

# **Child Rights and Wellbeing Impact Assessment**

**September 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
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# Child Rights and Wellbeing Impact Assessment

## CRWIA for legislation (Scottish Government use only)

<b>CRWIA title: Scottish Elections (Reform) Bill</b> <b>Date of publication: 2 September 2019</b>	
<b>Executive summary</b>	<p>The Scottish Elections (Reform) Bill (“the Bill”) sets out a number of changes to electoral law covering Scottish Parliament and local government elections in Scotland. It implements proposals included in the Scottish Government’s 2017-18 Electoral Reform consultation<sup>1</sup> to extend the powers of the Electoral Management Board, make changes in relation to local government boundary reviews and a number of technical matters such as transferring oversight aspects of the Electoral Commission’s activities in relation to devolved elections to the Scottish Parliament. It also extends the interval between each Scottish Parliament and each local government election from 4 years to 5 years and will allow all 14 year olds to register as attainers ahead of becoming able to vote at the age of 16.</p>
<b>Background</b>	<p>The Scotland Act 2016<sup>2</sup> amended the Scotland Act 1998<sup>3</sup> to devolve further powers to the Scottish Parliament. These additional powers gave the Scottish Parliament and the Scottish Ministers increased autonomy in relation to the operation of Scottish Parliament and local government elections in Scotland.</p> <p><b>Consultation</b></p> <p>Following the enactment of the Scotland Act 2016, the Scottish Government held two separate public consultation exercises on (a) electoral reform and (b) prisoner voting in relation to Scottish Parliament and local government elections.</p> <p>The consultation on Electoral Reform was undertaken between 19 December 2017 and 29 March 2018 and sought views on a number of issues, including:</p> <ul style="list-style-type: none"> <li>• term lengths for Scottish Parliament and Scottish local government elections;</li> </ul>

<sup>1</sup> <https://www.gov.scot/publications/consultation-electoral-reform/>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2016/11/contents/enacted>

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1998/46/contents>

	<ul style="list-style-type: none"> <li>• extending the role of the Electoral Management Board for Scotland;</li> <li>• access to voting and elected office;</li> <li>• electronic voting; and</li> <li>• boundary reviews of Scottish Parliament constituencies and local government areas and wards.</li> </ul> <p>The Bill includes provisions covering these issues, as well as some more specialised or technical changes to electoral law, which are detailed below and in full in the Bill's Policy Memorandum.</p> <p>Over 900 responses to the electoral reform consultation were received from organisations and individuals. These were independently analysed and the analysis report<sup>4</sup> as well as individual responses were published in line with Scottish Government guidance.</p> <p>As well as the online consultation, roundtable discussions were held with a range of accessibility and equality organisations, including race, disability and women's representation organisations.</p> <p>Ongoing discussions have taken place with electoral organisations, including the Electoral Commission, the Electoral Management Board for Scotland and the Electoral Registration Committee of the Scottish Assessors Association during the consultation period and the development of the draft legislation.</p> <p>The Bill's provisions are mainly drawn from the consultation exercise. The following topics of the Bill were not included in the consultation exercise because they are technical in nature and, as such, likely to be of limited interest to the wider public (but the provisions in the Bill on these topics have been developed in discussion with electoral organisations):</p> <ul style="list-style-type: none"> <li>• entitlement to register as an elector before attaining voting age;</li> <li>• change of date of general election for Scottish Parliament;</li> <li>• Electoral Commission: funding and accountability;</li> <li>• Electoral Commission: codes of practice; and</li> <li>• Electoral Commission: electoral expenses.</li> </ul>
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<sup>4</sup> <https://www.gov.scot/publications/electoral-reform-consultation-analysis/pages/1/>

<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>Most of the Bill's provisions concern the administration of elections and electoral matters and do not affect children and young people directly.</p> <p>The Bill's provision to enable all 14 year olds to register ahead of attaining voting age (as "attainers") will help support young people in engaging in the voting process. Allowing anyone to apply to be added to the register from the age of 14 will simplify the process and the descriptions provided in registration documentation. It will make the process easier to understand, removing some confusion that can occur at present (as some, but not all, 14 year olds are currently eligible to register as attainers). The reform will assist young people in understanding their rights and allow the annual canvass forms used to compile information on voters to be simplified. It will also assist Electoral Register Officers (EROs) in identifying if an individual is eligible to be registered and should be sent an invitation to register. EROs will be able to send out invitations to register to anyone who is listed on a returned Household Enquiry Form as being at least 14, without having to calculate their age on the 1st of December (as occurs at present).</p> <p>The Bill's provisions will apply to 14 year olds who will otherwise be eligible to vote in Scottish devolved elections at the age of 16. The Scottish Elections (Franchise and Representation) Bill<sup>5</sup>, introduced on 20 June 2019, proposes an extension of the franchise for devolved elections to all foreign nationals with an unrestricted right of residence and to prisoners serving sentences of 12 months or less.</p>
<p><b>Children and young people's views and experiences</b></p>	<p>Allowing 14 year olds to register as attainers was not included within the Scottish Government's consultation on Electoral Reform due to its technical nature. The policy was proposed by Electoral Registration Officers and has been prepared in discussion with them.</p> <p>The Scottish Youth Parliament (SYP) in its response<sup>6</sup> to the consultation made the following points:</p> <ul style="list-style-type: none"> <li>• The government and political parties should actively encourage young people, women, and minority groups to participate in politics and stand as candidates.</li> </ul>

<sup>5</sup> <https://www.parliament.scot/parliamentarybusiness/Bills/112098.aspx>

<sup>6</sup> [https://consult.gov.scot/elections/electoral-reform/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_text=youth&uuId=7524090](https://consult.gov.scot/elections/electoral-reform/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q_text=youth&uuId=7524090)

	<ul style="list-style-type: none"> <li>• The Scottish Youth Parliament believes that every young person should learn about politics in secondary schools across Scotland, including teaching about political systems and voting, to ensure that they have the best start for engaging in politics.</li> <li>• SYP calls for a more proportional voting system such as STV to be used in Scottish Parliament elections, however, any changes would need to be accompanied by the implementation of young people's calls for enhanced political education on voting systems, registration and engaging in politics from a young age. The young people we asked also called for more non-biased, accessible information around elections and voting, with greater engagement with young people during elections</li> </ul>
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p><b>Awareness</b></p> <p>The Scottish Government understands the importance of ensuring that voters are aware of how to register to vote. Forms will be produced and tested by EROs and are expected to include the following wording:</p> <p><i><b>"Registering to vote</b></i>  <i>You can register to vote in Scotland if you are:</i></p> <ul style="list-style-type: none"> <li>• <i>Resident (usually live) in Scotland, and</i></li> <li>• <i>Aged 14 or over (but you will not be able to vote in Scottish</i>  <i>Parliamentary or local council elections until you are 16. You will not be able to vote in UK Parliamentary or European Parliamentary elections until you are 18)."</i></li> </ul> <p><b>Rights</b></p> <p>The Scottish Government has assessed the data protection impact of the addition of 14 year olds to the electoral register. The processing of personal data is considered necessary for the performance of a task carried out in the public interest and in the exercise of official authority in terms of Article 6(1)(e) of the General Data Protection Regulation<sup>7</sup>. Processing of some 14 and 15 year olds' data occurs under the existing scheme. Such data is only provided to Returning Officers and others involved in the electoral process for the purposes of elections. Information in relation to 14 and 15 year olds is not included within the versions of the electoral register provided to non-EROs. The information is not used by EROs for marketing or automated decision making. Section 13 of the Scottish</p>

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>

		<p>Elections (Reduction of Voting Age) Act 2015<sup>8</sup> places restrictions on EROs from publishing data in relation to young persons.</p> <p>The version of the electoral register which is used by polling staff on election day does not contain the details of any attainers yet to meet the age requirement. Attainers do not receive polling cards for any election held prior to the day on which they become eligible to vote.</p>		
<b>Monitoring and review</b>				
<b>Bill - Clause</b>	<b>Aims of measure</b>	<b>Likely to impact on . . .</b>	<b>Compliance with UNCRC requirements</b>	<b>Contribution to local duties to safeguard, support and promote child wellbeing</b>
7	Section 7 of the Bill allows persons aged 14 years of age or over to be registered in the register of local government electors in Scotland.	14 year olds resident in Scotland who will be eligible to vote on reaching the age of 16	<b>Article 12 Respect for the views of the child</b>	Allowing 14 year olds to register to vote ahead of attaining voting age promotes civic engagement and participation in the democratic process.
<b>CRWIA Declaration</b>				
<b>Authorisation</b>				
<b>Policy lead</b> Iain Hockenhull, Elections Team		<b>Date</b> <b>2 September 2019</b>		
<b>Deputy Director or equivalent</b> Penny Curtis, Elections and FOI Division		<b>Date</b> <b>3 September 2019</b>		

<sup>8</sup> <http://www.legislation.gov.uk/asp/2015/7/contents/enacted>



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