

## **Island Communities Impact Assessment**

### **The Social Security Information-sharing (Scotland) Amendment Regulations 2024**

#### **Step One – Develop a clear understanding of your objectives**

The Scottish Government is very much aware that Social Security Scotland supports some of the most vulnerable people in society.

Social Security Scotland's charter outlines our commitment to refer a client to other organisations, services or forms of help where we believe they could help improve a client's wellbeing or financial circumstances.<sup>1</sup> This is particularly important when we understand how some clients need extra support in order to safely and fairly access Social Security Scotland's services.

However, there may also be instances when Social Security Scotland's interaction with clients (or indeed other people that they come across in the course of dealing with a client) presents situations where it becomes apparent an individual may be at risk of harm. To adequately support people in this situation, Social Security Scotland must have clear and robust processes in place.

At this juncture it is important to make a distinction between cases where an individual may be at a non-emergency risk of harm and cases where there is an immediate risk to life. Where a situation is presented where a direct risk to life is identified, a clear course of action already exists - Social Security Scotland will make an immediate call to Police Scotland. The question arises therefore in relation to situations where Social Security Scotland believes an individual may be at risk of harm.

There are several bodies and organisations who can help with situations of perceived neglect or abuse. For example, in non-emergency situations, reporting someone who is believed to be at risk of domestic abuse to the relevant Local Authority is advised. For non-emergency situations where a child is believed to be at risk of harm it is recommended concerns be raised via contacting the appropriate Local Authority social work department. The [mygov.scot](https://www.mygov.scot) website recommends

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<sup>1</sup> <https://www.socialsecurity.gov.scot/about/our-charter>

immediate danger be reported to police, that 101 be called where it is believed a crime has been committed, and a report made to the Local Authority where there are suspicions of neglect or abuse.

Where a Local Authority has reason to believe someone may be at risk of harm, there are various potential duties to investigate. They can only do this if they are made aware of concerns.

The Adult Support and Protection (Scotland) Act 2007 is intended to protect adults who are unable to safeguard their own interests, placing a duty on councils to make investigations and enquiries when approached with details of an identified risk of harm.<sup>2</sup> In 2014, the Scottish Government published a Code of Practice which provided guidance to specific public bodies (such as health boards and the fire service) on processes to refer safeguarding concerns to the Local Authority.<sup>3</sup> As Social Security Scotland came into being as an executive agency of the Scottish Government on 1 September 2018, it was not covered by the 2007 Act or the 2014 Code of Practice for third parties.

To that end, the Scottish Government will make the Social Security Information-sharing (Scotland) Amendment Regulations 2024 which will provide Social Security Scotland with an explicit and bespoke legal gateway in Scottish social security legislation to make referrals relating to risk of harm to relevant Local Authority social services departments, and (where a client has a Power of Attorney or a Guardian in place to act for them) to the Office of the Public Guardian. Part of this work has involved engaging with policy and officials in the DG for Health and Social Care, the Mental Health and Social Care Directorate (now known as the Directorate for Social Care and National Care Service Development), and Directorate for Children and Families. As a result of this engagement, the then Directorate for Health and Social care, upon review of the Code of Practice for Adult Support and Protection in July 2022, added Social Security Scotland to the updated list of public services who may contribute to the protection of adults at risk, and who may have cause to refer concerns to the Local Authority.

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<sup>2</sup> <https://www.legislation.gov.uk/asp/2007/10/contents>

<sup>3</sup> <https://www.gov.scot/publications/adult-support-protection-scotland-act-2007-code-practice-3/>

The National Performance Framework measures and keeps track of how Scotland is performing. It aims to reduce inequalities and gives equal importance to economic, environmental and social progress. It sets out national outcomes, which describe the kind of country the Scottish Government aims to create. The Social Security Information-sharing (Scotland) Amendment Regulations 2024 will positively contribute to the following National Outcomes: <sup>4</sup>

- **Children and Young People:** We grow up loved, safe and respected so that we realise our full potential
- **Communities:** We live in communities that are inclusive, empowered, resilient and safe
- **Health:** We are healthy and active
- **Poverty:** We tackle poverty by sharing opportunities, wealth and power more equally

The intended impacts and outcomes of this policy is unlikely to be significantly different between individual island communities or, between island communities and non-island communities throughout Scotland. However, the Scottish Government will update this impact assessment if new information becomes available, and if necessary, mitigations or measures will be put in place.

### **Step two – gather your data and identify your stakeholders**

Rural Scotland accounts for 98% of the land mass of Scotland and 17% of the population are resident there, according to a document published in 2018. <sup>5</sup>

At the time of the 2011 Census, Scotland had 93 inhabited islands with a total population of 103,700, accounting for 2% of Scotland's total population. <sup>6</sup>

The Islands Act identifies six Local Authorities representing island communities in Part 4 of the Act, which are Argyll and Bute Council; Comhairle nan Eilean Siar/Western Isles; Highland Council; North Ayrshire Council; Orkney Islands

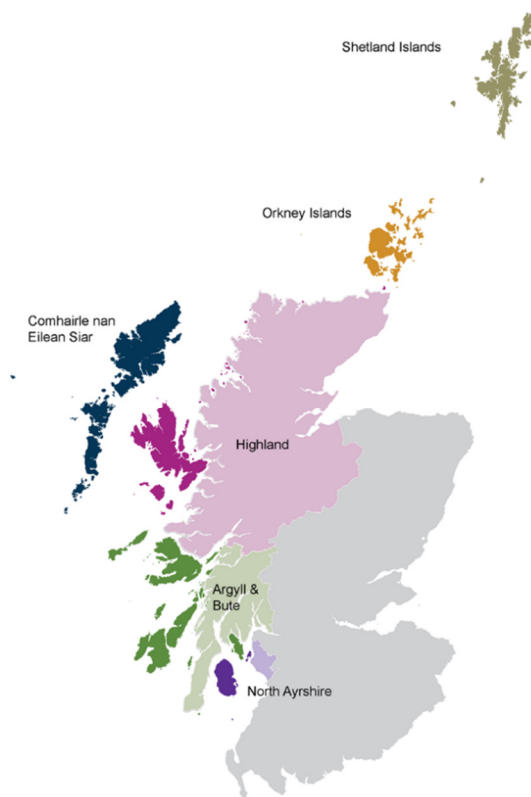
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<sup>4</sup> <https://nationalperformance.gov.scot/>

<sup>5</sup> <https://www.gov.scot/publications/rural-scotland-key-facts-2018/>

<sup>6</sup> [https://www.scotlandscensus.gov.uk/documents/analytical\\_reports/Inhabited\\_islands\\_report.pdf](https://www.scotlandscensus.gov.uk/documents/analytical_reports/Inhabited_islands_report.pdf)

Council; and Shetland Islands Council. Amongst them, Orkney, Shetland and Western Isles are entirely island authorities, while Highland, Argyll and Bute and North Ayrshire Local Authorities cover island regions as well as mainland regions.



**Figure 1:** Map highlighting all 6 Local Authorities representing Island Communities (islands in darker shades where islands are part of mainland Local Authorities).<sup>7</sup>

62% of island residents are aged between 16-65 with the median age being 45 which is higher than the average across Scotland as a whole (41).<sup>8</sup>

A publication titled “Adult Disability Payment: high level statistics to 30 April 2023” found that in terms of total applications processed, Argyll and Bute Council accounted for 460; Highland Council, 1,190; North Ayrshire Council, 1385; Orkney Islands Council, 95; Shetland Islands Council, 75 and “Other” (Including the Western Isles Council, 345) . The combined total accounted for 3,550 of the 42,425 Adult Disability Payment applications processed across Scotland.<sup>9</sup>

<sup>7</sup> <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2017/9/4/Islands--Scotland--Bill-1>

<sup>8</sup> [https://www.scotlandscensus.gov.uk/documents/analytical\\_reports/Inhabited\\_islands\\_report.pdf](https://www.scotlandscensus.gov.uk/documents/analytical_reports/Inhabited_islands_report.pdf)

<sup>9</sup> <https://www.socialsecurity.gov.scot/reporting/publications/adult-disability-payment-high-level-statistics-to-30-april-2023>

### **Step three – consultation**

A public consultation titled “Safeguarding Data Sharing” ran for 12 weeks between 25 March 2022 and 17 June 2022, and the analysis was published on 17 February 2023.<sup>10</sup>

Due to the impact of COVID-19, and the restrictions on face to face contact, stakeholder engagement events were not possible. Instead, the consultation sought the opinions of stakeholders, by promoting it throughout the Social Security Scotland and Scottish Government social media pages. The Social Security Scotland Communications and National Engagement team promoted the consultation by referring to it in their regular newsletter, to which there are over 1,700 subscribers.

The purpose of the consultation was to gather views on the approach Social Security Scotland should take to report certain circumstances to a Local Authority where it becomes apparent that an individual may be at risk of harm.

The consultation asked 6 direct questions, in addition to open-ended questions which aimed to allow participants to provide in-depth answers, specific to their own circumstances.

Respondents were broadly supportive of the proposed measure, with no responses indicating that there would be any different impact on island communities. Where feedback did flag concerns, it was primarily because the individuals or organisations felt Social Security Scotland should be able to share data with a wider range of stakeholders, in addition to Local Authorities.

Feedback from the consultation also highlighted several important considerations, which has influenced the design of the Safeguarding Data Sharing Regulations 2024. Some responses noted that data shared must be proportionate to the level of risk, and, the officials within Social Security Scotland must be adequately trained to achieve this crucial balance. This important point will be implemented, and further

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<sup>10</sup> <https://www.gov.scot/publications/safeguarding-data-sharing-consultation-2022-report-summary-responses/pages/2/>

expanded upon in impact assessments relating to the operational practices resulting from these regulations.

#### **Step Four – Assessment**

We anticipate that the introduction of the Social Security Information-sharing (Scotland) Amendment Regulations 2024 will have a positive impact, regardless of geographical location. They will provide Social Security Scotland with an explicit legal gateway to make referrals relating to risk of harm to relevant Local Authority social services departments, and (where a client has a Power of Attorney (POA) or a Guardian in place to act for them) to the Office of the Public Guardian.

The information presented in this ICIA, other impact assessments, and the public consultation did not highlight any negative impact between island communities, or island communities between and non-island communities. The Scottish Government has concluded that no further changes to the Social Security Information-sharing (Scotland) Amendment Regulations 2024 are necessary. The Scottish Government will update this impact assessment if new information becomes available, and if necessary, mitigations or measures will be put in place.

#### **A full Islands Community Impact Assessment is NOT required**

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is <b>NOT</b> likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).	
Screening ICIA completed by (name)	Mark McAdam
Position	Cross Cutting Policy Co-ordinator
Signature and date	Mark McAdam 26/10/2023
ICIA authorised by (we recommend DD level)	Ian Davidson
Position	Deputy Director, Social Security Policy
Signature and date	Ian Davidson 30/10/2023