



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# DEVOLUTION (FURTHER POWERS) COMMITTEE

Thursday 23 April 2015

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**DEVOLUTION (FURTHER POWERS) COMMITTEE  
12<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*Bruce Crawford (Stirling) (SNP)

**DEPUTY CONVENER**

Duncan McNeil (Greenock and Inverclyde) (Lab)

**COMMITTEE MEMBERS**

\*Linda Fabiani (East Kilbride) (SNP)  
\*Rob Gibson (Caithness, Sutherland and Ross) (SNP)  
Alex Johnstone (North East Scotland) (Con)  
\*Alison Johnstone (Lothian) (Green)  
\*Lewis Macdonald (North East Scotland) (Lab)  
\*Stewart Maxwell (West Scotland) (SNP)  
\*Mark McDonald (Aberdeen Donside) (SNP)  
\*Stuart McMillan (West Scotland) (SNP)  
\*Tavish Scott (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Bruce Adamson (Scottish Child Law Centre)  
Louise Cameron (Scottish Youth Parliament)  
Graham Connelly (Centre for Excellence for Looked After Children in Scotland)  
Ken Macdonald (Information Commissioner's Office)  
John McCormick (Electoral Commission)  
David McNeill (Young Scot)  
Ian Milton (Scottish Assessors Association and Electoral Management Board for Scotland)  
Andy O'Neill (Electoral Commission)  
Bill Scott (Inclusion Scotland)  
Philip Whyte (National Union of Students Scotland)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Devolution (Further Powers) Committee

Thursday 23 April 2015

*[The Convener opened the meeting at 09:00]*

### Scottish Elections (Reduction of Voting Age) Bill: Stage 1

**The Convener (Bruce Crawford):** I welcome members and all others present to the 12th meeting in 2015 of the Devolution (Further Powers) Committee. We have received apologies from Duncan McNeil. Lewis Macdonald will be joining us, but he has another appointment at the moment.

Item 1 is an evidence session at stage 1 of the Scottish Elections (Reduction of Voting Age) Bill. I welcome our first panel of witnesses for the stage 1 process: John McCormick from the Electoral Commission; Andy O'Neill, head of office of the Electoral Commission; Ian Milton, who has a heck of a long title in the bit of paper that I have here—in effect, he is here to represent the Scottish Assessors Association electoral registration committee; and Ken Macdonald, the assistant commissioner for Scotland and Northern Ireland at the Information Commissioner's Office. Welcome, gentlemen, and thank you for coming to help us with our deliberations. We have a maximum of one hour for this discussion—I stress that that is a maximum so if we can do it more quickly, that is fair enough. We need to be concise in our questions and answers.

I will open with a couple of general questions. What consultation did the Scottish Government undertake with you on the bill? What is your overall view of the bill and do you have any concerns?

Who would like to kick off? Andy O'Neill is usually pretty chipper.

**Andy O'Neill (Electoral Commission):** Thank you very much, convener.

We have been discussing votes at 16 with the Scottish Government for some time. The conversations started during the referendum legislation process and continued after the referendum. We commented on the bill as it was developed and we are working with officials. As a result of the provisions in the bill, we have been asked to do some user testing on the revised forms that will be needed under the new process,

and we have recently procured Ipsos MORI to undertake that for us.

We are all conscious of the timescale and the need to live within it so that we can have all the processes working for the annual canvass, which could start from 1 July. At the moment, we are confident that we are doing our bit to deliver all that, and we think that others are doing their bit, too.

I do not know whether John McCormick wants to add anything.

**John McCormick (Electoral Commission):** We are still considering one or two issues and we will put them into a written submission before the deadline for written evidence. They relate to the implications of reducing the voting age. In particular, the bill might raise some unintended consequences in relation to donations and people who are under 16. We are considering that and we will write to the committee about it. It is quite complex and detailed.

**The Convener:** Will you be able to provide that detail before next week's discussions with the Deputy First Minister?

**Andy O'Neill:** We will try.

**John McCormick:** We will try. Your deadline for written submissions is 1 May, so we will try to provide it by then.

**The Convener:** It would be helpful to have it before we meet with the Deputy First Minister next week.

Beyond that, are there no other concerns? I just want to get your response on the record.

**Andy O'Neill:** No.

**John McCormick:** No. There are one or two issues, rather than concerns.

**Andy O'Neill:** Yes. There are issues around the deadline for registration of young people and donors that impact on public awareness campaigns. Because the process is going so quickly, we are still thinking through some of the implications. That is why we have said in our written submission that we will need to write to the committee on certain things.

**Ian Milton (Scottish Assessors Association and Electoral Management Board for Scotland):** Since we last met in December, we have been in consultation with the Scottish Government and United Kingdom Government officials who are dealing with the co-ordination between the registration framework that we have at UK level and what is proposed. That consultation is going very well. As I mentioned in my submission, we have had meetings, including round-table meetings, with UK Government and

Scottish Government officials, the Electoral Commission and software providers.

One of our concerns—this also comes out in our written submission—is about timing, which we are all very aware of and which cropped up in the evidence that I gave in December. Let me give you the full picture. The Scottish Independence Referendum (Franchise) Bill was introduced in March 2013 and got royal assent in August for a canvass that commenced in October 2013. This bill was published in April and we hope to get royal assent in July but the canvass will start in August, so we are dealing with a much shorter timeframe. That raises issues, which I have brought out in my written submission, about having to run the development of legislation, operational planning and system planning simultaneously, rather than one after the other.

**The Convener:** That comes through in the fifth paragraph of your written submission, where you say that there are obviously risks. If I recall correctly, the last time that we had this discussion, we were in private. [*Interruption.*]

The clerk tells me that it was an open session. At that meeting, I think that you and John McCormick agreed that, as long as the legislation was in place by the summer recess, there would be enough time to complete the work properly. Has anything changed in that regard?

**Ian Milton:** No. You asked me in December whether it was doable, and I said yes. It still is doable, and we are doing it. In that respect, things are happening and they are all moving in the right direction.

**Ken Macdonald (Information Commissioner's Office):** Our interaction with the Government has been somewhat less than Ian Milton's or the Electoral Commission's, but that is not surprising given the role that we play. Whereas they are looking at the technicalities of the franchise process, we are looking at data protection and the handling of information.

We encouraged the Scottish Government to undertake a privacy impact assessment—we encourage that for all policy and legislative initiatives. As we note in our written evidence, it has undertaken one and we are satisfied with its contents.

We strongly advocate the retention of a young persons register for the same reasons that we gave when we gave evidence previously on the referendum arrangements.

One thing that I did not cover in my submission and that I am still investigating is the pre-population of registers. I want to co-ordinate with my colleagues at head office to ensure that our response coincides with what we did when

Westminster made the initial legislation some years back.

**The Convener:** Tell us what pre-population means.

**Ken Macdonald:** At the household canvass stage, the forms will be pre-populated with the details of those who were registered in the previous year. There are problems when households have moved or there has been a change in a household because pre-populated forms divulge personal information. It can also be distressing when someone has gone through a recent bereavement and the name of the deceased appears on forms. There are issues like that.

**The Convener:** Okay. I think that Rob Gibson has a couple of questions.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** What particular lessons are you going to take forward from your experience of the public awareness and education campaign for the referendum, given that the household canvass and individual registration are a different kettle of fish?

**Andy O'Neill:** The best opportunity to collect young people aged from 14 through to 18 will be at the canvass. That is why we support the bill coming through quickly so that we can hit the deadline. It is worth noting that the electoral registration officers will delay the start of the canvass until the beginning of August. We hope that royal assent will have been given so they will be able to collect those young people.

We have talked with the EROs and we are making plans to undertake a public awareness campaign to ensure that we make all 14 to 18-year-olds aware of the new legislative provisions and that as many of them as possible register. We will be doing a directed public awareness campaign. It is not yet finalised, but we have learned from the referendum experience and we are also learning from the experience of our public awareness campaign for the forthcoming UK parliamentary general election.

We are looking at directed campaigning online and through social media and we are working with lots of partners to ensure that people register and are aware of the changes. A directed campaign is best because the cohort of people that we are talking about is online a lot.

**Rob Gibson:** Did you learn that from the previous campaign?

**Andy O'Neill:** Yes.

**Rob Gibson:** What is going to change this time?

**Andy O'Neill:** In the referendum public awareness campaign back in the autumn of 2013

into early 2014, we used online, some social media and partners such as Young Scot. We also did radio. We have not yet come to a firm conclusion, but we think that we get better value for money by spending more money on online advertisements than on radio adverts. We learned that from the referendum, and the initial lessons from the UK parliamentary campaign seem to confirm it.

**The Convener:** Linda Fabiani has a supplementary question.

**Linda Fabiani (East Kilbride) (SNP):** I did, but Andy O'Neill has sort of answered it. I was interested in who the partners are likely to be. You mentioned Young Scot. Will the partners be the same as those you used for the referendum or do you feel that you learned something that suggests that the pool of partners should be widened, narrowed or made more focused?

**Andy O'Neill:** What we have learned is that partners work. If we can get other people to talk to their connections, we get a better result. Because partners work, we want to expand their use and we are looking at how we will do that in the next year. In particular, we hope that more partners will come on board in the lead-up to the Scottish Parliament elections. We can provide them with information that they can use.

**Linda Fabiani:** Were local authorities formal partners in relation to work through schools?

**Andy O'Neill:** We always work with councils and EROs. We have talked about partners being bodies other than local authorities, but they are also, in effect, partners for us. We have always worked with the returning officers, the EROs and the councils to provide information and they tend to dovetail with our national public awareness campaigns when they do things locally so that we do not clash or duplicate things.

**Linda Fabiani:** I just wondered about the uniformity of what is done. I picked up from some slightly related evidence about discussions in schools that the levels of awareness in different local authorities might vary. Is it possible to make sure that all young people in schools and colleges, and those who are involved in Jobcentre Plus programmes and so on, get a certain level of information that allows them to understand what is happening and to register?

**John McCormick:** As we mentioned the last time that we gave evidence, we work with partners in education such as Education Scotland, School Leaders Scotland and the Association of Directors of Education in Scotland. We provided a briefing for them on the referendum and we passed it over for them to discuss with directors of education and education services across the country. We will certainly do that again.

We have built on those strong relationships with the professionals who know how to accommodate that information. We have said to them that we are ready and standing by, and we will have further meetings with them about preparing bespoke material about the next Scottish Parliament elections for 14, 15, 16 and 17-year-olds.

We have a long tradition of working with the information officers in each of the 32 local authorities. They do the local information and we do the national, and we work together to ensure that that information is complementary. Since the chief executives who are in charge of education services are also the returning officers for the election, we hope that there will be a positive response to the delivery of that information and its accommodation in the school curriculum. We are not educationists, so we cannot say where the information should go, how it should be accommodated in school and what should be displaced. We are aware of the limits of our power and we think that the best people to make those decisions on how the information is accommodated locally are the educationists.

09:15

**Linda Fabiani:** We all live in hope of chief executives and returning officers at elections.

**Ian Milton:** I will pick up on the points that Andy O'Neill and John McCormick made. In the convener of the Electoral Management Board, Mary Pitcaithly, we have an excellent key to the chief executive network. Electoral registration officers serve in each local authority and will work with educators in those authorities. I support the idea that educationists are best placed to educate. Electoral registration officers and the Electoral Management Board will provide support and ensure that the information that is given to the educationists is correct, accurate and helpful.

With the reduced voting age becoming business as usual, we have an excellent opportunity to build it into the citizenship training that is given in schools from the age of 14 onwards.

That relates to a point that was brought up the last time that I was at the committee about apprentices and people who have left the school system. Those people will not have left the school system when they are 14 or 15, so there is an ideal opportunity for educationists to build in all the necessary information for young people.

**Linda Fabiani:** I like the point that it is different this time because of the permanence, and I absolutely understand the point about the role of educationists. I am bothered about the variation in local areas, which we have picked up over the piece. I know that you cannot be absolutely prescriptive about what goes down to local

authorities and what they then pass on, but is the information and guidance that they are given clear enough? Does it set out what is absolutely good practice and a minimum that they should not go below?

**Ian Milton:** We certainly need a national approach on the issue. I suppose that, as with any subject that is delivered, the style of teaching will be different at the point of teaching, but it is all done from the common base of the curriculum. Therefore, on that basis, we should have a national approach.

**Linda Fabiani:** It is not so much the teachers who bother me; the issue is that good practice comes from the national level down to local authority level and then goes down to school level, and there can be huge variation at each of those steps. I would like an assurance that, by the time the information gets down to classroom and college training level, what is expected will be pretty darned clear.

**John McCormick:** We will use all our powers of persuasion and we will talk about good practice. We have a lot of materials that we have prepared over the years that are still relevant and can be updated for the new cohort of voters. I am still optimistic. Looking back over what happened during the referendum, there were examples of good practice and School Leaders Scotland and Education Scotland are very much aware of the differentials that existed. I hope that, this time, the importance of every youngster getting access to top-quality information will be taken on board.

**Stuart McMillan (West Scotland) (SNP):** I am delighted that Mr Milton mentioned the issue of apprentices, which was a point that I raised during the previous legislative process.

I have a question for Mr O'Neill. You mentioned that in future your promotion work will focus a bit more on online activities rather than radio. However, it might be useful for you to have an input to some radio programmes to promote take-up and encourage people to register. I can certainly think of one or two such programmes straight away. I would not rule out radio, as it can be a useful medium.

**Andy O'Neill:** We have not ruled it out. At the moment, we are trying to figure out whether we will do that and to what degree. With paid-for advertisements on radio, we would have to produce radio ads. However, we can also do media work to support public awareness campaigns through interviews and suchlike.

The plans are not set in stone. They are still being thought through and we are still picking up the learning from the current campaign for the UK parliamentary elections.

**John McCormick:** One exciting thing in the recent campaign to get people to register to vote before 20 April was that we did much more work in two areas, and the early indications are that that seems to have had a strong impact. The first was a partnership with Facebook that was much more extensive than previously. We built on what we learned during the referendum. The targeting of different audiences through Facebook and Twitter feeds has brought in a lot of applications to register.

Secondly, our communications team worked more closely with and targeted radio and television producers and programmes and asked them to include material about the issue in their programmes. We know from our data that that has had an impact. There have been many more mentions of and discussions about the importance of registering in news and current affairs programmes and in feature programmes, which has had an impact on the number of applications to register. We hope to learn from that and build it into the next campaign.

**Stewart Maxwell (West Scotland) (SNP):** I have a question about the comments on section 5 of the bill on page 4 of the written evidence from the Information Commissioner's Office. The issue of access to local authority educational records is clear, but you go on to say:

"It appears to us that the ERO may not then have the same ability to access information about 14 or 15 year olds in independent schools"

or those who are "schooled at home." Will you expand on that concern? I would have thought that, certainly with those who are schooled at home, the local authority still has an input and a duty.

**Ken Macdonald:** My understanding is that, for independent schools, there is no local authority link. I am less clear on home education, so maybe you are right that local authorities have a duty to satisfy themselves that that is being undertaken. Our concern is that there is a potential gap in the ability of EROs to find evidence on 14 and 15-year-olds. The number is small, but the issue nevertheless has to be covered in some way.

**Stewart Maxwell:** Okay. I hope that other panel members can answer that query.

**Ian Milton:** As well as regulation 35 of the Representation of the People (Scotland) Regulations 2001, there is regulation 23, which gives EROs the power to ask anybody for information, and that can be an individual or a corporate body. As long as the information is required in connection with an ERO's duties, that statutory provision is already in place. For example, at the time of the referendum, it was



possible to get information from sources that were not local authorities, and it is still possible to do so.

**Stewart Maxwell:** So, as far as you are concerned, those who are schooled at home are covered by local authorities.

**Ian Milton:** Home-educated people are registered with the local authority, so that information is available to us.

**Stewart Maxwell:** That was my understanding. What about independent schools? Would you ask them directly?

**Ian Milton:** Yes—the ERO would ask them directly and the information would be provided. It has been in the past, and I do not see why it would not be in future.

**Stewart Maxwell:** I raise the issue because the Information Commissioner's Office raised it. I assume that you are satisfied, Mr Macdonald.

**Ken Macdonald:** We are satisfied.

**The Convener:** I think that you had a second question, Mr Maxwell.

**Stewart Maxwell:** Yes, but it is on a different issue. Sorry—I did not realise that you wanted me to ask both at once, convener.

On the publication of the register, page 3 of the Electoral Commission's submission states:

“there are no designated organisations at elections, and registers are available to a wider range of organisations than at a referendum, so specific consideration will need to be given to this issue.”

Will you expand on your concerns, if, indeed, they are concerns, about the wider range of organisations that will be able to access the register?

**Andy O'Neill:** The model that was used for the referendum is different from the model that is used for elections. The register that is used at elections continues on—it is permanent.

Under the referendum model, the only people who got access to data on all those who could register—16-year-olds and such—were the designated leads, which were the yes and no campaigners. The other 40 permitted participants—the other campaigners who had registered with us—could not access that data.

Under the current rules, all parties who have a legitimate right to access a register—candidates, councillors and such—would get access to the local government and Scottish Parliament register with everyone who is 16 or over on it. They would not get to see a list of those under 16.

The Information Commissioner's Office has raised an issue that needs to be thought through. If we were to use the referendum model, attainers

who would be 18 during the lifetime of the register would be on the local government and Scottish Parliament register, but everyone else would be on the young voters register and people would not get to see their details. There is an argument about child protection, and we are not child protection experts—you would have to ask those experts about the matter. However, we would raise issues of transparency and the ability to engage people of that age in terms of campaigning.

Another issue that we need to think through relates to donations. Under the bill, a person who is 14 years and nine months is likely to be an attainer on the register. It may be improbable but, if the law on registers remains the same, we think that an attainer can be a donor or a lender to a political party, or a candidate. The issue for candidates and political parties on regulated donors is that the permissibility of donations of more than £500 must be checked. If they cannot access the donor's details, that would create an issue.

There may be a workaround, although we have not thought it through yet. In the referendum, permitted participants—campaigners in the referendum—got access to all registers in Scotland. They did not get access to registers in Northern Ireland, Wales and England. However, if a donation was received from those areas, our workaround was to suggest that the donor got a letter from the ERO saying that they were on the register in whichever area.

We are thinking through those issues, and we will need to write to you on them.

**Stewart Maxwell:** There seem to be two ends to this problem, effectively. One issue is about privacy, and the other is about wider access.

**Andy O'Neill:** Yes.

**Stewart Maxwell:** A lot of clarification is required on this area, convener. I am not clear about the matter—I cannot see what the end game is or where will we will end up.

**Andy O'Neill:** The end game is that you need to make a balanced decision. Our job is to give you the advice; your job is to make the decision.

There is a balance between child protection, the need for transparency and the ability to campaign directly with those young people. Obviously, you can campaign with those under-16 and 17-year-olds in a generic way—you are a politician, so you do this all the time; I do not—but direct campaigning is considered to be more effective.

**The Convener:** Can I ask a supplementary question, Stewart? Is that okay?

**Stewart Maxwell:** You are the convener.  
[Laughter.]

**The Convener:** I thought that you had finished—on you go.

**Stewart Maxwell:** I have a final question.

Andy O'Neill mentioned the evidence from the Information Commissioner's Office. It seems to me that the information from the Electoral Commission on the publication of registers and political donations links into the evidence from Information Commissioner's Office on sections 12 to 14, on the protection of information. Is that the link that you are talking about?

**Andy O'Neill:** Yes.

**Ken Macdonald:** Andy O'Neill has brought up an element—the donations issue—that we have not given any consideration to, although we will think about it. We concentrated solely on the register and its publication.

As we have said, we think that there are good child protection reasons for a separation. The arguments have been well rehearsed and other witnesses will, no doubt, bring them back to you. We were raising your awareness of the fact that the electoral register as a whole is used for credit applications, which, by definition in law, can be made only by people over the age of 18. We will be passing the whole register to credit agencies for their normal business, and a huge number of individuals will be on it. It will include the 16 and 17-year-olds, although their information is irrelevant to the credit agencies. Under the data protection principles, the agencies should not have that information because it is irrelevant.

09:30

**Stewart Maxwell:** That is the point that I was coming to. If the register, as it is currently envisaged, with the 16 and 17-year-olds on it, is handed to those credit agencies, which are third parties, will that be a breach of the Data Protection Act 1998?

**Ken Macdonald:** The act requires the information to be adequate and relevant, and that data is irrelevant information because those people cannot apply for credit. However, if there is a statutory obligation for the information to be passed on—that will come down to how the bill is finally drafted—doing so will not be a breach of the act because of that legal obligation. Nevertheless, we would strongly argue that you need to take that dimension into account and have separate registers.

**Stewart Maxwell:** Sorry—I do not understand. I can understand why there would not be a breach if there were a legal obligation to do that, but there is

surely also a legal obligation under the 1998 act not to supply information that is irrelevant—in this case, information on 16 and 17-year-olds.

**Ken Macdonald:** Yes, but if there is a legal obligation to supply the whole register, that supersedes the 1998 act. In your deliberations, you should consider the fact that that information should not be there, and you should abide by those principles in your policy development.

**Linda Fabiani:** The written evidence from the Information Commissioner's Office is pretty strong—it uses the phrase “strongly recommend” and so on. I am aware of the time constraints and the fact that we will have the Deputy First Minister before us next week. I wonder whether we can get something back from you before then about the discussions that you are likely to have following this meeting.

**The Convener:** It would be useful to hear from Ian Milton on the implications for EROs.

**Ian Milton:** At present, credit reference agencies are entitled to purchase the full register at a statutory cost rate, and EROs are obliged to provide it. There is no way round that in law at present. The full register includes data on 16 and 17-year-olds, who are attainers until they reach the age of 18. That information is already out there—it is publicly available in the published registers that can be inspected in my office or, under supervision, in libraries. I am not an expert in consumer credit, but a lot of young people also use mobile phone contracts and I understand that the electoral register is used by commercial operations to establish that a person has a link with a property.

On the concern over having a separate register versus having young people integrated in the full register, you must remember that, at present, the bill allows disclosure of data on under-16s in only three circumstances, which do not include requests from credit reference agencies. We can disclose that information only to the young people themselves, to a returning officer or to candidates in the run-up to an election, or if we have to conduct a criminal investigation relating to voter registration or an electoral offence. On any of those occasions, the date of birth or age-related information is not provided.

**The Convener:** Thank you for that clarity, which has cleared up quite a lot of issues.

I want to get the matter into perspective. How many people under 16 are we talking about? If we had to strike a balance on the side of child protection and campaigners were not able to access the information, how many people would it affect? Do we know?

**Ian Milton:** We talk about around 110,000 young people between the ages of 16 and 17, so there are another 110,000 or thereabout between 14 and 15. However, not all 14-year-olds would feature in that figure—I suppose that, very roughly and as a rule of thumb, it is perhaps 75,000.

**The Convener:** Although it is a significant number, it is not a huge number compared with the whole electorate.

**Ian Milton:** Compared with 4.1 million or 4.2 million, it is not huge.

**The Convener:** That helps us to keep the matter in perspective when we deal with the bill.

**Alison Johnstone (Lothian) (Green):** In his submission, Ken Macdonald recommends that

“voter registration forms for under-16s give clear information about alternative methods of registering such as anonymous registration”.

Why would that be necessary and how would it work?

**Ken Macdonald:** I will leave the workings to the Electoral Commission, but it is necessary for child protection reasons. Some of those individuals will be under non-disclosure orders, so people should not be able to locate them easily. Normally, such orders are implemented through the agencies with which the individuals are working, such as education authorities. We need to pay due regard to the fact that they are subject to non-disclosure orders and, therefore, we have a responsibility not to damage those orders in any way or risk their integrity.

**Alison Johnstone:** You also point out in your submission that you think that the Electoral Commission will have responsibility for designing those forms, and you offer to work with it in doing so. Has that happened?

**Andy O'Neill:** It is happening as we speak. We are happy to work with the Information Commissioner's Office to achieve what Ken Macdonald was talking about. The testing of forms that I mentioned earlier relates to the forms that would highlight to people alternative means of registration, such as anonymous registration.

**The Convener:** The financial memorandum lays out clearly what the Government thinks the costs of the bill would be. It would be useful for us to get on record confirmation of whether the witnesses are content with the finance that has been allocated for the EROs and the Electoral Commission. People can always ask for more money but, given the discussions that the witnesses have had with the Government, do they think that it has reached a reasonable place?

**Ian Milton:** In short, yes. The Scottish Government approached EROs to ask us what we

thought the costs were likely to be and we gave our best estimate.

**The Convener:** It just stumped up right away? Good grief! It should have negotiated harder. *[Laughter.]*

**Andy O'Neill:** Similarly, the Scottish Government sought our advice on estimates, and we gave it. Those estimates appear in the financial memorandum so we are content.

**The Convener:** Fair enough.

In his submission, Ian Milton highlighted challenges faced by three EROs in relation to registration software. What are they, and what is being done to overcome them?

**Ian Milton:** Because of the timing, the challenge is the software houses being able to deliver—on time and fully tested—the functionality that EROs will require.

The software houses that provide the electoral management systems that we use are commercial organisations and are working under a lot of pressure to deliver individual electoral registration functionality. As I point out in my written submission, they have not managed to deliver all the functionality that was sought for the statistical management information that EROs, the Cabinet Office and the Electoral Commission are looking for. That is brought out in the reports that the Electoral Commission published on the revised registers that were published in December in England and Wales, and in March this year in Scotland.

There remains a concern that the software houses will not be able to deliver the full functionality that we require. That is compounded by the fact that we cannot give them full system requirement specifications until we know exactly what the law will require us to do. That is my point about parallel rather than series development. The law is still being developed, so, at the point of procurement and appointment—which is now—we cannot say what we want the system to do and tell the software houses to go off and deliver it. We are saying what we think the system will need to do but there might be changes.

At the end of the day, the requirement will be to deliver functionality so that we can commence our canvass on 1 August, so there are risks in that respect. Those risks are being addressed through good liaison between Scottish Government officials, software developers and EROs. That is working very well indeed.

It is a challenge, but it is being addressed correctly. Nevertheless, it remains a risk. Whenever we rely on a third party to deliver something that is necessary for us to fulfil our statutory duties, there is a risk that that third party

might not be able to deliver exactly what we require.

**The Convener:** It would not be a very clever third party that could not manage it because, in those circumstances, it would not fancy its chances of getting a contract again in the future. Therefore, there is every incentive for the software houses to get it right.

**Ian Milton:** Absolutely.

**The Convener:** There are no more questions. That was a very helpful evidence session. I thank the witnesses for bringing out some points that we had not all fully understood before we began the session. We have also begun to find some solutions, but there is further work to do on donations and other matters. That gives us some meat to discuss with the Deputy First Minister next week. I thank the witnesses very much for coming.

I suspend the meeting for a short period.

09:41

*Meeting suspended.*

09:48

*On resuming—*

**The Convener:** We recommence the evidence-taking session on the Scottish Elections (Reduction of Voting Age) Bill. I thank all the witnesses for coming along today. I will introduce you, but will not give all your titles because that would take too much time. We have David McNeill of Young Scot; Louise Cameron, who is a member of the Scottish Youth Parliament; Graham Connelly from the centre for excellence for looked after children in Scotland; Bill Scott, who is director of policy for Inclusion Scotland and has given evidence to us before; Philip Whyte from the National Union of Students Scotland; and Bruce Adamson, who is chair of the board of the Scottish Child Law Centre. Thank you for coming along to help us with our deliberations.

In the light of the experience of 16 and 17-year-olds who voted in the referendum, what is your overall view of the bill, and do you have any concerns? You will probably want to tell me whether you support most of the bill's proposals at this stage, and I can probably guess where most people are coming from, but I ask in order to get it on the record.

Who would like to kick off? Bill Scott is the most experienced person on the panel. I was about to call you a veteran, but I will not do that to you.

**Bill Scott (Inclusion Scotland):** I would like a younger person to begin; they can speak from personal experience.

**The Convener:** That is true.

**Louise Cameron (Scottish Youth Parliament):** I would like to thank you very much for inviting me along today. The bill is absolutely excellent. I commend all of you on the work that you have done on it—it is really great.

On the experience of the referendum, we at the SYP were so happy that the vote was extended to 16 and 17-year-olds. It is even better that it will be extended to them in all future Scottish elections. The experience of the referendum was absolutely great. It has helped us to disprove all the arguments against votes at 16, which we have campaigned for for 15 years, since the start of our organisation. Their getting the chance to vote in future elections is such a great opportunity, because it really does encourage political participation among young people.

One important thing that will result from the bill is that more young people will get involved in the political system, and from an earlier age. It is likely that it will create a voter generation because we will be able to engage people younger, and keep them engaged throughout their lives, we hope, in the political system.

I am really pleased that the committee is considering the bill. I know how hard you have all worked on it, and I would like to thank you for pushing it through. It is really great.

**The Convener:** Thank you. That was a very helpful and encouraging contribution for us to begin with.

**Linda Fabiani:** Then Bill Scott says "but".  
[Laughter.]

**Bill Scott:** No—Inclusion Scotland is very supportive of the bill. We think that it is particularly important for young disabled people, because when the great majority of disabled 16 and 17-year-olds are making the transition from school to adult life, they do not have experience of making decisions for themselves. Their parents are often very protective of them and tend to make their decisions for them. We think that making that really important decision—a political decision about who you want to run the country—may be an even more important rite of passage for disabled young people than for other young people, because in many ways they are not treated as adults at all when they are young adults. Voting is an opportunity for them to make a stand and say, "I'm an adult—I'm making this choice."

I will feed back later about some of the experience that we had with students at Cantraybridge College. It was quite inspirational how young disabled people reacted to getting the

vote for the first time—they were so enthusiastic about it.

**Graham Connelly (Centre for Excellence for Looked After Children in Scotland):** My comment is in the general spirit of congratulating the bill team and the committee.

CELCIS and our partners Who Cares? Scotland made a representation to the bill team to ask it to consider including a section that would specifically place a duty on local authorities to support looked-after young people in registering to vote. That was born of our experience in the lead-up to the referendum, when we felt that local authorities varied considerably in the extent to which they helped looked-after young people, who live in quite complicated situations.

Although the Scottish Independence Referendum (Franchise) Act 2013 included provision to enable young people to register at a previous address—the same provision is in the bill—the real issue is in getting to grips with the process of registration and getting young disabled people to think about voting. We are delighted that there is a section in the bill that will achieve that purpose.

In the lead-up to the referendum, Who Cares? Scotland, CELCIS and the Electoral Commission collaborated well to provide information. We plan to do the same in the lead-up to the election next year.

**Bruce Adamson (Scottish Child Law Centre):** The Scottish Child Law Centre absolutely shares the enthusiasm of my colleagues and congratulates the committee and others on all the work that has been done. The Scottish Child Law Centre has been around for more than a quarter of a century now, and over that period we have seen the introduction of the United Nations Convention on the Rights of the Child, the incorporation into domestic law of the European convention on human rights, and the creation of the Scottish Parliament, with its strong human rights tradition. The move to lower the voting age flows from all that.

The guarantee on free elections in the ECHR under article 3 of the first protocol requires the state to create

“conditions which will ensure the free expression of the opinion of the people”,

and the European courts recently commented quite a lot on the presumption in favour of inclusions, so the extension of the franchise is fantastic and the wide political support for it is appreciated.

What is also excellent about the bill is the focus on ensuring that privacy rights and the right to private life are respected, and the recognition that

some of the vulnerabilities of children are different from those of adults. There are also strong references to promotion, which will be absolutely key in ensuring that we engage young people, especially those who are harder to reach, including people in the Gypsy Traveller community, disabled young people, looked-after young people and young people who are not in mainstream education. That is powerfully reflected in the bill.

The Scottish Child Law Centre has two roles. One is the promotion of children’s rights; the bill sits closely with that. The other one—our bread and butter—is giving legal advice. Of the 5,500 calls, emails and other contacts that we have had over the past year, not one has related to the exercise of political rights. I do not know whether we can read much into that, but I was quite shocked that there was not even one such case—not even with all the promotion and discussion around the referendum and how active young people have been on social media. It is not at the forefront of the minds of the people who contact us.

**Philip Whyte (National Union of Students Scotland):** NUS Scotland agrees. It is great that the change can be made for 2016 and we are glad about the speed at which it is being done. The referendum showed that voting is a responsibility that 16 and 17-year-olds fully understand and was an opportunity that they grasped with both hands. It is a right that we now cannot take away from them.

On a legislative basis, the bill is positive and we have no concerns about it, although if there are potential issues around timing we must ensure that we get that right. The key for us—sitting to the side of legislation—is implementation, as Bruce Adamson said. The referendum showed that it can be difficult to get information on turnout when you are looking at very small subsamples, but it looks as if 16 and 17-year-olds turned out highest among all the youth groups, which very much mirrors the Austrian experience. When Austria dropped its voting age to 16, statisticians could look at first-time voter rates among 16 to 18-year-olds and 19 and 20-year-olds. The experience there was that 16 and 17-year-olds voted at around the average of turnout, and much higher than 18, 19 or 20-year-olds.

There seems to have been a similar experience in Scotland, which may be down to school and political awareness in education. To echo what Bruce Adamson said, implementation is key, especially for hard-to-reach groups—in particular, care leavers. Equally, if school plays a big role, we need to look at those who are not in education, employment or training and ensure that every 16 and 17-year-old, no matter where they are or what

they are doing, can have the full information that they need to use their new-found right.

**David McNeill (Young Scot):** I echo the comments of my colleagues. We are delighted by the introduction of the bill. The campaign for votes at 16 has long been led in Scotland by the SYP and the NUS, so we are really pleased to see the bill. It was a highlight of the referendum to see how 16 and 17-year-old first-time voters engaged in the process. The research showed that they turned out to be some of the most informed voters and that they used the largest amount of sources to find information. To see that spark of engagement with the democratic process continue into the 2016 Scottish Parliament elections and onwards is a great achievement, and there is lots that we and our partners can do to support that continued engagement. I know that there will also be lots of interest from elsewhere in Europe and from other countries that are currently experiencing a decline in voter turnout among young people and are considering how they can reverse it.

10:00

**The Convener:** It is helpful to have that range of general comments about where we are.

I have a particular question for Graham Connelly. I recognise what you said about the bill and looked-after children, but if I understand the fourth paragraph on page 3 of your submission correctly, you want that to go a bit further to include

“young people who were formerly looked after ... and are now either continuing in the care placement or are receiving aftercare services”.

Do you have any idea how many people are in that bracket?

**Graham Connelly:** I thought that you might ask me that question.

**The Convener:** How feasible is what you suggest?

**Graham Connelly:** It seems to us that, in practice, local authorities would not discriminate between a child who is technically looked after under the definition in the Children (Scotland) Act 1995 and is in a placement, and a child who was previously looked after but elected to stay in a placement, so in practical terms we do not think that that is a barrier. We just wonder whether the bill should be precise about that.

On the numbers of children who might be affected, a reasonable estimate for the number of looked-after young people in the 15 to 21 age bracket might be 3,000. That is based on the most recent figures, which are for 2014. In that year, just over 3,700 young people were eligible for

aftercare, of whom 70 per cent, or just over 2,600, were actually in receipt of services. We do not know how many will elect to stay in continuing care placements because that provision has been in place only since 1 April this year.

**Mark McDonald (Aberdeen Donside) (SNP):** My question follows on from that. A number of people aged 16 and 17 will leave the education system, so they will not be captured by the information campaigns that will be targeted through education bodies and local authorities. Bill Scott states in his submission that

“The ages of 16 and 17 years are a time when the majority of young disabled people leave school.”

Do you have any thoughts about how we can ensure that people aged 16 and 17 who have left the education system can be captured by attempts to encourage people to register to vote?

**Bill Scott:** There are definitely difficulties in respect of people who have left the education system, but many will go on to college. If there is a focus on colleges and attempts by the National Union of Students and others to ensure that college students are registered, that will assist. There are colleges that specialise in working with young disabled people, such as Cantraybridge College, which I mentioned, which gives them skills for the rural economy. Such establishments could be targeted. There will be greater difficulty in reaching those young people.

That said, one thing about the referendum campaign was that registration campaigns were run by both political campaigns; the yes and no campaigns both tried to get as many people as possible to register and not lose their chance to vote. That should be continued by the political parties in order to encourage people to take part in the democratic process.

I have a long enough memory to remember the civil rights movement in the United States and the efforts to ensure that black people were registered, but the Democrats in the States have also worked to ensure that poorer communities take up their right to vote. Such things can and should be done within the democratic process, because it is really important that as many people as possible register and are encouraged to take part. Schools and colleges are important, but we all have a responsibility to try to ensure that young people take an interest in politics, because it is our future that will be determined by the outcome of elections.

**Mark McDonald:** I see that Louise Cameron wants to come in, but I will build slightly on that point through a supplementary question, which Louise might wish to take up. Although I absolutely take on board the point about going into colleges and so on, there will still be a number of young

people—I hope just a small number—who will fall into the NEET category. Is that something that the Scottish Youth Parliament has thoughts on?

**Louise Cameron:** Schools are really important for engaging young people in the political system, for helping and supporting them in registering to vote and so on. Also valuable is the youth work sector—voluntary organisations such as the SYP did a lot of work in the run-up to the referendum to get young people registered to vote. Political parties have been doing a great job, too. In the run-up to the referendum, they put so much effort into engaging people in both campaigns and getting them registered to vote. The SYP would definitely like that to be continued.

The SYP thinks that it would be valuable to introduce national guidance. I know that many people around the table feel that it is very important to engage with young people and to work really hard at that, but local authorities vary in how involved they get, especially in schools. Many MSPs, MPs and other elected representatives find it difficult to go into schools.

It would be valuable for the committee to consider national guidance, by way of support. Every day, we at the SYP engage with young people in an unpoliticised way—we can speak about politics without being party political. It would be valuable to promote national guidance so that MSPs can go into schools and engage people in the political system.

**The Convener:** Does anyone have a supplementary question?

**Linda Fabiani:** I think that both Rob Gibson and I do.

You are the oldest, Rob—you go first.

**Rob Gibson:** Also, I was a modern studies teacher. That is one over on you, Linda.

What Louise Cameron has said is helpful. She has opened up issues around awareness and registration, which must be encouraged through schools. In evidence, NUS Scotland has said that we have to

“maximise young people’s awareness and perception of politics”

and YouthLink Scotland has said that it

“would urge for the development of a clear position of what local authority employees, in particular youth workers and teachers, can and cannot say or do during that period with regard to young voter education, support and political literacy activities.”

Louise Cameron has raised the issue, and the evidence that we have received is pretty clear. Do others back up those views about national guidance, in particular when it comes to getting over the inconsistencies that we uncovered during

the referendum campaign about local authorities having different views and about the risk aversion that came out in that regard?

**Bruce Adamson:** We absolutely support the idea of national guidance. The primary duty is on the state to provide education for children. That is encapsulated in, among other places, article 28 of the United Nations Convention on the Rights of the Child, which mentions the obligation of the state to educate children in things such as human rights and democracy, and in understanding the world and the environment where they live.

The primary duty sits on the state, but we need consistency across the country, because things are quite different in different areas. Reflecting on what colleagues have said, I say that we need to recognise the strong roles that the voluntary sector, the care sector and the youth work sector play. The people who are building relationships with the people who are hardest to reach are those who need the tools to deliver that education.

I am certainly not speaking as an expert on this, but we need to acknowledge that people get information in different ways. There are different levels of literacy, and there are language barriers, communications issues and additional support needs. The communication needs to be delivered in lots of different ways, and the guidance needs to reflect that. Information needs to be delivered so that young people can understand it, and it should be available in the places where they will access it.

Others have much more knowledge than I do about how we can use information technology and the internet, but in our experience it is most effective to get information from trusted sources—from the people who work with us closely.

**David McNeill:** I strongly support the YouthLink and Scottish Youth Parliament position on guidance to local authorities on what they can do in building political literacy. There is lots of evidence from the referendum process about what works well. For example, engaging in debates on the issues in schools—and not necessarily through modern studies classes—provides a lot of insight on how that can be effectively delivered across the school.

**Philip Whyte:** I do not want what we say to be seen as a slight on your former subject, Mr Gibson. The reason why the referendum cut through as much as it did is that it spoke to a fundamental issue that affected everyone, and was not about a system, a structure or an ideology, per se.

We are not simply talking about a class or a subject; this is about providing the space and opportunity for people to come together to engage, discuss and debate. That is why I fully back the

notion of national guidance. It is important that schools do not see that just as a political education class as we might traditionally have thought of it—as a subject-based or discipline-based discussion in which we simply learn about how political parties work, how the legislature works and how the executive works. It is fundamentally about issues: as NUS Scotland said in our evidence, it seems that there is a lower level of identification with political parties among young people, but they are very much more engaged around issue-based politics and identity.

If our schools and local authorities have the confidence, knowledge and understanding to allow space and opportunity outwith formal classes, that will cut through to young people and ensure that they are fully aware of and engaged in the process. That is no slight on modern studies.

**Rob Gibson:** Were schools to make modern studies available across the country, there could be an even bigger criticism of it, but they do not. Personal and social education is available, however, and that is the vehicle for providing such opportunities.

**The Convener:** You have defended your corner.

**Linda Fabiani:** Rob Gibson is quite right. We picked up the issue when we went back after the referendum to various outreach projects to look at how young people had engaged. The first point I noted was the variation across the country in how different local authorities allowed people to engage—not how they engaged but how they allowed people to engage. We also picked up a great deal of frustration among young people that they had not been given due respect through being able to listen to the arguments and make their own decisions.

I raised with the Electoral Commission in the earlier session the idea of some kind of national guidelines, but I do not think that the representatives got it. They seemed to think that, if they passed the responsibility to education authorities, that would be their job done and it would become the role of educators. However, there is a variation among educators, at local authority education department level and in schools.

The Electoral Commission also talked about working very widely with partners. My question to the panel is this: were you partners during the referendum? Were these kinds of things discussed? Are you partners this time round? Are these kinds of things now being discussed? If not, is that something that can go forward from the committee as a recommendation?

**Graham Connelly:** Perhaps I can answer that in relation to looked-after young people. CELCIS

and Who Cares? Scotland collaborated with the Electoral Commission in the lead-up to the referendum based on the evidence that we had that there was a need for such collaboration. We produced some answers to frequently asked questions for websites. It may be that further work has to be done.

The group we targeted was the people who support and advise young people who are looked after, principally carers. That group needs to be targeted as well as the young people themselves. Carers need to have the wherewithal to answer young people's questions. Some of those can be quite complicated and technical, which is why we did that work.

Who Cares? Scotland collaborated with the Electoral Commission in at least one event and, now that they have had that experience, there is a commitment to do something similar in the lead-up to next year's election.

10:15

**Louise Cameron:** Linda Fabiani hit the nail on the head when she talked about the inconsistency among local authorities. I think that you have a good understanding of what is going on in the system. From our work at the SYP we have found that some local authorities had great opportunities to engage with young people through schools but others did not. I can speak from my own experience. I set up a referendum debate in my school. I set it up to have elected officials come into the school to have a debate, but I was then told that I was not allowed to have that. There was almost a fear in the system. They did not want to commit to having elected representatives in the school even though there were going to be equal numbers on each side and it would be chaired by an independent chair who was not a member of either side.

We need to eradicate that fear and emphasise the fact that you can have politics with a little "p"; it does not have to be party political. We need to put the focus more on political engagement. I think we can do that effectively. National guidance would promote it. You on this committee have a really good understanding of what is going on. There is political engagement going on within schools, but it is so varied across the country that we cannot say that Scotland as a whole is doing really well and engaging people in the political system from a young age. Some local authorities are doing an amazing job of it, but others are just not having anything to do with it.

**David McNeill:** Young Scot worked closely with the Electoral Commission and other partners in the run-up to the referendum to build young people's confidence about what would happen



when they walked into the polling booth and to encourage them to get registered in the first place—the very mechanical things. We then worked with the Scottish Youth Parliament-led voter registration group to see how we could do that wider engagement work. It is about how we build the confidence of teachers and youth workers to discuss issues but not bring in bias in what they say. Guidance around what they are and are not allowed to say would help build confidence in those sectors.

**The Convener:** The Electoral Commission said to us in evidence on 8 January that it was cautious about recommending a change to what happens in schools. It said that it did not want to go into this area and that it was for education authorities. Do you think that it is being too cautious?

**Louise Cameron:** Definitely. I go back to modern studies again. My modern studies teacher was fantastic and she helped me set up the debate in school. I think that the school was being far too cautious. It would have been greatly helpful in the run-up to the referendum to have some political representatives come in and have a debate. Young people are not silly. We are viewed as being easily convinced, but we are not. We can make our own decisions. The independence referendum has proved that, as 16 and 17-year-olds made their own decisions; they did not vote the same way as their parents and were not forced into voting any way. They can make their own choices. The system needs to have more faith in young people making their own minds up. If schools had three no campaigners in or three yes campaigners in and did not have the other side in, maybe that would be biased, but if we can do this in an unbiased way that is not party political and which promotes political engagement, there is no harm in that within the system.

**Bill Scott:** The Scottish Council for Voluntary Organisations brought together a group of human rights-based organisations in Scotland, which all wanted to see increased voter registration and increased participation because we believe that it is healthy for democracy. I took part in an Amnesty International human rights conference last summer during the referendum campaign, at which we were questioned quite closely by colleagues from other countries whose human rights organisations tend to have political affiliations—they side with particular political parties. We think that we have an advantage in that a lot of the human rights organisations are politically neutral because of charity laws in this country. In some ways, that helps us to reach out.

The SCVO collaborated with the *Daily Record*, us, black and minority ethnic organisations, Oxfam and the Poverty Alliance and so on to try to reach groups that were underrepresented in the electoral

register. That is a clue to future work that could be done in this area. I very much agree with what has been said. I have taken part in hustings in schools in previous years. The level of debate and discussion shows that young people are no mugs; they know when they are being spun a line. As some politicians find out, they can get harder questions from that group than practically any other group in the electorate.

I think that there is everything to gain from having national guidelines, because they could break down those barriers and encourage education authorities to take a risk. That risk is worth taking, because everybody has to take risks. One of the rites of passage of growing up is for young people to begin to make their own decisions and take chances. We need to allow people to make decisions for themselves rather than doing it for them.

**Stuart McMillan:** Two things have struck me. In his comments earlier, David McNeill said that 16 and 17-year-olds were the most informed voters throughout the referendum because they used more sources of information, and a moment ago Louise Cameron said that we should have more faith in young people.

I am going to ask Louise a question. I stress at the outset that I am not asking you to name and shame local authorities, but you said that some operate better than others. This committee has undertaken work on the issue, but can you provide any information from the SYP perspective on any good practice that you are aware of that could be considered for the future, and certainly for the forthcoming elections?

**Louise Cameron:** I can speak about a recent example. We have just had our SYP elections, and the political engagement in North and South Lanarkshire was fantastic. I think that we had 11,000 votes in North Lanarkshire alone, which was incredible. That accounts for a third of the young people in the area. North and South Lanarkshire did a really great job.

Another valuable resource is social media. People can now register to vote online, which is a great tool and one that we need to utilise. We can promote registering to vote on Facebook, Twitter and all the other social media networks. I think that we need to put more work into that, because it is a way of accessing so many young people that the system misses. We can miss people in school and in college, but practically everyone nowadays is on Facebook and Twitter, so that is a valuable way to catch people.

A lot of the work that we did to engage young people in the run-up to the referendum was done through social media. We had a hashtag on Twitter on the day before the referendum and the

day of the referendum to encourage people to go to the ballot box, and it received huge publicity. That is a valuable way to engage young people as well.

As I said, North and South Lanarkshire were fantastic in the SYP elections. I am trying to think of some other examples, but they were really good. I know that they are good at political engagement.

**Linda Fabiani:** Except with politicians, but there you go.

**The Convener:** Louise, if you want to think more about that and get back to us, please do. I am sure that you will have a memory base somewhere—

**Louise Cameron:** Yes. Our policy team will get back to you with some other results from that. We had huge increases in voting in some areas.

**The Convener:** It would be good to know about that.

**Alison Johnstone:** I want to discuss a bit more those who are hard to reach—those who might benefit most from voting but who have traditionally not voted. Bill Scott states in his evidence that people with disabilities have even been discouraged from voting because there is an assumption that they are simply not able to do so and that it is just too difficult for them.

What progress has been made? There were incredibly high levels of participation in the referendum, but I see that Graham Connelly suggests in his written evidence that only nine of the local authorities are making real efforts to engage with those who are involved with looked-after people. Obviously, that is not enough. Do you expect that we will see a real change as a result of progress that has already been made?

What would you like to happen to ensure that every looked-after child and every person with a disability is on the register and gets the support that they need—whether it is mobility support or educational input—to ensure that they, too, can take part in the democratic process?

**Graham Connelly:** You referred to the freedom of information request that I made. I should say, in defence of local authorities, that that was at an early stage in the campaign in the lead-up to the referendum. Local authorities were honest, and very few said that they had thought about the issue or had concrete plans to contact or support looked-after children. I felt that raising the issue helped. I guess that that is the starting point.

From the examples that local authorities gave me, the one that struck me as the gold standard was the local authority in which a manager wrote individually to every looked-after child in the age

group who was entitled to vote saying that they were entitled and that the local authority would help them to register. The letter said that, although the process might be complicated, the young person's carer or someone who knew them well would help them to do it. A parallel letter went to carers, saying that the other letter had been sent. That was quite a formal process, but it was empowering.

The other approaches that need to happen are varied. We understand more about social media and making things fun. One local authority told us that it would like to do something and asked what advice we had. It had the idea of bringing in young people to a town hall meeting with a speaker. A representative from a youth organisation said that that was an interesting idea, but they had another idea, which was to have a kind of festival with music and, as an adjunct, provide information about registering and help to do it.

We need a combination of the more formal procedures and an understanding of the methods that young people like to engage with.

**Alison Johnstone:** That formal approach certainly sounds like a robust way in which we can ensure that no one is left out, so perhaps it should be adopted by all local authorities.

**Graham Connelly:** Yes. I confess that, until I got interested in the area, I had not actually read the Scottish Independence Referendum (Franchise) Act 2013 and it would not have been on my bedtime reading list. I was forced to read it, and I was pleased to see a reference to looked-after children, but I had to read it several times to understand it, and I saw that it was not enough.

I am of course delighted that the bill will put a duty on local authorities, which means that people have to think about how they provide support for looked-after children. Because the duty will apply to every local authority, that addresses the problem that I uncovered in the lead-up to the referendum of variation in awareness and the seriousness with which the issue was taken. However, we then have to think about how it is done. It needs to be supported by managers. Staff need to feel that they are supported and that it is the proper thing to do, and they need to have the appropriate resources.

In one sense, individual voter registration will make things slightly more complicated. In residential establishments, for example, the manager would previously have automatically registered young people who were in the appropriate age group, but it will now be up to the individual. Although that is of course empowering, it means that the support has to be individually tailored.

**Bill Scott:** One thing that has changed markedly even compared with 20 or 30 years ago is the number of disabled people who are in institutional residential care. A lot of the people we worked with about four or five years ago were in institutional care when they were first entitled to vote and, in some instances, they were actively discouraged from registering. They were told, "You're really not up to that—you couldn't make that sort of decision." The learning disabled people I met were as well informed—or as badly informed—about the political process and voting as the general population and they were just as capable of making choices, if they had the right information.

A lot of work was done of the type that Graham Connelly has just described, including work by youth workers and social workers with families and parents to ensure that their children registered to vote in the referendum. We have to continue to actively encourage that because, when letters come through the door that are addressed to a young person, quite often they will be left. They have to be opened and action has to be taken. Parents still have the role of enabling and assisting their children to take those steps to adulthood. If local authorities can help in that process, that is all to the good.

10:30

I know youth workers who went out of their way to assist young people who were almost completely excluded from the system with offences, children's courts and children's hearings in their background. The youth workers worked with them to ensure that they were registered. That was quite right, because they should not lose out, either. I commend all the workers who took a step further than they were required to and ensured that the young people they worked with got registered.

**Bruce Adamson:** I strongly agree with what Graham Connelly and Bill Scott have just said. The Scottish Child Law Centre works closely with young people with disabilities and young people in care. In a personal capacity, I have been a children's panel member for around 12 years. One thing that comes through strongly with children's hearings is that children who are supported and empowered to engage with the process have the strongest voice and the strongest solution focus. They have really good ideas, and those voices really need to be heard in the democratic process—not just in elections but through other means.

The work that the organisations that are represented here, Who Cares? Scotland and others do in empowering young people to express their rights and use their voice results in really

good outcomes. We should ensure that parents, carers and workers of various descriptions are all given the skills and resources to work with young people so that they are engaged, but we should also ensure that there is a more formal system so that formal letters are sent out and there is a check against that. Both those things working together is a good way forward.

**Mark McDonald:** One of the most refreshing experiences that I had during the referendum campaign was at a hustings debate that a local church held. Alex Johnstone was on the panel with me and there was a representative of each side from the local school. The young people were incredibly good advocates for the views that they were promoting. That puts to bed the myth about young people not being engaged.

I find that young people are incredibly switched on, engaged with the issues of the day and care deeply about them but are not always engaged with political parties and politicians. However, that is more an issue for us than for them.

I will pick up another issue. During the referendum campaign, I found that adults were going to vote for the first time in their lives because their 16-year-old or 17-year-old had the right to vote or their 15-year-old was gutted at not being able to vote and was encouraging their parents to use their vote. Do you agree that there is not only the benefit of young people participating but the knock-on benefit through their participation that more of the adult population might participate, because they have been encouraged to do so by those young people?

**Louise Cameron:** I could not agree more with what you said about issue-based politics. That is exactly what we stand for at the Scottish Youth Parliament and that is what we say all the time, so it is really nice that you have said that.

In the run-up to the referendum, I managed to convince all my family to vote, which was unheard of. On the morning of the referendum, my brother messaged me to remind me to vote. I said, "Of course I'm going to remember to vote. You should remember to vote."

It was refreshing to have that in the referendum, and I hope that it will continue. Sixteen and 17-year-olds have challenged their families about not going to the ballot box. Now more than ever, people realise the importance of going to the ballot box and having their voices heard. Maybe parents or others who have been disengaged from the political system have had their engagement revitalised.

There was so much engagement with young people and other groups in the run-up to the referendum that politics has become a topic of discussion around the table for young people. It

has been important that we have had that engagement and it needs to continue. It was fantastic in the run-up to the referendum. That means that we have even more work to do to continue engaging people through schools, colleges, youth work and organisations such as the Scottish Youth Parliament, Young Scot and YouthLink Scotland.

The engagement has been fantastic and the fact that we have engaged so much of the population in the political system again is a credit to the politicians and everyone who did the work in the run-up to the referendum to get all those people engaged. We just need to continue to do that.

**Graham Connelly:** As an educator, I am convinced of the importance of mutuality in the learning relationship. It does not flow in only one direction, because adults learn from children. However, there is a subtle difference in relation to looked-after children, which is to do with the professional relationship. That is where there is a difficulty.

In families, we can generally be open in discussion. That openness extends to discussions about allegiances to a particular cause or party, even if that involves different parties within a family. Social workers, carers and others who have professional relationships with children are a little more cautious about that and have to think about the boundaries. Unfortunately, that is just another area in which looked-after young people's living is circumscribed.

Imagine a foster home with foster carers who have their birth children and a foster child. It is difficult for the foster carers to manage the situation if they want to have a discussion that goes into openness about their views on voting but if they feel that they might have crossed a boundary in relation to the child they are fostering that would not worry them in relation to their birth children. That is a difficult situation that people have to think about.

**The Convener:** We have reached the natural end of that conversation.

I have a question that is a little mischievous, but I will ask it anyway. According to the votes at 16 campaign, there are still four parties in the UK that do not support votes at 16: the UK Conservatives, the UK Independence Party, Traditional Unionist Voice—

**Linda Fabiani:** Who?

**The Convener:** That is what I thought when I read that as well. The fourth is the Democratic Unionist Party.

Mr Cameron has said that he is open minded about the idea of votes at 16. Do the witnesses think that they will be able to convince him that he

should commit himself to it before we get to the end of the election campaign?

**Louise Cameron:** Mr Cameron should put his money where his mouth is and have a referendum on it. [*Laughter.*]

We have disproven all the arguments against votes at 16. The University of Edinburgh has done extensive research on it. Mr Cameron has said that, if young people want to have the discussion, we will have it. Well, let us have it. We have said many times that we want to have it. The SYP has campaigned for it, as has the United Kingdom Youth Parliament.

From all directions, young people are saying that they want to have the right to vote at 16. The House of Commons needs to have that conversation and to consider the matter, because it is valuable to have 16 and 17-year-olds voting. We saw that from the referendum. That approach has engaged so many people in the political system.

It is valuable to start the discussion at a younger age, which enables people to continue to engage in it through their lifetimes. So many people have been turned off politics, which is such a shame, because politics is fantastic. Making politics issue based and getting people involved at a younger age so that they can discuss the issues has brought many people back into politics.

It would be a great thing for the UK system to have votes at 16 as well. Mr Cameron needs to seriously consider his priorities and have that discussion.

**Linda Fabiani:** You should end there, convener.

**The Convener:** That is a pretty strong place to end. However, I will let David McNeill comment, because he represents another organisation.

**David McNeill:** The SYP has been very active in supporting votes at 16 and it would be great to see that measure introduced throughout the UK. There are lots of good arguments in favour of it. It is 16 and 17-year-olds themselves who can convince anyone who doubts it.

**Philip Whyte:** There is certainly a natural coalition for votes at 16 down south and the NUS is part of it. We will see whether there is a natural majority for it in the House of Commons after the election. Scotland is setting a positive example. We will see what happens this time next year in Scotland, but the referendum more than proved that it is worth taking the chance.

Votes at 16 must be considered throughout the UK. Young people will not be able to vote in the UK election this year but will probably be allowed to vote in the Scottish parliamentary election next

year. Under the current system, they will not be able to vote in the UK election following that. Therefore, there is a risk that we will create a two-tier disengagement because we are telling young people that their votes are important in Scotland but not throughout the UK. Many election campaigns are fought on arguments about what we are doing for future generations, the amount of debt that we are getting them into and the state of the country that we are leaving for them, and there is an irony in young people not having a say in that.

There is a natural coalition for votes at 16 and there needs to be a majority for it in the House of Commons. Across the panel and the UK, we certainly want votes at 16 to be implemented.

**Bill Scott:** All the objective evidence suggests that, the younger people can vote, the more likely they are to vote and the more likely they are to vote again—it becomes a habit. The problem is that we delay the vote to 18 and elections come along only every four years. I would like to see some research on what happens if meaningful elections happen every year or every other year. That must have an impact on participation.

Democracy is a good thing and voting should become a habit. To be honest, without involving any political stuff, all the objective evidence suggests that, if we catch young people, they will vote again. That can only be healthy for democracy in the longer term.

**The Convener:** That is a good place to end our discussion. I am grateful to all our witnesses for coming along and contributing so positively to our deliberations on the bill.

The committee's next meeting will be on 30 April, when we will take evidence from the Deputy First Minister on the bill.

10:42

*Meeting continued in private until 11:32.*



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