



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 19 March 2020

Session 5



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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
9th Meeting 2020, Session 5

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

Mark Ruskell (Mid Scotland and Fife) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

Gil Paterson (Clydebank and Milngavie) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Graeme Dey (Minister for Parliamentary Business and Veterans)

Maria McCann (Scottish Government)

Kenneth Pentland (Scottish Government)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 19 March 2020

[The Convener opened the meeting at 09:32]

Subordinate Legislation

Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 [Draft]

The Convener (Bill Kidd): Good morning and welcome to the ninth meeting in 2020 of the Standards, Procedures and Public Appointments Committee. We have received apologies from Gil Paterson and Mark Ruskell. The first item of business is evidence on draft regulations. Joining us are Graeme Dey, who is the Minister for Parliamentary Business and Veterans, and his officials Sadif Ashraf, Maria McCann and Kenneth Pentland. I invite the minister to make a short opening statement before we open for questions.

Graeme Dey (Minister for Parliamentary Business and Veterans): Thank you, convener. I am pleased to be here to present the draft Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020. Members will recall, I am sure, that I was here seven weeks ago to give evidence to the committee on two draft Scottish statutory instruments: first, a set of regulations that allow for electoral registration officers in Scotland to take part in testing a new data-matching process—that testing is taking place this week—and secondly, an order that paved the way for the regulations that the committee is considering today.

Members will also recall that the purpose of the regulations is to reform the annual canvass process; currently, it is heavily paper based, complex to administer and inefficient. The reforms will give EROs greater discretion to target their resources at properties where additions or deletions to the register are more likely to be required. The reforms will make the annual canvass process simpler and clearer for citizens and should make maintaining the completeness and accuracy of our electoral register a simpler process.

The regulations will do that by permanently introducing a data-match step at the outset of the canvass process, which will involve electoral administrators matching their data on electors against data that is held by the Department for

Work and Pensions, which taps into Her Majesty's Revenue and Customs data and, where relevant, locally held data sources such as council-tax records. The EROs will then follow one of two prescribed routes. Route 1 will be used for properties for which the data indicates no changes in household composition and route 2 will be used where the data indicates that there has been a change. That will allow the canvass process to be streamlined for households that are unlikely to have changed in composition since the previous year, and it will enable the EROs to target their resources at properties in which changes are much more likely to have occurred.

A third route is available for certain defined properties, such as student halls and care homes, where an ERO believes that they can more effectively and efficiently source the information by making contact with a responsible person at the property, such as a manager.

For all three routes, the regulations allow for more efficient and modern communication methods—such as emails, text messages or phone calls—where the means to do those things have been provided by the individual concerned. Those are in addition to the more traditional paper communications and household visits that are currently legislated for.

The reforms to the annual canvass have been consulted on and have received strong support from stakeholders, including the Scottish Assessors Association and the Electoral Commission. They are already in force for the register for United Kingdom Parliament elections and the registers of local government electors in England and Wales. I ask members to support the regulations so that we can continue to modernise our electoral processes and strengthen our democracy.

Jamie Halcro Johnston (Highlands and Islands) (Con): You said that testing is happening this week, but I am afraid that I missed what the testing is for. Can you explain?

Graeme Dey: It is the original testing process. The figure that we expect to see this week is that data on 3.9 million electors in Scotland will be updated. A further 114,000 electors are scheduled to be uploaded for national data matching before the end of April.

Jamie Halcro Johnston: Is that testing basically about data entry and updating?

Graeme Dey: Kenneth Pentland will give you the details, because it is quite an important issue.

Kenneth Pentland (Scottish Government): Local authorities will be putting their records through the testing process. It will enable EROs to understand how many matches are likely to occur

when they do the actual testing. It will allow them to allocate resources and gives them a better indication of the degree of matches that they can expect. Also, it will flag up any bugs that are in their information technology systems.

Jamie Halcro Johnston: That is happening this week; there is quite a lot going on because of the current coronavirus situation. Has there been any impact from that, either on the testing or on anything else that is needed as part of the process?

Graeme Dey: That is a very reasonable question. My understanding is that the process this week is going very well and that no bugs have been identified. However, you are right to wonder about whether there could be any impact because of the coronavirus situation. As of last week, eight of 15 authorities in Scotland had confirmed their data test date. We are in the process of working with another six authorities to confirm their dates, which should be confirmed in the next few days.

Given the current circumstances, things could get in the way of the work progressing. That is the subject of discussions with the other nations of the UK. The annual canvass is due to get under way in July. I do not want to speculate, but one option might be to delay the deadline for publishing the roll, which is due in December, if we have to. We are very much alive to what is going on at the moment.

Jamie Halcro Johnston: I am sure that you will keep us updated on that. How is the process going in the rest of the UK?

Graeme Dey: I know that the committee has a real interest in this. I am happy to make a commitment that, as and when there is something that I can write to you about, I will keep you updated on how this is progressing and about any issues that arise.

In the context of the rest of the UK, the testing in England began in December last year. As of earlier this month, they have progressed through 36.3 million electors and 263 local authorities have taken part. This work is progressing, but it remains a work in progress overall.

The Convener: That answer might have crossed a line a wee bit for Alexander Stewart, who also has a question on that area.

Alexander Stewart (Mid Scotland and Fife) (Con): How are EROs managing assessment? We want to ensure that more people get on the register. Will there be an increase in the number of people on the register as a result of the process?

Graeme Dey: Yes—it would be good to have more people on the register, but it is more important that the register is accurate. As you will understand, from a Scottish perspective, it is a bit

early to answer those questions. I will be happy to write to the committee with an update.

Maria McCann can say whether we have any intelligence on what the assessors are finding.

Maria McCann (Scottish Government): We do not have details on that, at the moment. The intention is to make the register more accurate, so numbers might fall. However, through the methodology, the streamlining and the improvements in communication, we hope that we will get more people on the register—in particular, people who are in groups that are, typically, underrepresented, including younger people and people who live in rented accommodation. There is very much a focus on ensuring that as many people who can register will do so.

Alexander Stewart: You have the flexibility to see whether that will be the case because, as you have identified, we want to capture people who are harder to find and who do not always participate. The majority of people are keen and happy to give you the information, but we want to encourage people who are a bit more reluctant to do so. The draft regulations give you the flexibility to ensure that we capture the people whom we are trying to identify in the process. It will be good to see what information comes back if that has been achieved, or if elements have been achieved. We can then compare and contrast that with what has happened in other parts of the country to see whether there are similarities, or whether other locations have been better at capturing information.

Graeme Dey: I absolutely agree with that. There have already been examples from which to learn. England carried out the process much earlier, which informed what we did and led to a refining of our processes. That has meant that our processes were better than they might have been without that experience. As we move forward, we will learn an awful lot more. I am happy to write to the committee to keep it updated on what we find.

Alexander Stewart: Good. Thank you.

Neil Findlay (Lothian) (Lab): On the point about capturing as many people as possible, I notice that there is a crossover with DWP data. Is that where we would capture young people who are coming of age and becoming able to join the register, or do we have access to school data?

Graeme Dey: I will let Maria McCann give you some detail on that question.

Maria McCann: We have access to school data. There is DWP data, but there are also local sources, one of which is school data. We have the advantage of 16-year-olds being able to vote, so young people can become attainers when they are 14 or 15. Because those young people are still in

school, EROs have said that they can go into schools, do outreach work and make young people aware that they are able to start to register and become attainers. EROs can even tell young people that they are able to vote, because many of them are still at school. That is one of the great advantages of having lowered the voting age.

Neil Findlay: Do we have access to university and college data?

Maria McCann: EROs have close links and work closely with universities and colleges. I need to double check about access to the data, as I am not entirely sure about that. Perhaps we could write to the committee about that. However, a great deal of work certainly goes on with universities and colleges.

Neil Findlay: If you could check that out, that would be helpful.

09:45

The Convener: Minister, when you came to the committee in January, you indicated that the accuracy rate for data verification was about 90 per cent. Has testing so far indicated that there is any change to that figure?

Graeme Dey: I am not aware of any change, but that is not to say that there has not been a change. Again, we will write to the committee in that regard.

The Convener: That would be excellent.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Is there any available evidence on the benefits of moving towards use of electronic communication?

Graeme Dey: I am not conscious of any new evidence. Kenneth Pentland might be able to shed some light on the issue.

Kenneth Pentland: The reforms have been in development for three years across Great Britain, including by the UK Government. There were pilots in 2016-17 in which various types of digital communication were trialled. The current model is based on what was learned from those pilots. We do not have any figures, and we probably will not have any until the testing is complete and the first live canvass is run in 2020, with the new model.

It is expected to benefit people who would have been reluctant to reply to the old paper forms or household visits. Younger people and students might be more likely to use the e-communication method to reply. The older forms of communication—paper forms and household visits—are still available as part of the process; it is just that there are more options for EROs to make contact with electors.

Maureen Watt: Has any evidence been thrown up of any particular groups being disadvantaged?

Kenneth Pentland: In the equality impact assessment, consideration was given to the fact that older groups might be less likely to respond to e-communication. That has gone into the design of the various communication routes, and e-communication is never the final stop—other types of contact will always be made to a property. The provision should open it up and should not disadvantage any particular group.

Maureen Watt: We are all aware of worldwide phishing operations, but we do not know where such contact comes from.

Graeme Dey: That has been looked at in the design of the process. Kenneth Pentland will expand on that.

Kenneth Pentland: The e-communication is designed at the discretion of the local authority, but it must include various pieces of information that the local authority seeks from those who live in the property. The EROs are conscious of the fact that e-communications can be seen as less reliable than paper communications, so there are options for them to approach a property in another way.

Maureen Watt: One problem might be that a person does not register everybody in the property. How can we ensure that everybody is registered if the email goes to just one person?

Kenneth Pentland: As it is currently drafted, the guidance says that if incomplete information is received, that is not an acceptable response from an e-communication, and another form, such as a household inquiry form, goes out to the property. There is persistent follow-up unless the ERO receives all the information that it needs to close the case.

Maureen Watt: I notice that our papers say:

“It will be an offence to fail to notify an ERO of a change in response to a Route 1 communication.”

If it is an offence, will there be a fine? How will that work?

Maria McCann: That is not a change. That is currently an offence and there is a fine. However, I am not aware of its having been implemented.

Maureen Watt: I did not know that there was a fine—not that I have not filled in the form! [Laughter.] I have forgotten what I was going to say.

When people get the paper communication and fill it in, they are reassured that they will be on the roll. For the benefit of people who are listening, how can people check that they are on the roll?

Graeme Dey: They can do so by the usual methods. That question has thrown me, too.

Maria McCann: People can contact their ERO to check. The issue is quite a challenge, and it comes in a wider form when electoral events are coming up and the message is to register. Quite often, people interpret that as meaning that they need to register for a particular event. EROs are used to getting queries about whether people are registered by letter, by phone or through the digital registration service.

Ideally, people would be able to check through the digital registration service and get an immediate answer. That is not possible at the moment, but we have raised the issue with our colleagues in the UK Government. EROs have said that it would be helpful if there was an easy mechanism for double checking, as Maureen Watt has said. There is a mechanism for doing that, but we hope that it will be a bit more streamlined in the future.

The Convener: As members have no further questions, I thank the minister and his officials for their evidence, which was extremely useful.

I invite the minister to move motion S5M-21239, in his name.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.—[*Graeme Dey*].

The Convener: Would you like to make any closing remarks?

Graeme Dey: I simply reiterate my commitment to keeping the committee updated as we go along. It will take time for everything to shake down, but I would be delighted to write to the committee to answer any subsequent questions that it might have.

The Convener: Thank you.

Motion agreed to.

The Convener: Again, I thank the minister and his officials.

09:52

Meeting continued in private until 10:17.

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