

Scottish General Election (Coronavirus) Bill – Child Rights and Wellbeing Impact Assessment – Stage 3

December 2020



Scottish Government
Riaghaltas na h-Alba
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CRWIA title: SCOTTISH GENERAL ELECTION (CORONAVIRUS) BILL Date of publication: 18/12/2020	
Executive summary	<p>The Scottish General Election (Coronavirus) Bill proposes a number of non-permanent electoral administration contingency measures in case necessary to mitigate the public health effects of the coronavirus pandemic.</p> <p>In developing this legislation, the Scottish Government has also conducted and published an Equality Impact Assessment, and Business and Regulatory Impact Assessment.</p>
Background	<p>The Bill's purpose is to make arrangements for the Scottish Parliament election scheduled for 6 May 2021 considered necessary, or that may subsequently become necessary, to mitigate the public health effects of the coronavirus pandemic.</p> <p>The Scottish Government's intention is that the election will proceed on 6 May with enhanced hygiene and physical distancing measures for in-person voting, higher levels of postal voting, with emergency proxies available for those who may be asked to isolate in the days before the election.</p> <p>The provisions in the Bill are a dedicated response to the coronavirus pandemic and do not seek to make any permanent changes to electoral law. The main measures of the Bill will:</p> <ul style="list-style-type: none"> • bring forward the deadline for postal vote applications; • give a power to the Scottish Ministers so that they may provide, by regulations, for an all-postal election to be held; • make the pre-election period for dissolution of the Parliament last only one day (5 May 2021, if there is no delay to the election), in case the Parliament needs to meet to pass emergency legislation to delay the election; • allow the Scottish Ministers to make regulations to hold polling over multiple days; • make arrangements for the first meeting of the new Scottish Parliament and the election of a new Presiding Officer; • give a reserve power to the Presiding Officer of the Scottish Parliament to postpone the 2021 election by up to 6 months in certain circumstances; and allow for the same measures as set out above to apply if the election is postponed.
Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base	<p>The following groups of children and young people may be affected by measures in the Bill:</p> <ul style="list-style-type: none"> • Newly enfranchised 16-17 year olds. There are around 110,000 young people aged 16-17 years (2% of the population in Scotland)¹, who will have the right to vote in a national election for the first time. Young people are much less likely

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019>

	<p>than older people to be registered for a postal vote - 2020 Electoral Commission survey data² indicate 6% of those aged 16-24 are registered for a postal vote versus 31% of those aged 65 and over. In the same survey, however, 65% of those aged 16-24 said that they probably or definitely would apply for a postal vote if encouraged to do so in the context of COVID-19.</p> <ul style="list-style-type: none"> <p>Disabled young people and those on the shielding list. One in five (22%) of those aged 16-24 report having a long-term health condition that limits their day to day activity (a breakdown for 16-17 year olds is not possible due to survey sample size)³. Children and young people are much less likely than older people to be in COVID-19 at risk categories⁴. If COVID-19 protection levels are in place at the time, those on the shielding list may be advised to follow more stringent advice on physical distancing than those who are not.</p> <p>Children and young people whose schools are used as polling places. At all elections, some local schools are used for polling places, and those schools are closed for the day of the election. If voting is extended over more than one school day, there would be a further day(s) of closures at some schools.</p> <p>Children who may need to accompany adults to polling places. At every election, adults can bring children with them to vote at polling places. Parents/guardians may bring children to polling places through choice, or necessity if no-one is available to look after the child(ren) while the adult casts their vote. The latter scenario may occur for a range of reasons. Single parent households may be more likely to need to bring children to polling places if any restrictions in place at the time reduce access to formal or informal childcare. Around 175,000 children in Scotland live in single adult households (Scottish Household Survey 2019 data).</p>
<p>Children and young people's views and experiences</p>	<p>The pace of development of this legislation in the context of COVID-19, has restricted opportunities for consultation.</p> <p>The views of 16-17 year olds were gathered in a survey conducted by the Electoral Commission on attitudes to voting in the context of COVID-19.</p>

² <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes-towards-voting-scotland-context-covid-19>

³ <https://www.gov.scot/publications/scottish-health-survey-2019-volume-1-main-report/>

⁴ <https://www.gov.scot/publications/coronavirus-covid-19-at-risk-groups-slide-pack/>

	<p>The sample size is not sufficiently large to report only the data for 16-17 year olds, but the views of the 16-24 year old age group have been reported alongside other age groups⁵.</p> <p>In their submission to the Scottish Government on the development of this legislation, Engender made observations in relation to women’s opportunity to vote, which also relate to children who may need to accompany adults to polling places, and are included in the key findings below.</p> <p>The Scottish Government wrote to Young Scot during its development of the Bill and will engage with the Scottish Youth Parliament as contingency plans and information campaigns are developed further in advance of the election.</p>
<p>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</p>	<p>The key findings of the CRWIA in relation to the measures in the Bill that may impact on the children and young people in scope are as follows:</p> <p>Bringing forward the deadline for postal vote applications</p> <ul style="list-style-type: none"> • Newly enfranchised 16-17 year olds in COVID-19 at risk groups may be more likely to seek a postal vote in the context of COVID-19. Although eligible to register as attainers from the age of fourteen, for those who leave registration until close to the deadline, there may be a risk of missing the earlier deadline for applying for a postal vote. This will be mitigated by targeted information sent by the Scottish Government directly to or those on the shielding list. The Electoral Commission will conduct a public awareness campaign in relation to the deadline for applying for a postal vote. Electoral Registration Officers will also communicate with the electorate about the deadline. <p>Giving a power to the Scottish Ministers so that they may provide for an all-postal election</p> <ul style="list-style-type: none"> • As noted in the ‘scope’ section, recent survey data indicated only around 6% of those aged 16-24 are already registered for a postal vote, although 65% said they would be willing to apply for one in the context of COVID-19. Provision of an all-postal election is not the Scottish Government’s policy or preference, but if one was required due to virus conditions, then information campaigns targeted at all young voters (alongside those for all age groups) will be carried out by the Electoral Commission, Scottish Government and stakeholders.

⁵ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes-towards-voting-scotland-context-covid-19>

	<ul style="list-style-type: none"> • In the event of an all-postal vote, risks to people from leaving their home to vote in person would be greatly reduced , which may be particularly beneficial for 16-17 year olds in at risk groups, disabled young voters, and younger children who may otherwise have needed to travel with their parent or guardian to a polling place. • An all-postal vote would also benefit young people in schools, as there would be no in-person voting in schools used as polling places, so no school closures. <p>Allowing the Scottish Ministers to make regulations to hold polling over multiple days</p> <ul style="list-style-type: none"> • Holding polling over multiple days would reduce footfall and improve physical distancing in polling stations, which would benefit all those voting in person, including young voters in at risk groups, disabled young voters, and any children who may need to accompany adults to vote. • Voting over multiple days may offer more flexibility in terms of when in the day or week those with children can visit a polling place. This may provide additional options for childcare to enable children to be left with a partner or other caregiver if children are discouraged from attending polling places, either because they are in an at risk category due to a medical condition, or in order to reduce crowding at polling places at the time of the election. The EqIA includes further consideration of this point. • Voting over multiple days may disadvantage children in schools that are used as polling places, if this leads to an additional day(s) of school closure. If a decision to hold the election over more than one day is made, some local authorities will plan in-service training for teachers on polling days so that pupils' education would not be affected by school closures. Consideration will also be given to using alternate venues.
<p>Monitoring and review</p>	<p>The measures proposed in the Bill are mitigation measures designed to reduce risks for all voters, including young voters aged 16-17 years, and children who may need to accompany an adult who is voting in person.</p> <p>Several measures are contingency options (voting over several days and an all postal election) and may not be deployed.</p> <p>This document is an initial assessment of the impact of the Scottish General Election (Coronavirus) Bill and the Scottish Government will continue to review and update this document where required during the parliamentary/implementation process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.</p>

The Electoral Commission will report on the election and the impact of any of the contingency measures which come into play.

Bill - Clause	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
Scottish General Election (Coronavirus) Bill	To make arrangements for the Scottish Parliament election scheduled for 6 May 2021 considered necessary, or that may subsequently become necessary, to mitigate the public health effects of the coronavirus pandemic.	All voters, including newly enfranchised 16-17 year olds. The children of voters in some circumstances (EQIA and BRIA have also been prepared)	The measures in the Bill comply with all UNCRC requirements. Of particular relevance to this Bill are articles 3 (best interests of the child), 23 (rights of disabled children) 24 (right to highest attainable standard of health) & 28 (right to education)	These measures will help contribute to wellbeing by seeking to ensure young people are safe, healthy, respected and included

CRWIA Declaration

Authorisation

Policy lead Maria McCann, Head of Elections policy team	Date 23/11/20
Deputy Director or equivalent Penny Curtis, Deputy Director, Elections and Freedom of Information Division	Date 10/12/20



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