

## POLICY NOTE

### THE CENSUS (SCOTLAND) REGULATIONS 2020

#### SSI 2020/143

The above instrument was made in exercise of the powers conferred by section 3 of the Census Act 1920. The instrument is subject to the negative procedure.

**Purpose of the instrument: To make provision to enable the Census (Scotland) Order 2020 to be carried into effect, including the detail of the questions to be asked for the census to be taken by the Registrar General on 21 March 2021.**

#### Policy Objectives

The Census (Scotland) Order 2020 (“the Order”) directs that a census is to be taken for Scotland on 21 March 2021. Section 3 of the Census Act 1920 allows Scottish Ministers to make regulations “for the purpose of enabling any Order in Council directing a census to be taken to be carried into effect”.

The key policy objectives of the Regulations are to set out:

- how a person who must, or who can, make a census return under the Order can do so and by when they must do so;
- who is required to provide information to a person making a return and what information they are required to provide; and
- the questions to be asked in the census.

The information collected through the census is utilised by public bodies and other organisations across Scotland to inform key financial and policy decisions on how services such as transport, housing, schools and hospitals are planned.

The census also helps paint an important picture of the characteristics of our population, helping us to understand the similarities and differences in the population’s characteristics locally and nationally, now and over time.

#### Background

The Census Act 1920 allows for a census to be taken no less than five years after the last census. The census in Scotland is carried out every 10 years on behalf of the Registrar General for Scotland. The last census in Scotland was held on 27 March 2011.

The Order directs the Registrar General for Scotland to take a census on 21 March 2021 and sets out the information to be collected, who that information is to be about, and who is responsible for submitting it.

The census in 2021 will be the 22nd census to take place and the 17th to be managed independently in Scotland. For the first time, the census will be primarily online, which will deliver benefits in terms of ease of completion and the timeliness and quality of data. This is reflected in the Regulations, where the arrangements for the collection of the information online is set out, including how the questions are presented online, alongside the traditional method of collecting information through a paper questionnaire.

A public test of a number of the systems and services that will be used in the 2021 census, including an online portal and paper response channels, took place in parts of Scotland (namely parts of Glasgow City, Dumfries and Galloway and Na h-Eilleanan Siar) between 7 October and 7 November 2019. The evaluation of that test can be found on the National Records of Scotland's census website.

## **Consultation**

National Records of Scotland ran a Topic Consultation for the census between 8 October 2015 and 15 January 2016, which sought views from public bodies and organisations that use census data on the information they felt should be included in the next census, the results of which were published in August 2016.

National Records of Scotland continued to engage with a wide range of stakeholders across all topic areas in order to ensure that the data needs articulated during the consultation were well understood, and that the data being collected by the census would meet these needs.

In September 2018, National Records of Scotland published the *Plans for the Scotland's 2021 Census* which outlined proposals for the questions to be asked in 2021. In addition, a number of detailed Topic Reports were published which described the programme of, and evidence from, question development, testing and engagement with key stakeholders. Follow-up events were then held from November 2018 to January 2019 with stakeholders, which allowed National Records of Scotland to update users on the proposal for each question and outputs development, and to seek feedback on these proposed questions and outputs from the questions discussed in the publication.

In addition to this, further consultation was undertaken through 2019 on the trans status or history, sex, sexual orientation, religion and ethnicity questions. Further independent testing on the sex question was also carried out in late 2019 to provide more information on how respondents require and use relevant guidance.

All census publications can be found on the National Records of Scotland's census website.

## **Impact Assessments**

There are a total of eight impact assessments for Scotland's Census 2021. They are:

- **Equality** – an assessment of the census with regard to the nine protected characteristics of the Equality Act 2010.
- **Data Protection** – an assessment of privacy risks and the use of data for the census.
- **Business Regulatory** – an assessment of the impact of the census on business.
- **Fairer Scotland Duty** – an assessment of any socio-economic disadvantage in the taking of the census and responsibilities under the Fairer Scotland Duty.

- **Human Rights** – an assessment of the census with regard to the European Convention on Human Rights.
- **Children’s Rights and Wellbeing** - an assessment of the census with regard to the United Nations Charter for the Rights of the Child.
- **Strategic Environmental Assessment** - an assessment of the census with regard to responsibilities under the Environmental Assessment (Scotland) Act 2005.
- **Island Communities** - an assessment of the census with regard to island communities and responsibilities under the Islands (Scotland) Act 2018.

Copies of these impact assessments are available on the Scottish Government website.

In preparing these impact assessments, National Records of Scotland held a series of sessions with stakeholders to gather views and feedback on the draft impact assessments. Stakeholder sessions were advertised on the census website and in a newsletter to over 1800 subscribers of the census newsletter. An online survey was also available to members of the public who wished to participate, which also allowed those stakeholders who were unable to attend sessions in person to still contribute.

The stakeholder survey report can be found on the National Records of Scotland’s census website.

### **Financial Effects**

The overall budget for the 2021 Census, over the whole 10 years of development and operation (2015/16 to 2024/25), is currently £105 million with the majority of the spend occurring in the years 2018/19 to 2021/22.

The census is a central process funded directly by the Scottish Administration and carried out by National Records of Scotland.

National Records of Scotland  
*Census 2021 Programme*  
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