



Smith Commission

Putting young people at the heart
of Scotland's future

A submission from the Scottish Youth Parliament
October 2014

Summary of recommendations

1. The Scottish Youth Parliament believes that further electoral franchise powers should be devolved to the Scottish Parliament for all Scottish elections to facilitate an extension of the voting age to 16 and 17 year olds.
2. The Scottish Youth Parliament believes that a wider range of fiscal levers, and their associated borrowing powers, beyond that contained in the Scotland Act 2012, should be devolved to the Scottish Parliament. We believe that this would equip the Scottish Parliament with ability to grow a more socially just economy in line with the preferences of the Scottish people and improve its ability to grow its revenues to fund further public expenditure should it wish to do so.
3. The Scottish Youth Parliament believes that a range of powers pertaining to welfare and employment law should be devolved. We believe this would equip the Scottish Parliament with the ability to create a more just society, meeting the particular challenges that face Scotland in relation to poverty and inequality, as well as the ability to address current incoherencies in the existing devolution settlement.
4. The Scottish Youth Parliament believes that equal opportunities and equalities law should be devolved to the Scottish Parliament in order to better address the particular equalities and equal opportunities challenges specific to Scotland.



Background

The Scottish Youth Parliament is the democratically elected voice of Scotland's young people.¹ Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

Among the strongest youth representatives structures of its type, we provide young people with a democratic platform to affect change, based on a mandate, by facilitating engagement with key decision makers.²

In working towards our aims, we support the following values:

- **Democracy** - All of our plans and activities are youth-led, and we are accountable to young people aged 14-25. Our democratic structure and the scale of direct participation across Scotland give us strength and set us apart from other organisations.
- **Inclusion** - We are committed to being truly inclusive. The Scottish Youth Parliament believes that all young people have a right to a voice, it doesn't matter who we are or where we come from; we celebrate our diversity.
- **Political independence** - We are independent from political parties. Only by working with all legitimate political parties can we make progress on the policies that are important to young people.
- **Passion** - We believe that drive and energy are key to successful campaigning. We are passionate about the key issues and believe that young people are part of the solution, not the problem.

¹ The Scottish Youth Parliament is comprised of 160 Members of the Scottish Youth Parliament who meet three times a year in National Sitings to represent the views of their constituents by selecting campaign priorities, formulating policy and participating in Subject Committees. In the last Scottish Youth Parliament national elections, 67,000 votes were cast. In addition, there were almost 43,000 responses to the consultation on your 2010 youth manifesto, "Change the Picture". You can find out more information about SYP here: <http://www.syp.org.uk/who-we-are-W21page-66->

² As demonstrated in Shephard, M. And Patrikios, S. (2012), *Making democracy work by early formal engagement? A comparative exploration of youth parliaments in the EU*, Parliamentary Affairs, Vol. 66, No. 4, 2013, p. 752-771



The Context to our response

The Scottish Youth Parliament welcomes the opportunity to provide a written submission to the Smith Commission as it considers a renewed package for devolution in Scotland following the referendum on Scotland's constitutional future. We further welcome the willingness of Lord Smith of Kelvin and his Commission to make specific efforts to engage with civic Scotland, embracing the experience, talent and expertise that it has to offer. We believe civic engagement of this type will result in more optimal and representative outcomes.

The Scottish Youth Parliament has existed from the beginning of devolution in Scotland.³ Our sole purpose is to ensure that Scotland, in whatever constitutional position it holds, is a nation which listens to its young people and embraces their talents, passion and enthusiasm, empowering them to create a prosperous and fulfilling life for themselves.

As the democratically elected voice of Scotland's young people, we believe that young people should be a heart of any discussions about Scotland's future, including the current discussions and subsequent recommendations made by your Commission.

As an organisation which adopted a neutral position on the outcome of the referendum, our response acknowledges the democratic will of the people of Scotland and our recommendations are framed within this context.

Furthermore, our response seeks to acknowledge the remit of the Commission and therefore our approach to this submission is based on considerations of which layer of government powers should reside, as opposed to what any particular government would do with those powers.

As such our response will focus on three key areas of importance to young people, namely:⁴

³ The Scottish Youth Parliament was established on 30th June 1999.

⁴ Our submission is based on the policies selected and passed by our democratically elected Members of the Scottish Youth Parliament (MSYPs) at our tri-annual National Sitings, where MSYPs meet in plenary to debate policy issues of importance to their constituents. Our contribution is further grounded in the policy statements contained in our youth manifesto "Change the Picture", which



1. Putting young people at the heart of Scottish democracy
2. Putting young people at the heart of the Scottish economy
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received almost 43,000 consultation responses. Therefore, our remarks are shaped by the genuine views of young people.



Putting young people at the heart of Scottish democracy

The Scottish Youth Parliament engages with thousands of young people every year through our national campaigns and our youth engagement programme. As an organisation, we view young people as engaged, passionate and responsible citizens keen to affect positive change in their local communities and participate in wider representative democracy in Scotland.

We have been campaigning for the lowering of the voting age since the inception of our organisation. This pledge was further supported in our 2010 youth manifesto which received almost 43,000 responses and contained the following statement:⁵

The minimum age for voting in all elections and referendums should be lowered to 16

(65% Agree, 25% Disagreed, 10% Not sure)

We note that the ability to extend the franchise remains reserved to Westminster by virtue of Part II Schedule 5 of the Scotland Act 1998.⁶ In addition, we further note that the powers of the Scottish Government and Scottish Parliament in relation to the administration of elections will be extended by virtue of Section 1 of the Scotland Act 2012.⁷ However such an extension will be limited in scope, not including the ability to extend the franchise to 16 and 17 year olds.⁸

We believe the reasons that support devolving the electoral franchise for Scottish elections are threefold: firstly, there is already precedent to do so following the passage of the Scotland Act 2012; secondly, there is a wide evidence base which refutes the arguments against lowering the voting age; and thirdly, there is wide

⁵ Scottish Youth Parliament (2010), *Change the Picture*, <http://www.syp.org.uk/img/Youth%20Manifesto/Scottish%20Youth%20Parliament%20Youth%20Manifesto-%20Change%20the%20Picture.pdf>

⁶ UK Government, Scotland Act 1998, Section 12 and Schedule 5, <http://www.legislation.gov.uk/ukpga/1998/46/part/II/crossheading/franchise-and-conduct-of-elections>

⁷ UK Government, Scotland Act 2012, Section 1, <http://www.legislation.gov.uk/ukpga/2012/11/section/1/enacted>

⁸ This was confirmed by the Scottish Minister for Parliamentary Business, Joe Fitzpatrick MSP, during a debate about the voting franchise in the Scottish Parliament on Thursday 9th October. The Official Report for the debate can be found here:

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9570#.VD0xQxCjKAA>

spread evidence to show support for lowering the franchise among politicians and the public.

For the purposes of the Commission, we note the importance of acknowledging the legislative underpinning of the present devolution settlement through the Scotland Acts when considering any changes to that settlement. In the case of devolving the franchise, we believe there is already precedent for further devolution in this area in light of the further electoral administrative powers devolved to Scotland through the Scotland Act 2012.⁹ Therefore, we believe that further devolution of the franchise for all Scottish elections is both a logical and workable proposition.

The arguments for and against lowering the voting age are well documented, and therefore do not need further treatment in this submission. However, the scale and level of young voter engagement for the referendum has provided a new context in which serious consideration must be given to lowering the voting age.¹⁰

Significant research and media attention has been devoted to the impact of a lowered age for the referendum. Research undertaken by the School of Social and Political Science at the University of Edinburgh, based on extensive social attitudes research with 16 and 17 year olds in Scotland, has shown that a lowered voting age has a positive impact on political engagement and is likely to result in increased turnouts in the future.¹¹ We believe that increased political participation and electoral turnout can only be positive, and is indeed crucial, for a healthy, representative democracy.

In addition, there is now political and public consensus in Scotland that the voting age should be lowered to 16. Each of the main Scottish political parties has now supported the policy, both publicly and in the Scottish Parliament.¹² Furthermore, a recent poll carried out by Panelbase showed that a majority of the public support the extension of the franchise.¹³

⁹ Section 1 of the Scotland Act 2012, which amends Section 12 of the Scotland Act 1998, devolved further powers to the Scottish Parliament in relation to the administration of elections.

¹⁰ BBC (2014), Should 16 year olds get the voting following the referendum?, <http://www.bbc.co.uk/news/uk-29327912> - This article confirms that over 80% of 16 and 17 year olds registered to vote for the referendum.

¹¹ Eicchorn, J (2013), *Will 16 and 17 year olds make a difference in the referendum?*, http://www.scotcen.org.uk/media/205540/131129_will-16-and-17-years-olds-make-a-difference.pdf

¹² The most recent demonstration of this support was displayed in a debate in the Scottish Parliament - See note 8

¹³ The poll was reported by the Scotsman and showed that 55% supported the extension of the franchise, with 37% disagreeing and 8% reporting that they were unsure. See, Scotsman (2014), <http://www.scotsman.com/news/politics/top-stories/majority-back-votes-for-16-and-17-year-olds-1-3563881>



In summary, while we appreciate that the extension of the electoral franchise to 16 and 17 year olds to all UK elections may be considered outside the scope of the Commission, we believe that there is opportunity to devolve further electoral franchise powers to the Scottish Parliament which would enable 16 and 17 year olds to vote in all Scottish elections i.e. all local government and Scottish Parliament elections. Given the precedent set by earlier developments in Scottish devolution and the consensus within politics, academia and the public realm, we believe that this must be part of any renewed package of devolution.

Recommendation

The Scottish Youth Parliament believes that further electoral franchise powers should be devolved to the Scottish Parliament for all Scottish elections to facilitate an extension of the voting age to 16 and 17 year olds.



Putting young people at the heart of Scottish economy

One of the most prevalent themes that emerge from our experience of engaging with young people is their desire to be active participants and contributors to a dynamic Scottish economy.

Youth unemployment remains one of the single biggest issues of concern for young people.¹⁴ Our economy needs to match the aspirations of our young people by creating more high quality jobs, modern apprenticeships, and a more dynamic approach to matching employability and skills development approaches with labour market predictions and emerging trends in the Scottish economy.¹⁵

We note that the current devolution settlement provides the Scottish Parliament with a significant degree of autonomy in relation to the distribution of public expenditure with the legislative competence to allocate resources to the supply side of the economy in the areas mentioned above. In addition, we also note that the full commencement of the Scotland Act 2012 in April 2016 will provide the Scottish Government with an additional range of tax and borrowing powers, including the ability to set a Scottish Rate of Income Tax as a variance on the UK rate, and set borrowing powers for the purposes of capital expenditure.

However, we believe that there is scope to devolve a wider range of fiscal levers and associated borrowing powers, beyond those contained in the Scotland Act 2012. Whilst we are not prescriptive about what these levers should be, we believe that doing so would provide the Scottish Parliament with the ability to grow the economy, but crucially, in the vision of the Scottish people.

We also note that the current devolution settlement provides the Scottish Parliament with very limited ability to raise additional revenues to fund further public expenditure should it wish to do so. We believe that a wider package of fiscal devolution could be implemented which would equip Scotland with the ability to grow

¹⁴ Youth unemployment and the economy are consistently raised as issues of importance by young people through our consultation and engagement work. Members of the Scottish Youth Parliament consistently raise it at our national sittings. See the Scottish Youth Parliament policy log for more information: https://www.syp.org.uk/img/Policy%20Log/PolicyLog_July_2014.pdf

¹⁵ The Scottish Youth Parliament contributed evidence and research to the recent Commission for the Developing Scotland's Young Workforce.



its economy but that maintain the important economic and constitutional fabric of the United Kingdom.

Furthermore, an additional theme that emerges from our engagement with young people is their desire to be participants in a socially just economy that provides opportunities for wealth and prosperity for everyone. Issues such as the living wage, child and youth poverty and the negative impacts of welfare reform are frequently raised during our engagement activity, debates at our National Sitings, and in our policy and campaigning consultation work. We believe that a wider package of fiscal levers would equip the Scottish Parliament with the ability to redistribute wealth more equitably should it choose to do so.

In addition, we believe there is scope, within the constitutional and public finance parameters of the United Kingdom, to devolve aspects of welfare and employment policy. For example, we note the often complicated relationship between skills development, training and education policy, which is devolved to the Scottish Parliament, and welfare and employability policy, which is reserved to Westminster. This generates incoherence in policy approaches, resulting in outcomes which are not as optimal as they might be should the powers reside in one jurisdiction.

By further devolving aspects of taxation, welfare and employability policy, we believe the Scottish Parliament will be better equipped to tailor important policies to the preferences of the Scottish people and the particular challenges which face Scotland, with the public finance mechanisms to fund any modifications or departures from parity with the rest of the United Kingdom. We believe this may result in more effective and coherent policy outcomes.

Recommendation

The Scottish Youth Parliament believes that a wider range of fiscal levers, and their associated borrowing powers, beyond that contained in the Scotland Act 2012, should be devolved to the Scottish Parliament. We believe those this would equip the Scottish Parliament with ability to grow a more socially just economy in line with the preferences of the Scottish people and improve its ability to grow its revenues to fund further public expenditure, should it wish to do so.

Recommendation

The Scottish Youth Parliament believes that a range of powers pertaining to welfare and employment law should be devolved. We believe this would equip the Scottish Parliament with the ability to create a more just society, meeting the particular challenges that face Scotland in relation to poverty and inequality, as well as the ability to address current incoherencies in the existing devolution settlement.

Putting young people at the heart of society

Equality and social inclusion are key founding principles of the Scottish Youth Parliament. A commitment to human rights and the rights of children and young people is a key theme that emerges through our ongoing engagement with young people and our youth led policy development process. Equality and equality of opportunity was a core tenet of many of our recent national campaigns including Love Equally, One Fair Wage, and Votes at 16.

Presently, equal opportunities and equalities legislation are reserved to the UK Government through the Scotland Act 1998. This means the Scottish Parliament has very limited ability to advance equality and social justice through legislation.¹⁶ While the Scottish Parliament has scope to encourage equal opportunities, such policy frameworks and approaches have no legislative underpinning.¹⁷

Scotland has specific needs and preferences which point to the need to further devolve equalities and equal opportunity law to the Scottish Parliament. Specifically, demographic differences and the rural and urban divide have a particular impact on many groups sharing protected characteristics, therefore necessitating different policy responses. In addition, we note that there are many aspects of Scots law, as distinct from law and legal practice in other parts of the UK, which intersect with equality law. We believe that this creates precedent and a strong case to devolve equalities legislation to address this disconnect.

Given the strong commitment to human rights and the rights of children and young people among young people themselves, as evidenced through our engagement work with young people, we are especially concerned about the suggestion that a UK Government may withdraw from the European Convention on Human Rights and abolish the Human Rights Act 1998.¹⁸

¹⁶ Scotland Act 1998, Schedule 5, Head L, Section L.2,
<http://www.legislation.gov.uk/ukpga/1998/46/schedule/5>

¹⁷ The Equality Acts 2006 and 2010 are the present primary UK wide legislation in relation to equal opportunities. However, the Scottish Parliament does not have the ability to amend these Acts but does have some limited scope to introduce duties on Scottish public bodies in relation to specific equalities duties, see *Ibid*.

¹⁸ The following statement is contained in the Scottish Youth Parliament's youth manifesto, "Change the Picture" which was published in 2010 receiving almost 43,000 responses: "*Young people are entitled to as much protection of their human rights as the law can give them. This means the United Nations Convention on the Rights of the Child (UNCRC) should be given more force in Scots law.*"



We believe such a decision would be against the preferences of the young people of Scotland, and we therefore recommend that the Scottish Parliament should be given legislative competence in the area of equalities and equal opportunities in order to create a rights-based legislative framework that commands the support of the people of Scotland.

We acknowledge the concern that the devolution of equal opportunities law would create disparities between the nations of the United Kingdom in terms of rights and equality. However, we believe that a balance could be achieved in terms of maintaining a minimum level of rights across every citizen of the UK, whilst allowing devolved nations to modify or enhance equalities and equal opportunities law to meet its own specific needs.

Recommendation

The Scottish Youth Parliament believes that equal opportunities and equalities law should be devolved to the Scottish Parliament in order to better address the particular equalities and equal opportunities challenges specific to Scotland.

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