

Abortion Services (Safe Access Zones) (Scotland) Bill, Health Social Care and Sport Committee

Written statement on handling of information and evidence

Introduction

1. Gillian Mackay MSP introduced the Abortion Services (Safe Access Zones) (Scotland) Bill (“The Bill”) to the Scottish Parliament on 5 October 2023.
2. The Health, Social Care and Sport Committee has been designated as the lead committee for Stage 1 consideration of the Bill. Under the Parliament’s Standing Orders Rule 9.6.3(a), it is for the lead committee to report to the Parliament on the general principles of the Bill.
3. Given the potentially sensitive nature of the issues it anticipates exploring as part of its scrutiny of this Bill, the Committee wishes to set out publicly its overall approach to scrutiny, and more detail on its approach to the handling and processing of data it receives as part of the scrutiny process.

Scope of the Bill and remit of the Committee

4. The Bill sets up safe access zones around health care settings that provide abortion services. It also gives Scottish Ministers a power to set up zones around places where treatments or services related to abortion services are provided.
5. Given the Bill is solely about the setting up of safe access zones, other issues such as the right to access abortions or time limit for accessing abortions are outwith scope.
6. Under the [Abortion Act 1967](#), which currently applies to Scotland, an abortion can legally be accessed up to 24 weeks of pregnancy. Abortions can be conducted at any point in pregnancy if there is a significant risk to the life of the pregnant person, or evidence of foetal abnormality. The Abortion Act 1967 did not decriminalise abortion, but rather established conditions under which abortion can be performed. Abortion procedures performed outwith these conditions would remain subject to Scottish criminal law. Abortion law was [devolved to Scotland](#) under Section 53 of the Scotland Act 2016.
7. Amendments to the law on abortion (including the common law or the Abortion Act 1967 as it extends to Scotland) are not within scope of this Bill.
8. The Committee cannot, as part of its scrutiny, address or explore issues which are outwith the scope of the Bill as outlined above. Accordingly, submission which deal with matters outwith the scope of the Bill will not be accepted.

The Committee’s scrutiny

9. The Committee will take a balanced and thorough approach to its scrutiny, taking time to consider all views.

10. The Committee's approach to scrutiny, and subsequent handling of evidence, will be as follows:

Written evidence

11. The Committee will issue two calls for written evidence in October 2023.

12. Both calls for written evidence will be published on Citizens Space, a digital platform used to undertake Scottish Parliament consultations.

13. The calls for evidence will take the form of the following:

- A short survey, for all those wishing to provide general views and comments on the Bill overall.
- A structured call for evidence for those who wish to provide detailed comments on individual provisions in the Bill.

Short survey

14. The short survey is comprised of predominantly quantitative tick-box questions. The responses to these questions will be presented as charts to provide a visual snapshot of the opinions of survey respondents.

15. The short survey also contains a small number of free text boxes to enable respondents to make further comment. The Committee anticipates that it may receive a high volume of responses to the short survey, therefore a sample of the qualitative data collected in response to these questions will be analysed using thematic analysis to develop an understanding of respondents' views.

16. Individual responses to the short survey will not be published. Instead, a summary of responses will be published.

Structured call for evidence

17. The structured call for evidence consists of predominantly qualitative questions. The responses gathered from this survey will be analysed using thematic analysis, and a summary of evidence will be produced by SPICe. All submissions to the detailed call for views will be published, with the exception of those that contain defamatory or offensive language; do not comply with GDPR requirements (contain third party personal data); have been accepted on a confidential ("not for publication") basis in accordance with paragraph 16 below; or are not relevant to the scope of the Bill as outlined above. Submissions which relate to matters which are outwith the remit of the Committee cannot be accepted.

18. Should the Committee receive a high volume of responses to the detailed survey, all responses will be published, and a sample will be selected for analysis by SPICe, with priority afforded to responses from stakeholders directly affected by the Bill.

19. Anyone submitting written evidence to this consultation can request that their evidence be anonymised or that it should be treated as "confidential" (not for publication) by contacting the clerks at SAZBill@parliament.scot.

Factors for both surveys

20. The Committee will redact personal or other identifying information in material it publishes where it considers it necessary to do so to comply with data protection requirements.
21. Submissions which contain offensive or abusive language will not be considered/published. Defamatory comments will not be published.
22. If the Committee receives a number of responses which are substantially the same in content in either of the calls for evidence, it will publish the response once with a list of respondents that submitted.
23. It should be noted that the responses to both the short and detailed call for evidence are not intended to offer a representative sample of broader public opinion, but rather to reflect the views of those who responded.
24. The written calls for evidence will close on 20 December 2023 and no extensions will be granted.
25. The Committee will only accept submissions via the online platform. If you require assistance to share your views via the platform for accessibility reasons, please contact the clerks at SAZBill@parliament.scot, and they will add your submission via the platform on your behalf.
26. Analysis of the Committee's calls for evidence will be published ahead of oral evidence being taken.

Informal scrutiny

27. The Committee plans to undertake informal engagement on the Bill, particularly where formal engagement may not be a stakeholder's preference¹.
28. This engagement will be undertaken following the written call for evidence closing and before oral evidence takes place.
29. This informal scrutiny will enable Members to get an early insight into some of the issues and better understand them by hearing directly from individuals and organisations affected by the provisions in the Bill.

Oral evidence

30. The Committee will take oral evidence on the Bill from a range of stakeholders and groups.
31. The Committee is already aware of a number of stakeholders it would like to hear from in relation to the Bill.

¹ Formal engagement refers to evidence taken at a Committee meeting, which is both on the record and broadcast in real-time. Informal engagement refers to evidence taken off-the-record which can be anonymized.

32. Additional witnesses will be determined through the Committee's calls for written evidence and programme of informal scrutiny. The Committee will decide on any additional stakeholders in January 2024 and invitations for oral evidence will be issued before the Committee publishes the analysis of the calls for views.

General considerations

33. The Committee will publish all documents as packages, after making any necessary redactions, rather than individually as they are received.

34. If the Committee seeks evidence directly from individuals, it will do so with due regard to data protection requirements including observing principles of fairness and human rights. The Committee will consider what processing is necessary, proportionate and fair on a case-by-case basis, according to the individual circumstances of the data subject concerned.

35. The Committee will collect and retain only the minimum amount of personal data needed to fulfil its remit.

36. For more information or queries regarding the Committee's scrutiny of the Bill, please contact the Clerks to the Committee at SAZBill@parliament.scot.

Health, Social Care and Sport Committee
October 2023