable to members of the trans and non-binary community and to the general population, and produced good quality data.

Respondents were able to answer the question on trans status with ease on behalf of themselves - around 94% of respondents provided a valid response

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<sup>9</sup>[https://www.scotlandscensus.gov.uk/documents/census2021/Sexual\\_Orientation\\_Topic\\_Report.pdf](https://www.scotlandscensus.gov.uk/documents/census2021/Sexual_Orientation_Topic_Report.pdf)

to the question on trans status. Respondents indicated they were comfortable answering on behalf of another member of their household if they had their permission to do this. Respondents indicated that the question on trans status should be asked of everybody filling in the census regardless of age.

Some concerns have been expressed during the question development process about confidentiality in relation to sensitive questions, particularly for young people who may feel unable to answer the question if they still live at home with their families. Missing this group would be an issue as young trans people have specific service needs.

**8. Have you consulted with relevant stakeholders? This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce.**

Those aspects of Scotland's Census 2022 which are of most significance to children and young people are age-related limitations on response required to certain questions, the availability of individual questionnaires, and new voluntary questions on sexual orientation and trans status and history. Engagement has been undertaken with a range of individual stakeholders and stakeholder organisations who represent the interests of children, but direct engagement with children and young people themselves has been limited due to statutory and policy constraints.

In 2022, we need to make sure that the census only collects the information that we need from the people of Scotland and we want to make sure that the questionnaire is easy to complete and takes as little time as possible. Testing has also shown that some questions are less acceptable when they are asked about people under the age of 16 years.<sup>10</sup> With this in mind there will be some age routing in the questionnaire. This means for example that the person completing the form will not be asked how well a two year old can read English or where a 6 month old baby lived a year ago.

Extensive engagement and consultation with youth forums and organisations around the impacts highlighted in this report is planned to continue, and will seek to broaden and enhance our understanding of perceived impacts and anticipated experience amongst younger people.

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](#).

**9. Have you involved children and young people in the development of the policy/measure? Is there enough information on the views of the**

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<sup>10</sup>[https://www.scotlandscensus.gov.uk/documents/census2021/Sex\\_and\\_Gender\\_Identity\\_Topics\\_Report.pdf](https://www.scotlandscensus.gov.uk/documents/census2021/Sex_and_Gender_Identity_Topics_Report.pdf)

**children and young people who will be affected by the policy/measure that enables you to make an informed assessment of impact?**

Going forward NRS has committed to further engagement and appropriate audiences will be identified in collaboration with policy colleagues and suppliers. In particular there are plans to engage more directly with young people to provide valuable insight to inform policy decisions

NRS has engaged with stakeholders regarding age-routing in the census questionnaire.

### **CRWIA Stage 3 – publication template**

#### **1. CRWIA title**

Scotland's Census 2022.

#### **2. Publication date**

September 2020.

#### **3. Executive summary**

Scotland's Census 2022 is the official count of every person and household in Scotland. It is a unique survey in that it affects the whole of Scotland's population and there is a legal requirement to participate. This Children's Rights and Wellbeing Impact Assessment (CWRIA) presents evidence on the most significant potential impacts of the plans for Scotland's Census 2022 on the rights of individuals in Scotland.

Scotland is a diverse nation and stakeholders representing a range of interests have been fundamental to shaping Scotland's Census 2022. In preparing this assessment we have gathered evidence from a wide range of sources including those stakeholders as well as our own and others' experience of previous censuses. NRS held a series of stakeholder feedback sessions and conducted an online stakeholder survey to obtain feedback on the draft assessments. A report on the outcome of this period of consultation has been published on the [Census website](#).

This document is one of 8 impact assessments prepared for Scotland's Census 2022. Others include:

- Equality Impact Assessment
- Human Rights Impact Assessment
- Data Protection Impact Assessment
- Island Communities Impact Assessment
- Fairer Scotland Duty Impact Assessment
- Strategic Environmental Assessment
- Business Regulatory Impact Assessment.

Assessment of the impacts of Scotland's Census 2022 is an ongoing process which will continue up to Census day on 20<sup>th</sup> March 2022 and beyond.

#### **4. Background**

The census is the official count of every person and household in Scotland. It is held every ten years and provides the most complete statistical picture of the nation available. It also provides information that central and local government need to develop policies and to plan and run public services.

Scotland's Census 2022 is planned to take place on Sunday 20 March and will be conducted predominantly online. The last census was conducted mainly on paper (80%), and 20% online.

For over 200 years, Scotland has relied on the census to underpin local and national decision making. The census is the only survey to ask everyone in Scotland the same questions at the same time. It is unique in the provision of comprehensive population statistics. It is used by central and local government, health boards, the education sector, the private sector, and the voluntary sector to plan and distribute resources that match people's needs.

Basic information on population size, age, sex and location are crucial to work on pensions, migration, economic growth and labour supply.

Census data is also used by local public services to meet local needs in health, education, transport, planning, and community care services.

The main objectives of Scotland's Census 2022 are:

- 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.

The census is for, and about, everyone in Scotland. In conducting it, an objective is to collect data about everyone in Scotland and, by definition, that includes all people who hold any of the protected equality characteristics. Designs therefore have to take account of the diverse needs of all people, firstly to enable their legal obligation to participate in the census and secondly to enable their access to the anonymised statistical outputs derived from the data collected from them, which in turn enable them to reap the benefits realised.

The numerous uses made of census data outlined above represent a key benefit and a positive impact of the census which is shared by all.

This assessment is one of a suite of Scotland's Census 2022 impact assessments exploring a wide range of programme aspects and anticipated impacts, including Equality Impact Assessment, Human Rights Impact Assessment, Fairer Scotland Duty Impact Assessment and Data Protection Impact Assessment.

Scotland's Census 2022 programme has a long lifecycle and assessments will be refreshed and updated as it moves through its different phases and milestones.

## **5. Scope**

As the census is the official count of every person and household in Scotland, the scope for this assessment is children and young people under the age of 18 usually resident in Scotland at the time of the census (March 2022).

## **6. Children and young people's views and experiences**

According to the Scottish Household Survey 2019 around 2.1% of all adults self-identified as lesbian, gay or bisexual in 2019. 0.4% of adults preferred not to provide a response to the question, compared to 0.6% in 2014.<sup>11</sup> The relevant sample did not include any under 16s and there was no age breakdown to evidence the proportion of age 16-18. These represent significant data gaps and the census is well-placed to address those gaps to some extent. Age limitations will however impact on the quality of data collected in 2022.

There is no available evidence to indicate how many young people will potentially take up the option of requesting an individual questionnaire, and NRS has not tested potential questions with those under 16. Discussions with stakeholders such as the Equality Network indicated young people may be more likely to need privacy in order to respond honestly. NRS are giving careful consideration to which age groups questions will apply to.

The over-arching policy principle is that no person under the age of 16 will be liable to penalty for non-completion of a census questionnaire.

The new questions on sexual orientation and trans status/history will be voluntary following the passage of the Census (Amendment) (Scotland) Act 2019.

Some concerns have been expressed during the question development process about confidentiality in relation to sensitive questions, particularly for young people who may feel unable to answer the question if they still live at home with their families. Missing this group would be an issue as young trans people have specific service needs.

In March 2019 views were sought from the Equality Network, Scottish Trans Alliance, LGBT Youth Scotland and Stonewall Scotland around proposed policy relating to age limits for individual questions and the completion of individual census questionnaires.

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<sup>11</sup> [Scottish Household Survey 2018: Annual Report](#)



The stakeholders felt that the minimum age for the sexual orientation question should be 13, in line with young people's evolving capacity. For young people, particularly those aged 13 – 15, an age limit of 16 years will prevent them from completing a census questionnaire on their own behalf. This may particularly impact young LGBT people with unsupportive parents, who will have to rely on them to complete the questions on sexual orientation and trans status/history.

For LGBT young people, a lower age allows for data that can be used for health and education purposes.

Stakeholders also felt that if the sexual orientation question age limit were 13+ it would be important that this age limit were also reflected in who could complete an individual questionnaire.

Stakeholders made a number of other useful recommendations around language for the questions guidance for 2022.

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](#).

## **7. Key Findings**

The assessment has identified impacts around benefits of the census, questions of a sensitive nature, privacy, education, age limitations and householders' legal obligations.

Those rights which are anticipated to be most impacted concern freedom of expression (Article 13 of the UNCRC), freedom of thought, conscience and religion (Article 14), and privacy (Article 16).

### Benefits of the census

In respect of children and young people the census delivers a wide range of benefits by accurately informing resource allocation for vital public services like education and health.

### Sensitive questions

The Census Act 1920 requires responses to all census questions to be mandatory, with the exceptions of the questions on religion, sexual orientation and trans status and history. These questions are voluntary because they can be a sensitive and personal issue.

The question on religion was introduced in the 2001 census, and its inclusion was allowed on the basis that answering it was voluntary.

The religion question will again be asked on a voluntary basis for 2022. This balances lawful interference with the right to privacy under Article 16 of UNCRC and positively supports article 14 on the right to freedom of thought, conscience and religion.

The Census (Amendment)(Scotland) Act 2019 enables Scotland's Census 2022 to ask voluntary questions on sexual orientation and trans status/history, which are new census questions.

For these sensitive questions, considerations of which age groups to ask the questions of are ongoing, and will be informed by relevant legislation. In terms of young respondents, there may be an impact on the ability to respond honestly to sensitive questions as the younger group are more likely to be living with parents or guardians. They are also more likely to have other adults responding on their behalf. For these young people who may want to respond on their own behalf, whether or not the householder has responded by proxy, there will be the facility to request and complete an individual form, and to answer honestly, in private without other household members being aware. This option will be available to all individuals of 16 years and over. This may be a preference for younger people between the ages of 16 and 18 as they may be more likely to have others respond on their behalf.

NRS has not tested potential questions with those under 16. Discussions with stakeholders such as the Equality Network indicated young people may be more likely to need privacy in order to respond honestly. NRS are giving careful consideration to which age groups questions will apply to.

NRS believes that the proposal to offer young people between the ages of 16 and 18 the opportunity to privately answer these questions for the first time in the 2022 Census will have a significant positive impact, with particular regard to the rights enshrined in Article 13 ('Right to freedom of expression'), by enabling some to identify in a way which may be of the utmost importance to them. Making such questions voluntary supports Article 16 ('Right to privacy') of the UNCRC.

Conversely, the denial of that opportunity to those under 16 years whose emotional or physical development is such as to foster such feelings may have a negative impact, but may encourage young people to have the necessary conversations with parents and guardians.

The issue of legal responsibility will impact some age groups differently. Those under 16 will have no legal responsibility for the completion of a census questionnaire whereas those who are householders will be responsible for completion on behalf of their household, and those residing in communal

establishments will be responsible for completing an individual questionnaire if they are capable of doing so. These responsibilities will incur the threat of penalty for non-compliance. Those aged 16 years and over who request a household individual census questionnaire are under a legal obligation to complete and return it.

LGBT people aged 16 years and over may welcome the new opportunity to identify their sexual orientation or gender identity but this may also carry privacy implications or concerns around risks of data disclosure, or around honesty in provision of accurate information to householders.

LGBT people under 16 will not have the opportunity to express their self-identification in this way and this could represent a negative impact when compared to those aged 16 and over.

#### Householders' legal obligations

The legal requirement for completion of Scotland's Census falls to the householder. In Scotland's Census 2011 less than 2,500 persons under the age of 18 identified as householders.

#### Age limitations

Young people under 16 years are only asked questions relevant to them – for example, they are routed past labour market questions.

Those under 16 will not be required to answer questions about trans status/history and sexual orientation (recognising they are voluntary for everyone but will come with an age requirement for those that wish to answer), as well as qualifications or ex-service status and employment.

#### Education

NRS proposes to establish a census education programme in schools for 2022, building on the success of a similar initiative from Census 2011. Children are recognised as valuable advocates for the census, discussing their work at home with their parents, prompting interest, raising awareness and encouraging participation.

The census is already included in the curriculum for Geography, and geographers are interested in the process of the census as well as the results. Citizenship, and the virtue of being a responsible citizen, is one of the four key themes of the Curriculum for Excellence. The census relates to this in terms of the requirement to complete the census.

#### Privacy

Interference with Article 16 (the right to privacy) is lawful because there is legal authority under the Census Act 1920.

### Wellbeing indicators

The following wellbeing indicators are affected by the identified impacts, particularly the inclusiveness of the census and the rich source of information and data it produces: -

#### **Safe**

- Allocation of funding to health and emergency services
- Quantification of risk factors based on prevalence of health conditions

#### **Healthy**

- Effective planning and provision of related services, sports/leisure and recreation facilities

#### **Achieving**

- Effective planning and provision of education services, sports/leisure and recreation facilities

#### **Nurtured**

- Effective planning and provision of education services, sports/leisure and recreation facilities, widen understanding and knowledge of Scotland's people

#### **Active**

- Effective planning and provision of sports/leisure and recreation facilities

#### **Respected**

- Enable self-expression and a sense of individuality through inclusion and participation

#### **Responsible**

- Promote a sense of civic responsibility and duty, freedom of conscience

#### **Included**

- Promote sense of individuality, belonging and self-expression

## **8. Monitoring and review**


Final decisions on the conduct of Scotland's Census 2022 have been made by the Scottish Parliament through secondary legislation – the Census Order and Regulations. Amendment legislation will be laid later in 2020 to move the date of Scotland's Census to 2022. The census rehearsal, which tested a

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wide range of operational aspects of the census, helped to inform plans. Responses to the questions as well as stakeholder feedback and evaluation processes will help to inform the final operational approach for 2022. This impact assessment and others will be refreshed and updated to reflect further developments going forward towards 2022.

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CRWIA Declaration	
Authorisation	
  Paul Lowe Registrar General	  <b>Date</b> <b>December 2020</b>