

Coronavirus (COVID-19): Protect Scotland, proximity app – children’s rights and wellbeing impact assessment

This impact assessment considers the impacts to children’s rights and wellbeing (CRWIA) generated by the Nationwide roll out of Scotland’s proximity app, Protect Scotland.

CRWIA Stage 1

[Screening](#) - key questions

(Hyperlink will only work within Scottish Government)

1. Name the policy and describe its overall aims.

Protect Scotland is designed to enable awareness amongst the Scottish population and empower the individual. In line with existing policies for Test & Protect as a whole, and contact tracing in particular, the Protect Scotland app is currently aimed at over 16-year olds however it is widely acknowledged that children under the age of 16 will have access to the app and may download it

Consultation with key stakeholders has led the Scottish Government to determine that a Children’s Rights and Wellbeing Impact Assessment (CRWIA) is required. The CRWIA will investigate and assess the impact of lowering the age of consent applying a Human Rights Based Approach made up of the PANEL principles:

- **Participation**
- **Accountability**
- **Non-discrimination and equality**
- **Empowerment of rights holders**
- **Legality of rights**

Key stakeholders will be consulted to include views of young people, parents and vulnerable groups. The CRWIA will be delivered in conjunction with the Data Privacy Impact Assessment and the Equality Impact Assessment.

As it is in the public interest to have a first release of the app available to the public in Scotland as soon as possible -- supporting contact tracing measures to reduce COVID-19 transmission as ‘lockdown restrictions’ are released -- the app has been released with an age challenge included, asking the user to affirm that they are 16 years of age, or older. Any change to this will be communicated once the CRWIA is complete.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

Protect Scotland asks the user to confirm they are over 16 years old but is currently rated PEGI 3 (content suitable for all age groups) according to the Google apps and games content rating and 12+ according to Apple's rating system. Safeguarding protections would be necessary for individuals under the age of 16 years using the app, necessitating parental consent. This would be problematic as there is no definitive age for children's consent within the UK; and due to anonymity built into the app (by design to be GDPR compliant), gaining parental consent would not be possible.

This impact assessment will examine the impact of lowering the age group following the research conducted in Republic of Ireland, Northern Ireland and the evidence documented by World Health Organisation around the appropriate age of intervention and breaking transmission. The assessment will evaluate and determine whether Scotland would also benefit from lowering the target age group.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include, welfare reforms, parental leave, housing supply, or local transport schemes.

The measures with the Protect Scotland app will have a direct impact on all children and young people in Scotland with access to a mobile device. The main themes to consider will be:

- The impact of data privacy and data sharing whilst using the app
- The impact of being told to isolate
- The impact of the app on children and young people's mental health particularly notifications that may cause anxiety
- The impact of needing parental consent
- The impact of marketing and word of mouth recommendations to download the app on children of all ages, without or without access to mobile device
- The impact of on vulnerable/marginalised groups

The indirect impacts to consider will be:

- The impact of use of the app on parents' awareness on children booking a test, reporting symptoms, being asked to isolate

4. Which groups of children and young people will be affected?

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

Initial consultations:

- Young Scot
- Office of the Chief Social Work
- Children's Rights and Participation Team

Further groups to be consulted:

- Parenting Across Scotland
- Connect
- National Parent Forum Scotland
- Together Scotland
- Children's Parliament
- Scottish Youth Parliament
- Scottish Learning and Disability Commission

5. Will this require a CRWIA?

The Protect Scotland app requires a CRWIA in order to help identify those who will be most likely to be disadvantaged or adversely impacted by their use of the app. It will be widespread considerations and consultation with key stakeholders on matters of GDPR and wider human rights law.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

X

Authorisation

Policy lead

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Date

15 September 2020

Deputy Director or equivalent

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Deputy Director
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Date

17 September

What work has been done so far?

Consultations have taken place with some key stakeholders with more to be conducted in the coming weeks. Scottish Government has been working closely with England, Northern Ireland and the Republic of Ireland to understand the outcomes of their own impact assessments.

What is still to be done?

To undertake stages 2 and 3 consultations of the CRWIA with key stakeholders answering key questions of impact of the app on children and young people. To include an examination of the legal and social impact of lowering the age of consent for access to the app.