Evidence for the Devolution (Further Powers) Committee: Scottish Elections (Reduction of Voting Age) Bill

Introduction

We welcome this opportunity to submit evidence to the Devolution (Further Powers) Committee’s consultation on the Scottish Elections (Reduction of Voting Age) Bill. Established in 2011, CELCIS is the centre for excellence for looked after children in Scotland. Our remit is to work with service providers (such as schools and colleges) to improve the experiences and outcomes of children and young people who are (or have been) ‘looked after’ by local authorities. For this reason our responses to the questions posed by the Committee are framed in consideration of the particular circumstances of looked after young people and care leavers.

Declaration of local connection

Section 8 of the Bill amends the Representation of the People Act 1983 to allow looked after young people living in placements away from home, including secure accommodation, to declare a local connection. The effect of the declaration is that a young person may choose to register to vote at an address at which he or she was previously resident, i.e. other than the address of their current placement. This provision was also included in the Referendum on Scottish Independence (Franchise) Act 2013. In our view, it makes sense to have this provision in the Bill to give young people the option to vote in their home area instead of the area of the location of their care placement.

While we support the entitlement, we note in passing that exercising the right to declare a local connection may bring with it some practical difficulties, for example, in getting information about candidates and parties and voting in person. These are arguably no different from the potential barriers faced by others voting while temporarily living away from home, but there is also a good case (consistent with the principles of ‘corporate parenting’) to be made for looked after children having assistance to vote (a point we develop below).
Looked after children: promoting awareness and providing assistance

We are pleased that the Bill includes the requirement (at Section 15) for each local authority to ‘(a) promote awareness among children who are looked after by the authority of the arrangements for registration as local government electors that apply to the children, and (b) take such action as the authority considers necessary to help such children register as local government electors.’

This section was included in the Bill as a result of a joint recommendation to the Bill team by CELCIS and Who Cares? Scotland based on our research among local authorities prior to the Referendum on Scottish Independence¹. That research, carried out under Freedom of Information (FOI) legislation, found that few local authorities (nine out of 32) said they had taken action of any kind to support looked after young people to vote in the Referendum by January 2014 when the request for information was made.

Of the action which some local authorities said they planned to take in future, most was defined by the researchers as ‘indirect action,’ that is action mainly directed at those caring for and supporting young people, rather than action directed at young people themselves (e.g. actively helping them to register to vote). On the other hand, we believe that simply asking the question raised awareness of the need to provide support for a group of young people whose circumstances place them outside arrangements typically made in families.

In our view, the provision in the Bill of a duty on the local authority to provide support is consistent with the ‘corporate parenting’ responsibilities specified in the Children and Young People (Scotland) Act 2014 (asp 8). Duties ascribed to a corporate parent in the Act include the following (s58):

‘To promote the interests of those young people...

c) ‘To seek to provide those children and young people with opportunities to participate in activities designed to promote their wellbeing

d) ‘To take such action as it considers appropriate to help those children and young people

i. ‘To access opportunities it provides in pursuance of paragraph (d).’

‘Opportunities’ are clearly meant to be defined in the broadest sense of the word, and it is entirely appropriate to consider that legislators also had in mind participation in the political process, including exercising the right to vote, and therefore to be active citizens.

¹ Care to vote? Young people looked after by local authorities and the referendum on Scottish Independence
During the period of voter registration prior to the Referendum on Scottish Independence, CELCIS and Who Cares? Scotland collaborated with the Electoral Commission in activities designed to assist looked after young people and their carers, and care leavers and their advisers to register to vote, as the quotation from the Commission’s report to the Scottish Parliament reproduced below indicates.

The Commission also partnered with Who Cares Scotland and the Centre for Excellence for Looked After Children in Scotland (CELCIS) to develop guidance for support staff on how to assist looked after young people and recent care leavers to register and vote in the referendum\(^2\).

We look forward to further collaboration in similar supportive activities to assist looked after young people and care leavers to cast their votes in Scottish Parliament and local government elections.

**Continuing care and aftercare**

It is our view that the local authority’s responsibilities to promote awareness and provide assistance should extend to those young people who were formerly looked after by the authority and are now either continuing in the care placement or are receiving aftercare services (Sections 66 and 67 of the Children and Young People (Scotland) Act 2014 (asp 8)).

In both cases the young people are in receipt of services and have live contacts with officers of the local authority and it would seem appropriate that they should also receive assistance to vote.

In the example of young people in receipt of aftercare services, it seems to us entirely consistent with the intention of the Children and Young People (Scotland) Act 2014 that the ‘advice, guidance and assistance’ referred to in that Act should include help for young people who were previously looked after and are in receipt of aftercare services to register as local government electors\(^3\).

For this reason, we request that consideration is given to amending the Bill to extend the responsibilities of local authorities to promote awareness and provide assistance to young people who were formerly looked after by the authority and who are in receipt of aftercare services, or who are in continuing care.

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2 From the [Electoral Commission’s report](https://www.electoralcommission.org.uk/about-us/Pages/Our-work/Elections-markets/2014-Scottish-referendum) to the Scottish Parliament on the conduct of the Referendum on independence (Dec 2014)

3 Section 29 CSA (1995), as amended by Section 66 C&YPSA (2014)
Thank you for the opportunity to contribute to this important consultation. We welcome further discussions with Committee.

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