

Care to Vote?

Young people looked after by local authorities and the
referendum on Scottish independence

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Summary

Scottish local authorities and the Scottish Prison Service (SPS) were asked under FOI legislation about action, taken or planned, to support looked after young people to vote in the referendum on Scottish independence. All 32 local authorities and the SPS responded during January and February 2014. Two local authorities said the information was not available. Responses were classified as follows: direct action already taken to support young people (six responses); indirect action already taken to inform staff (eight responses); direct action planned to support young people (19 responses); indirect action planned to inform staff (25 responses). Only nine local authorities had taken some action. Of the action planned, indirect action was the most common. Some authorities appeared to have left out young people looked after 'at home' and formerly looked after young people from their plans for support. Although less common, several local authorities described carefully planned approaches to encourage looked after young people to exercise their democratic rights. As well as giving examples of action taken and proposed by corporate parents, the report provides sources of information and support.



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Background

The Scottish Independence (Franchise) Act 2013 [1] introduced the entitlement for a young person who 'has attained the age of 16, or will attain that age on or before the date on which the poll at an independence referendum is to be held' (5.1(c)) to register for a vote.

[The Franchise Act and Looked After Children](#)

Section 7 of the Act makes reference to young people who are or have been looked after or who are in secure accommodation. The intention of this part of the Act is to clarify the 'declaration of local connection' in the case of looked after children who will be of age to vote on the day of the referendum. For most people, the 'local connection' is the address at which they live; registering on the voters' roll at this address provides entitlement to vote in local and national elections. Although the referendum is different to other elections, in the sense that the result will not return members to represent particular constituencies or wards, entitlement to vote is established in the usual way.

The Franchise Act states that for looked after children the 'required address' is 'any address in Scotland at which the person has previously been resident' (7.4). For example, a young person in secure care could register at the address where they lived before moving to the secure care centre. If the previous address was the family home, a parent may already have added the young person to the registration form sent to households by the local electoral registration office in the autumn of 2013.

FOI on the Referendum and Looked After Children



We carried out a survey, under freedom of information legislation, of all 32 Scottish local authorities and the Scottish Prison Service during January and February 2014.

The survey asked the authorities what action they had taken or had planned to help looked after young people and care leavers register for a vote and to exercise their democratic rights on 18 September.



But many looked after young people have more complex living arrangements. In the hypothetical example above, the young person may have moved to secure care from another residential care placement, which will be different again from the family home. In fact, looked after young people whose normal place of residence is a residential or foster care setting can be registered to vote at that setting. Electoral registration officers were advised by the Electoral Commission to provide voter registration forms and information for residential homes, schools and secure units for children in the same way as they normally do in respect of homes for elderly people.

The Process of Registering to Vote

The process of registering to vote is a little more complicated where a looked after young person living in a residential care or foster care placement wants to register at a previous address. This involves completing a registration form available from the local electoral registration office, or – and probably more convenient – downloading and printing a form from the Electoral Commission’s ‘About My Vote’ website.

But even this process is not entirely straightforward. First, there are two forms: a Young Voter Registration Form [3] which can only be used by voters who will be 16 on the date of the referendum. Young people who will be 17 or older on the day should complete the (ordinary) Voter Registration Form [4]. Entering a postcode in the website generates the address of the appropriate electoral registration office to which the completed form must be returned.

This is just one of several barriers which young people face in relation to registering and voting. Deciding which address to use is another. While the registration forms are straightforward to complete, both require an address which is described as ‘where you are resident.’ Also, while the advice notes provided with the form indicate that if a young person does not wish to register using their current address, they ‘may be able to use a previous address or to register anonymously,’ the use of the word ‘may’ unfortunately gives the impression that this option is not automatic. As previously stated, the Franchise Act makes explicit that in the case of looked after children any previous address in Scotland can be used.

If you are concerned that inclusion on the register may affect your personal safety, or you do not wish to register using your current address, other registration options may be available. You may be able to use a previous address or to register anonymously. Please contact your electoral registration officer for more information.



A further barrier may be encountered for a looked after young person in relation to casting their vote if they have chosen to register at a previous address which is at a distance from where they are currently living, or if a complicated journey is involved. In such circumstances, the best option may be to request a postal vote.

Corporate Parenting Responsibilities and the Referendum

Local authorities have what have become known as ‘corporate parenting’ responsibilities in respect of looked after children and formerly looked after young people provided with aftercare support. In the context of the referendum, these responsibilities include providing assistance in the process of registering to vote, accessing information the young person needs in order to exercise their democratic entitlements, and casting their vote on 18 September. A looked after young person with a disability may require additional support both to register and to vote.

The living circumstances of looked after children, and formerly looked after young people, can be quite varied. For example, they can continue to live in their own community, with a parent or other relative, while receiving support from a social worker. They may live in foster care or in a children’s home within the local authority. A placement could also be in another part of the country, for example, in a purchased foster care placement, residential school or secure care centre. In such circumstances, the corporate parenting responsibilities are shared between professional carers working in the placement and social workers employed by the placing authority. Formerly looked after young people (usually termed ‘care leavers’), may be living with family, settled in their own home, or staying in more temporary accommodation. Some young people may not know where they are likely to be living in September.

One very particular circumstance is that of looked after young people who are serving a prison sentence and therefore not legally entitled to register for a vote, but who expect to be liberated prior to the cut-off date for registration (midnight of 2 September 2014). There are no restrictions to registering placed on young people remanded in prison.

The FOI Survey Approach

The question sent to the local authorities is shown opposite. A similar question was sent to the Scottish Prison Service. Accompanying the question was supplementary information explaining the context, highlighting the reference to looked after children in the

What action has the local authority taken (or does it intend to take) to exercise its corporate parenting responsibilities to assist a young person who is or has been a looked after child in respect of his or her entitlement to register for a vote in the Referendum on Scottish Independence?



Franchise Act and providing the address of the Electoral Commission’s About My Vote website.

During exchanges with officials while gathering the responses, a small number of respondents indicated that the accompanying information had been helpful to children’s services staff. Two respondents made further contact to request additional information.

Findings

All 32 local authorities and the Scottish Prison Service responded to the FOI request, most within the statutory 20 day timescale. A minority responded after reminders were sent. The majority of responses were brief, typically a paragraph in an email. A minority provided fuller information, with some authorities attaching examples of information which had been specifically created to assist looked after young people to register to vote in the referendum. One local authority responded in considerable detail, attaching to its response pro-forma letters addressed both to young people living in different circumstances and to a range of staff in contact with young people.

The responses appeared to describe two main types of action: ‘direct action’ characterised as any activity aimed directly at young people, such as providing an information sheet or offering help with registering to vote; ‘indirect action’ was defined by us as activity aimed mainly at those caring for and supporting young people, including social workers, carers and through-care staff. For both types of activity, responses described actions already taken by the authority and action planned in future. Consequently, the responses received were coded using four categories: direct action already taken; indirect action already taken; direct action planned; and indirect action planned.

The table opposite shows the distribution of responses of the different types across the authorities. In this summary table the authorities have not been identified individually since the main aim of the FOI inquiry was to raise awareness of the support needs of looked after children in respect of the referendum more generally rather than to highlight weaknesses in the responses of individual authorities.

Classification of responses	N	%
Direct action already taken	6	18
Indirect action already taken	8	24
Direct action planned	19	58
Indirect action planned	25	76
Information not held	2	6

The response from the Scottish Prison Service has been included as if it were a local authority, so that the total number of responses to the FOI inquiry was 33. Two local authorities said that the information requested was not available, so information about actions was provided by 31 out of 33 (94%) of the authorities responding. Six authorities described action which was classified by the authors into only



one of the four categories, while four indicated actions taken and intended which fell into all four categories.

As the table shows, very few authorities said they had already taken action by the time of responding to the FOI inquiry – six could identify activities taken directly to support young people, while eight had already taken indirect action to inform professionals in contact with looked after young people and care leavers. Some local authorities described both direct and indirect action already taken, and in total only nine local authorities had taken one or both kinds of action. The most common type of action planned by local authorities and the Scottish Prison Service was indirect (i.e. mediated by staff) rather than direct communication with young people. Twelve of the responses (not including the two authorities unable to supply information) did not include examples of direct action either already taken or planned.

Examples of the various different actions taken and planned, directly and indirectly, are reported in the sections which follow.

Direct Action Already Taken

A range of direct actions with young people was highlighted, including newsletters, personal letters, speaking directly to young people, liaison with schools, colleges and local electoral registration offices, and co-operation with local newspapers and radio stations.

One local authority described what might be described as somewhat passive direct action: ‘Eligible young people have been advised of their right to vote in the referendum.’ Another described more active direct action: ‘All young people resident at the local authority houses have been registered to vote on the standard return for the address.’

Another said: ‘The education department have worked closely with the electoral registration officer to ensure that all 15-17 year olds who are eligible to vote receive a registration form.’

One local authority included with its response a newsletter on children’s rights sent to all children looked after away from home that included an article about the referendum and how to register to vote. The article contained the following advice: ‘It is really important that you get whoever you are living with to help you to register to vote. Speak to your foster carer, your kinship carer, your key

I can confirm that all of the young people who fall into the aforementioned categories have been notified via a letter and information sheets from the Electoral Commission. Copies of these have been attached to this response email. This will be followed up by visits from allocated social workers to further enable our young people to exercise their right to vote.



worker or your social worker if you need further information or help to register.’ The article also explained that further information and a registration form were available from the Electoral Commission’s About My Vote website.

Indirect Action Already Taken

Examples of indirect action already taken included: an article in a newsletter aimed at foster carers; invitations sent to political organisations to provide age-appropriate materials; advice given to carers to help young people to register to vote; discussion at relevant council committees and meetings of service providers; a generic reminder sent to key services in contact with looked after young people.

For young people becoming looked after, we have requested that foster carers and residential workers assist them with registration.

One local authority referred to a report by the director of education about supporting young people’s political literacy in the context of the referendum which acknowledged that: ‘Looked after children may require additional support to enable them to engage successfully in the three elements – voter registration, the value and experience of voting (how to vote) and accessing credible information to enable them to engage in the referendum debate – and made specific reference to the role of the local authority as corporate parent in ensuring that looked after children received that support as required.’

One local authority included in its response a statistic for the total number of looked after young people and care leavers officials had identified as being eligible to vote in the referendum, information which was clear evidence supporting the authority’s intention to make direct contact with all their young people entitled to vote.

Those young people who are registered will be assessed for their ability to travel to the polling station. Those who can will and those who can’t will be supported to get to the polling station. The level of support will be dependent on individual circumstances and care plans... The children’s rights officer and the Who Cares? Scotland worker will also be available...

Direct Action Planned

Direct action planned appeared broadly similar to that already taken by some authorities. These approaches included planning to identify eligible young people and contact them with information, use of websites and social media, and collaboration with schools, colleges and other agencies.

In some of the responses, it was not clear that the respondents planned to contact all looked after young people, including those looked after ‘at home,’ and formerly looked after young people receiving after care services. Some responses indicated the



authority was using the narrower definition of being looked after which excludes young people on home supervision orders: 'We will identify all young people who are looked after and accommodated away from the parental home...'

One local authority described in detail explicit action it intended to take with different groups of looked after young people it had identified: in residential home placements; residential schools; secure accommodation; at home or in kinship care; foster care; young people in custody; children with disabilities.

Indirect Action Planned

Indirect action proposed by authorities was similar to that already taken by some. This includes raising awareness among service managers, social workers, reviewing officers and carers about their responsibilities to help young people to register to vote and to cast their vote, provision of advice about sources of information for young people, collaboration among local authority services and external agencies in contact with young people, and working with the local electoral registration officer in promotional activity aimed at looked after young people.

One local authority noted that: 'We have a contract with Who Cares? Scotland who are currently discussing this issue with their "influencing team". They are devising the most appropriate methods to prepare young people to consider their vote in the referendum.'

We will be liaising with colleagues within the children and families team to ensure that we engage with 'hard to reach' groups including looked after children and that we prepare appropriate material to ensure all young people have every opportunity to register to vote in the referendum.

One authority indicated that social workers will include the right to vote in the referendum within the pathway plan of care leavers.

Another authority indicated a plan to evaluate their own approach: 'After the referendum, we'll then look at organising an evaluation exercise to see which awareness raising methods were the most successful.'

Conclusion

All 32 local authorities and the Scottish Prison Service responded to the FOI request for information about action taken or planned to support looked after young people and those in receipt of aftercare services to register for a vote and to cast a vote in the referendum on Scottish independence. This



means that our survey provides a very comprehensive account of the way in which corporate parents were supporting the young people in their care in relation to this matter. It is accepted that an FOI inquiry conducted in early 2014 with six months to go before polling day provides only a snapshot of activity. It is also understood that the responses in the main came from social work agencies and that young people will have access to information and support from a range of other sources.

On the other hand, exercising the right to vote is a fundamental human right and the national care standards which underpin all public care include the right to make choices. Often this is interpreted in the narrow sense of making choices about aspects of care but it can also be understood to refer to the right to exercise choice in all areas of life, including participating in political activity.

It is disappointing that only nine local authorities had taken some action prior to our survey, whether directly in supporting young people or indirectly in advising staff. Of the action planned, indirect action was the most common. This is perhaps inevitable, given the organisational task involved, however, it is regrettable that 12 responses did not include examples of direct action either already taken or planned. We recommend that all corporate parents make arrangements for more direct action to help looked after young people to register for a vote, to learn about the issues involved and to cast their vote.

More person-centred opportunities for direct action with young people are available and those corporate parents that have yet to take action may find existing resources useful. For example, the Scottish Youth Parliament has established an engagement team to work throughout Scotland delivering workshops to young people on democracy and political engagement. This activity is complemented by an online resource [5] providing access to peer educators and free facilitation tools that can be used remotely. The National Union of Students in Scotland [6] has also been undertaking voter registration drives on college and university campuses across Scotland. NUS Scotland also provides information for first time voters about their right to vote and a referendum information pack.

When considering the range of care settings young people can be in, it is worrying that some authorities appeared to have left out young people looked after 'at home' and formerly looked after young people from their plans for support. This narrow interpretation of the definition of looked after children, indicative in the use of the term 'looked after and accommodated', could mean some young people are unsupported and consequently disenfranchised.

More positively, among responses to our survey were several examples of carefully planned approaches aimed at encouraging looked after young people to exercise their democratic rights. We hope that the examples quoted in this report will be helpful to corporate parents considering their support arrangements.



References

[1] Scottish Referendum (Franchise) Act 2013:

www.legislation.gov.uk/asp/2013/13/pdfs/asp_20130013_en.pdf

[2] The Electoral Commission About My Vote website: www.aboutmyvote.co.uk

[3] Young Voter Registration Form: <https://www.aboutmyvote.co.uk/PDF/Scotland-young-person-registration-form-v3.pdf>

[4] (Normal) Voter Registration Form:

[https://www.aboutmyvote.co.uk/register to vote/electoral registration applica/download a blank electoral reg.aspx](https://www.aboutmyvote.co.uk/register%20to%20vote/electoral%20registration%20applica/download%20a%20blank%20electoral%20reg.aspx)

[5] The Scottish Youth Parliament's Aye Naw Mibbe website: www.ayenawmibbe.org

[6] The NUS Scotland Referendum website: www.nus.org.uk/en/nus-scotland/campaigns-in-scotland1/community-network/independence-referendum

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