

Abortion Services (Safe Access Zones) (Scotland) Bill

Islands Communities Screening Assessment

October 2023

Purpose

Section 13 of the Islands (Scotland) Act 2018 obliges the Scottish Ministers to prepare an island communities impact assessment (ICIA) in relation to legislation which, in their opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities in Scotland.

The Scottish Government's Island Communities Impact Assessments guidance sets out four stages that must be undertaken prior to preparing an ICIA. These are:

- a) Developing a clear understanding of the objectives and intended outcomes of the policy, strategy or service including any island needs or impacts
- b) Gathering data, identifying evidence gaps and identifying stakeholders
- c) Consulting with appropriate stakeholders
- d) Assessing whether there are any issues resulting from the proposed policy that are significantly different from those that would be experienced on the mainland, or on other islands

If any significantly different impacts are identified, an ICIA will be required. This document seeks to set out the reasoning behind our view that there will not be a significantly different impact from this Bill, and therefore a full ICIA is not required.

Note on language

The Scottish Government recognises that abortion is an emotive issue, and that the language surrounding it, is itself a source of debate and a matter of considerable sensitivity. We have therefore taken this opportunity to highlight some particular choices adopted during this document, and to acknowledge that, in some instances, different groups would prefer to use other terms to refer to themselves. Nothing in this document is intended to overlook nuance or personal preferences; it is used instead for consistency and to, as far as possible, describe actions rather than motivations.

In particular, the terms service users and providers, as well as “those who access or provide services” are used instead of patients and staff. This reflects that not all those who seek abortion services consider themselves to be patients, though some do.

Similarly, the term “anti-abortion activity” is used as a catch-all to encompass the range of activity that takes place outside premises providing abortion services, and, as far as possible, we refer to groups or individuals which carry out anti-abortion activity. In choosing this phrasing, we recognise that some participants are motivated by a desire to offer support and highlight abortion alternatives rather than simply advocate against abortion, and that some groups prefer the term “pro-life”. The term anti-abortion is not intended to undermine or dismiss these motivations or the ways in which groups or individuals describe themselves. Rather, it recognises that the desired outcome of activities carried out directly outside places providing abortion services is often to prevent abortions taking place. “Anti-abortion activity”, in this context, is therefore an umbrella term that focuses on the sought outcome, and allows the full range of activity to be captured.

STEP ONE – DEVELOP A CLEAR UNDERSTANDING OF YOUR OBJECTIVES

What are the objectives of the policy, strategy or service?

This Island Communities Impact Assessment screening document for the Abortion Services (Safe Access Zones) (Scotland) Bill has been prepared by the Scottish Government on behalf of Ms Gillian Mackay MSP, and assesses the impact of the Bill on Island communities.

The aims of the Bill are to:

- protect access to abortion services across Scotland;
- ensure that people can access abortion services without fear of, and free from, intimidation, harassment or public judgement;
- ensure that at the point of access users are protected from attempts to influence or persuade them in relation to their decision to access services;
- take a preventative approach so all abortion services are covered, including those that have not experienced protests;
- ensure that providers or facilitators of the service are protected from attempts to influence their decision to provide or facilitate abortion related services at their place of work or where those services are delivered;
- prevent providers or facilitators from being reluctant to provide or facilitate services for fear of such protests occurring.

Importantly, the aim is not to prevent the expression of opposition to the provision of abortion services or restrict the expression of religious views on abortion. It is only to prevent their expression in limited areas to the extent necessary to achieve the overarching aims.

The key mechanism by which these overarching aims will be achieved is the creation of an automatic safe access zone around all premises which provide abortion services in Scotland where certain behaviour will be subject to criminal sanction. It is important to note that, while the Bill's measures are narrow regarding the type and location of activity to be prohibited, a fundamental aim of the Bill is to prevent harm. For this reason, whilst anti-abortion activity has been documented at around a fifth of all sites offering abortion treatment in Scotland, the Bill's provisions will extend to all premises providing abortion treatment across the country. This means anti-abortion activity will not have to occur before a zone will be established, and that all those seeking to access abortion services can be assured that their rights to access services are protected, no matter where they seek treatment.

What are the intended impacts/ outcomes and how do these potentially differ across the islands?

The Bill is intended to provide protection for those accessing, providing or facilitating abortion services from harmful anti-abortion activity which takes place in the safe access zone (or is visible or audible from the zone). All premises providing abortion

services will be “protected premises” under the Bill and the safe access zones will be applied automatically. The zone will comprise the premises, any grounds associated with the premises, and any public areas within 200m from the edge of the premises. There will be no difference in the outcomes for Islands.

Is the policy, strategy or service new?

Yes, this is new policy; there is no existing provision for safe access zones.

STEP TWO – GATHER YOUR DATA AND IDENTIFY YOUR STAKEHOLDERS

What data is available about the current situation in the islands? How does any existing data differ between islands?

Public Health Scotland (PHS)¹ routinely collect data on abortion on behalf of the Scottish Government. Figures on abortion for the year ending December 2022 are provided below:

NHS Board	Number	Rate per 1,000 women aged 15 to 44
Orkney, Shetland and Western Isles NHS Board areas	77	6.9
NHS Highland	634	12.6
NHS Ayrshire & Arran	830	13.6
NHS Dumfries & Galloway	308	13.8
NHS Borders	240	14
NHS Fife	972	14.5
NHS Grampian	1,659	15.3
NHS Lothian	3,045	15.4
NHS Forth Valley	913	16.5
NHS Greater Glasgow & Clyde	4,178	17.1
NHS Lanarkshire	2,253	18.6
NHS Tayside	1,475	19.4
Scotland	16,596	16.1

As shown above, NHS Orkney, Shetland, Western Isles boards had the lowest abortion rates per 1000 women when compared to mainland boards during the reporting year ending December 2022². NHS Highland, and NHS Ayrshire and Arran, which also cover some Island communities, had a slightly higher rates though these were still lower than average abortion rates when compared to the Scottish average.³ Similar trends can be seen when analysing the data from previous years.⁴

Due to the limited number of abortions which are sought within Island communities, most Island Health Boards only provide abortion services to limited gestations and beyond these gestations there are service level agreements in place within mainland Health Boards. Consequently, patients requiring abortion services at gestations outwith that provided by their Health Board may have to travel to mainland hospitals or clinics for treatment.

To date there have been no reports of anti-abortion activity taking place on Island communities. However, as set out above and detailed in the Policy Memorandum, the Bill takes a preventative approach so all premises providing abortion services will

¹ See [Termination of pregnancy statistics - Year ending December 2022 - Termination of pregnancy statistics - Publications - Public Health Scotland](#)

² See [Termination of pregnancy statistics - Year ending December 2022 - Termination of pregnancy statistics - Publications - Public Health Scotland](#)

³ See [Termination of pregnancy statistics Year ending December 2022](#)

⁴ See [Show all releases - Publications - Public Health Scotland](#)

have safe access zones established regardless of whether there has been previous anti-abortion activity. This ensures that any risk of displacement activity is minimized and all those accessing or providing abortion services are protected to the same degree, regardless of where in Scotland they live, or where they access or provide services.

Are there any existing design features or mitigations in place?

The provisions within the Bill will apply equally to all parties and will not be different between the island communities and the rest of Scotland.

STEP THREE - CONSULTATION

Who are your key stakeholders?

During the development of the Bill, the Scottish Government has engaged widely with a variety of stakeholders including:

- Service providers across Scotland
- Women's Rights Campaign Groups
- Anti-abortion groups
- Pro-choice organisations
- Faith groups
- Crown Office of Procurator Fiscal (COPFS)
- Police Scotland
- COSLA

The views of all these stakeholder groups have been sought to ensure that the Bill fully address the issue of anti-abortion activity outside premises providing abortion services, whilst also ensuring that it is proportionate and balanced.

In May 2022, Ms Gillian Mackay MSP launched a formal public consultation⁵ on safe access zones. Ms Mackay's parliamentary team did not contact organisations to invite responses at that time, but the consultation was open to all, including those from Island communities. The consultation analysis⁶ was published in June 2023. Approximately 11,827 responses to the consultation were received from individuals and organisations including politicians, academics with expertise in a relevant subject, professionals with experience in a relevant field and private individuals.

No organisations representing Island communities were noted within the consultation analysis. However, given that the consultation did not record locations of respondents, it is not possible to conclude that the consultation responses did not include testimony from island communities. Importantly, as the consultation was open to all, it is considered significant that no concerns were raised relating to the implementation of safe access zones in island communities.

Alongside Ms Mackay's consultation, the Scottish Government has also conducted extensive stakeholder engagement throughout the development of the Bill. Evidence was gathered from several sources, including Health Boards, Police Scotland, pro-choice campaign groups, patient testimonials, and anti-abortion organisations to understand their views and gain insight into the impact anti-abortion activities can have on service users and providers and individuals who take part in anti-abortion activity.

Stakeholder engagement will continue as the Bill progresses through Parliament.

⁵ See [abortion-services-safe-access-zones-consultation-document_final.pdf \(parliament.scot\)](#)

⁶ See [buffer-zone-consultation-summary.pdf \(parliament.scot\)](#)

STEP FOUR - ASSESSMENT

Does your assessment identify any unique impacts on island communities? (Demographic, Economic, Gaelic, Social)

The Bill does not contain any provisions that will have a unique impact on Island communities.

Does your assessment identify any potential barriers or wider impacts? Are there mitigations already in place for these impacts raised?

The Bill will provide protection for those accessing, providing and facilitating abortion services across Scotland, including Island communities, from harmful anti-abortion activity which takes place in a safe access zone (or is visible or audible from a zone).

All NHS territorial Health Boards in Scotland provide abortion services, with some Island Health Boards only providing abortions to certain gestations. Although no anti-abortion activity has been recorded on the Islands, the Bill is intended to ensure anti-abortion activity will not happen in the future. Additionally, it is possible that those who require to travel to mainland services, because abortion services are not provided at their gestation, for example, could encounter anti-abortion activity that currently takes place across Scotland. By preventing anti-abortion activity outside of premises that provide abortion services across Scotland, the Bill could have a positive impact on those residing in island communities who may otherwise have to encounter distressing behaviour.

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 NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

In considering the impact of the Bill on the Islands of Scotland we have concluded that, as all premises across Scotland that provide abortion services will have safe access zones established around them, it is not likely there will be any significant, unique, or greater impacts of the proposed legislation for Island communities.

ICIA approved by

Position: Head of Health Protection Unit

Signature: Laura McGlynn

Date completed: 3/10/2023

ICIA approved by:

Position: Deputy Director: Public Health Capabilities

Signature: Elizabeth Sadler

Date approved: 3/10/2023



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