

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

CENSUS (AMENDMENT) (SCOTLAND) BILL

SUBMISSION FROM ABERDEENSHIRE COUNCIL

1. Context

Aberdeenshire Council is represented on the Population and Migration Statistics committee, managed by National Records of Scotland, and we have responded to previous consultations on population and census data from National Records of Scotland. Several teams across the council use Census data for various purposes, including building profiles of Aberdeenshire's areas, towns and settlements to inform decisions about housing need, affordable housing, education, health, etc. Our analysts also use it to respond to internal and external requests for specific information based on Census data.

Census data is also often the only available evidence to support our publications around Equality and Diversity, both internal and external. This is used with the view to better understand how we can tailor our service delivery to meet our equality duties to promote equal opportunities and to eliminate discrimination.

2. Usefulness for Aberdeenshire Council, of Census data about gender identity and sexual orientation

Sexual orientation and gender identity are both protected characteristics as set out in the Equality Act 2010. In the past few years, the Scottish policy and legislative landscape has given greater attention to equality issues regarding those characteristics, resulting in new requirements for local authorities. However, there is a paucity of data regarding gender identity and sexual orientation (excluding sources such as a question in the Scottish Household Survey about sexual orientation).

Aberdeenshire Council would therefore potentially find it useful to have Census population data regarding these characteristics, particularly in the first few years following the completion of the Census, for the following purposes:

- Queries arising from the Public Sector Equality Duty, equality impact assessments and from planning for service provision.
- Recording and reporting of gender identity and sexual orientation within our education and children's service, and providing support within schools.

It would be especially useful if the national Census data questions were in line with what the Scottish Government plan to advise schools to record/report, as currently in SEEMiS we can only report on binary gender (male or female).

- Tailoring community consultations, as relevant.

- Reports detailing demographic data or equality-related issues.
- Responding to internal information requests from housing, health and education service providers.
- Increasing the level of understanding of issues of gender identity, reassignment, and sexual orientation as it relates to various policy areas.

If a response is made, it may be worthwhile emphasising that Scotland/Aberdeenshire are considered progressive areas; society's understanding and perception of these issues have generally changed, and by supporting the inclusion of such topics in the forthcoming Census we seek to increase our level of understanding and to safeguard and advance LGBTI equality of opportunity, foster good relations between different groups, etc.

3. Conclusion

Questions about gender identity and sexual orientation have been considered before but have not been pursued because the level of public acceptance was thought to be too low. NRS has undertaken research about the acceptability of these questions and have considered how they might be worded. Their conclusions are that, although not acceptable to everyone, most people would accept a voluntary question on the topics and would complete the Census, even if they did not answer that question. Acceptance of the questions increased when it was made plain that individual Census forms would be available and that it would not be necessary for someone to answer on behalf of someone else. The final wording of these questions are not considered in this Bill. All questions will be submitted to the Scottish Parliament at a later date and Parliament may accept, reject or ask for amendments in any of the proposed questions.

To summarise, Aberdeenshire Council would support the introduction of voluntary questions on sexual orientation and gender in the Census 2021, from the perspective of positive service delivery and data analysis. However, it is vital that respondents' rights to privacy and consent are respected. Making questions voluntary or supplying individual forms does not fully address the issues that may arise when a person needs assistance with completion of the form, for example, people with a Learning Disability, visual impairment, elderly people, BSL users or other community members for whom English is not their first language.

We support the introduction of these Census topics provided that:

- This Bill is passed and the question(s) is/are voluntary.
- The Census allows an individual to answer the question/s privately, without the input or oversight of the main responder.
- Adequate mechanisms for consent and data protection are in place, with particular attention on protecting the privacy of vulnerable individuals or those who require assistance to complete the forms.

From a data analysis perspective, we do not envisage a great need for analysing geographical variances regarding gender identity and sexual orientation. Therefore, there is no requirement to disaggregate the data down to Output Area or even Data Zone level, which may help to address some privacy concerns.

- More research is carried out on how a question would identify, whilst remaining acceptable to, members of the transgender community and those who do not identify as heterosexual/straight, gay/lesbian or bisexual.
- That overall completion rates of the Census are not compromised by including this topic.