



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the consultation by the Electoral Commission on draft performance standards for Electoral Registration Officers in Great Britain: Supporting Electoral Registration Officers in delivering the transition to Individual Electoral Registration

1. Introduction

- 1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1767 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3. The key **aims** of the AEA are to:
 - a. contribute positively to electoral reform within the UK;
 - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
 - c. raise the profile of electoral administration both within the UK and internationally;
 - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4. The AEA supports and advocates two key principles set out by Gould¹ in his report on the 2007 elections in Scotland, namely that:
 - all those with a role in organising elections should consider the voters' interests above all other considerations; and
 - electoral legislation should not be applied to any election held within six months of the new provision coming into force.

¹ *Independent Review of Scottish Parliamentary and Local Government Elections*, Ron Gould, 2007.

- 1.5. In this paper we respond to the consultation by the Electoral Commission on draft performance standards for Electoral Registration Officers in Great Britain. We welcome the opportunity to comment on the proposed standards, and we look forward to working with the Electoral Commission to seek ways to address the issues and concerns raised in this response.
- 1.6. We note the questions offered for consideration at paragraph 3.11 of the consultation paper and respond to these below.

2. Overarching principles and issues

- 2.1. As the professional body representing electoral administrators, the AEA has long supported the principle and practice of performance improvement. The AEA believes that electors should receive a consistently high quality of service wherever they are within the United Kingdom and we support this through training and education for electoral administrators.
- 2.2. Consistency has to be seen in the context of a highly devolved structure for electoral registration across Great Britain. What constitutes a high-quality service in one area may not be appropriate in another because of differences in geography and demographics.
- 2.3. The move to Individual Electoral Registration (IER) is nothing short of a transformation in the way in which electoral registration is administered by Electoral Registration Officers and their staff. Equally, it will involve a substantial change in the application process for those citizens wishing to register.
- 2.4. It is within this context that the Electoral Commission is proposing the draft performance standards framework which is the subject of this consultation. It is proposed that this would come into effect in September 2013.
- 2.5. The stated aim is that of supporting Electoral Registration Officers to deliver the transition to IER and the focus is very firmly on engagement activity in order to ensure that the IER registers are as accurate and complete as possible. The proposed standards and the accompanying Electoral Commission IER guidance part one are designed on the basis that EROs should be “reaching as many residents as [they] can, providing the prompt for them to take any required action²”
- 2.6. The AEA has endorsed the first part of the Commission’s guidance as clearly engagement will be a crucial factor in delivering the transition to IER. In doing so, this support was on the understanding that the consultation on performance standards was ongoing and that the guidance and resources

² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0008/155879/Part-1-Preparing-for-IER.pdf ; Part 1 - Preparing for Individual Electoral Registration, Chapter 2, IER’s key challenges, 2.1.

represent a toolkit which electoral administrators can use to support their engagement work. It is our understanding that the intention is for electoral administrators to select those resources and strategies that make sense locally to deliver the outcomes set out in paragraph 2.5 above.

- 2.7. The role of Electoral Commission public awareness work will also be crucial in prompting individuals to take the actions necessary for them to remain or to become registered under IER. In promoting the importance of local engagement through the performance standards framework and IER guidance, the importance of this overarching campaign work should not be underestimated. Clearly, EROs will need to work alongside whatever is developed by the Electoral Commission and so the earlier there is clarity about the content and timings of the Electoral Commission campaign the more able EROs will be to respond appropriately.
- 2.8. However, there are also other significant challenges which EROs and their staff will face in implementing IER and these challenges need to be borne in mind when considering the setting and monitoring of any standards for performance during the transitional period.
- 2.9. In order to bring IER into effect, there is a significant body of new primary and secondary legislation (some of which has yet to be made) which sets out the new requirements that electoral administrators will need to understand, comply with and implement. In addition, they will have to be able to explain the new system to electors, elected members and other key stakeholders. The new system will exponentially increase the complexity of much of their work as they manage and analyse data from a variety of different sources, and deliver entirely new processes. There will be significant changes made to the IT systems used by electoral administrators with new user pathways to learn.
- 2.10. The potential impact on resourcing and working practices is profound. There is little in the way of experience or learning to draw on in delivering this new system other than from the data matching and confirmation pilots and the confirmation 'dry-run' which is currently being undertaken.
- 2.11. During this transition electoral administrators will be engaged in completely reviewing and re-framing how they deliver electoral registration services to electors in the context of new relationships with and reliance on third party data holders and the IER digital service.
- 2.12. Whilst the UK Government has made a commitment to funding the transition to IER, administrators are working within a changing local government environment which has seen and continues to experience a reduction in budgets and resources. In addition to electoral teams themselves, reductions in numbers of employees in and the outsourcing of other local authority

services are impacting on electoral services, which have traditionally relied on colleagues outside of their direct teams for assistance at times of peak workload such as during the annual canvass and elections. In many cases this ad hoc assistance is no longer available with a consequential reduction in actual resource available to the ERO.

- 2.13. Given the considerable challenges set out above, it is essential that any standards to be employed are realistic and achievable, providing information that is relevant and useful for EROs and their staff, as well as to the Electoral Commission, the Cabinet Office, and the public. In addition to measuring performance, the performance standards framework should also encourage, recognise and disseminate any emerging good practice.
- 2.14. Monitoring and reporting on the implementation of IER during the transitional period should be seen as a separate matter to that of measuring performance against standards from 2015 onwards, once the transition is complete. We recognise the Electoral Commission's role in reporting on electoral administration matters and in setting standards and reporting on performance against those standards. However, within the context of the transition to IER, we equally recognise that the IER Programme being managed by the Cabinet Office has a fundamental role in monitoring the implementation of IER and has already established methods for carrying out that monitoring through, for example, the regional delivery mechanism and the web portal system.
- 2.15. Electoral administrators are already engaged on planning for the transition to IER and are reporting their progress against tasks via the portal provided to them by the Cabinet Office for this purpose. This involves identifying and mapping risks and mitigations and monitoring progress against milestones. We are concerned that the proposed performance standards framework may result in duplication of effort and reporting at a time when ERO resources will be severely stretched.
- 2.16. In addition, the consultation paper sets out that there will be two sets of standards in place for a period of time from the end of September 2013 until the Spring of 2014. The existing standards will apply to the annual canvass being conducted in the autumn through to February (England) and March (Scotland and Wales) in 2014. However, overlapping with this reporting and assessment, it is proposed that the new standards will apply to the implementation of the transition to IER. We are concerned that this requirement to comply with two overlapping sets of standards will place an additional and unnecessary burden on administrators. The postponed canvass forms part of the preparation for the transition to IER and therefore any reporting should be streamlined to recognise this.

- 2.17. Clearly, EROs and their staff need to take a project management approach to the delivery of IER and, in fact, are already doing so. However, the priority must be to ensure the effective delivery of IER, not to generate a large volume of documentation which then requires considerable time and effort to maintain.
- 2.18. It is essential that the framework complements and utilises any reporting and monitoring already put in place by the Cabinet Office. It must not result in duplication of effort at a time when EROs and their staff are extremely stretched and challenged by the scale of the changes inherent in the transition to IER. Fundamentally, the framework must not create an additional burden to those responsible for the successful transition to IER and therefore become an additional risk to the overall programme.

3. The effectiveness of the proposed framework

Will the new framework be effective in measuring how well the challenges of the transition to IER are being met?

- 3.1. The contextual data envisaged within the framework may assist in understanding how well the challenges of the transition to IER are being met. However, it is impossible to assess the effectiveness of the proposed framework as a whole at this stage.
- 3.2. Draft performance standard one requires that EROs demonstrate that they understand the particular challenges in their areas and develop a plan for engaging with residents which responds to these challenges. In order to demonstrate compliance with the standard, the ERO is required to “carry out a comprehensive analysis and assessment of the results of the confirmation dry-run”. What is meant by ‘comprehensive’? It should be recognised that there is, as yet, no established methodology or expertise in assessing the confirmation data. Administrators will be learning as they go along and any support that the Electoral Commission and the Cabinet Office can provide will be essential particularly for those administrators who have not been involved in piloting data matching.
- 3.3. It should be recognised that the confirmation Red/Amber/Green (RAG) match scores represent the surface information below which there will be other data such as the combination of these results within households as well as local data that will need to be considered. The red or amber status could be incorrectly assumed to show that DWP data is more valuable or contemporary than an individual ERO’s register or other local data sets. It should be understood that a high proportion of red scores or a high number of personal calls required as a result of the confirmation process does not demonstrate

that an ERO is failing – the demographics of individual areas will govern what is required.

- 3.4. In recognising the need for plans to reflect local circumstances and local challenges it means that plans may need to differ considerably. Therefore any assessment may necessarily be subjective. There is no body of accepted good practice that can be drawn on to use as a comparator and there is unlikely to be any such body of practice to draw on until EROs have come through the transition. The extent and nature of any engagement will depend on a number of factors, not least of which will be the resources available locally to deliver that engagement.
- 3.5. Draft performance standard one also requires EROs to demonstrate that they have considered local data matching where appropriate. Does that mean that there may be situations where it is not appropriate to consider it?
- 3.6. A decision on whether or how to use local data matching will be based on local circumstances, both in terms of the data sets available and their quality but also in terms of a cost benefit analysis. However, the framework should recognise that there is no legal requirement to use local data matching - it is a matter for the ERO's discretion. Therefore, there is the potential for disagreement between the Electoral Commission and individual EROs on the use or non-use of local data matching.
- 3.7. Performance standard two includes reference to activities such as 'sending household enquiry forms to relevant properties', and 'carrying out all necessary steps as set out in Section 9A of the RPA 1983'. These are statutory requirements. Therefore, it is difficult to understand what the inclusion of these within the standard is aimed at achieving. The inclusion of standards which simply repeat statutory requirements is neither helpful nor necessary.

Definition of 'timely' in relation to the supply of the revised electoral register

- 3.8. Within draft performance standard two, there is a requirement for "timely *publication* and supply of the revised register to those entitled to receive it". Publication is prescribed by legislation which states that following the annual canvass a revised electoral register should be published 'by 1 December'. As set out in Circular EC01/2013, it is our understanding that the Electoral Commission is consulting only on the timeliness of supply of the register. Therefore, the reference to publication in the standard seems to be erroneous.
- 3.9. The proposal set out in the circular is that,

"On publication of the register or on receipt of a valid request, EROs are to supply copies of the register and absent voter lists to those entitled to receive them within 7 calendar days."

3.10. The AEA will respond to this consultation separately. However, an initial observation is that there may be circumstances when compliance with this timeframe may not be achievable and any such circumstances should be taken into consideration in respect of any assessment against this as a standard, particularly in the context of a major transition to a new electoral registration system requiring major changes to office processes and to IT systems.

4. **Consistency of service and local flexibility**

Will the new framework ensure consistency in service for electors while still recognising varying local circumstances?

- 4.1. The primary outcome being sought is the effective transition to IER as defined in paragraph 2.5 above.
- 4.2. The AEA strongly welcomes the Electoral Commission's intention to recognise the local context and circumstances. The scale and nature of the challenges that EROs and their staff will face in trying to deliver an effective transition will differ according to local demographics and local resources. In addition, it should be recognised that individuals may choose not to respond to invitations to register despite considerable engagement and deployment of resources by the ERO.
- 4.3. The focus of the standards appears to be to achieve consistency in terms of management approach - e.g. having an implementation plan and an engagement strategy that EROs monitor and adapt in an iterative way as it becomes clear which strategies and communications activities are working well and which are not.
- 4.4. Given this context, EROs cannot be expected to deliver consistency in service for electors during a period of transition given that there is no experience of what that will mean either for electors or for electoral administrators. It follows that the framework cannot deliver this.
- 4.5. It would be more realistic to consider issues of consistency in terms of the service electors receive once the transition is complete and there is a clearer sense of what business as usual will look like under the new system.

5. **Documentation and data**

Is the documentation and data going to be useful to EROs?

- *Will it help EROs to monitor progress?*
- *If not, what would be more useful?*
- *Would there be any difficulties in supplying any of the documentation/data?*
- *How often would it be useful to review the documentation / data?*

- *Would collection of the documentation / data represent an additional cost for the ERO?*

- 5.1. Please see our comments in relation to the effectiveness of the framework.
- 5.2. We assume that much of the contextual data will be generated by the IT systems used by EROs and therefore ought not to represent a burden. We understand that the Electoral Commission is working with the Cabinet Office to achieve this. We would welcome confirmation that this has been achieved. Collection of the data would represent an additional burden for the ERO if it is not generated automatically from electoral management systems.
- 5.3. There is also reference to the 'frequency of collection of the data'. If this data collection was automated, then frequency would not become so much of an issue, unless it generated enquiries by Electoral Commission staff which electoral administrators would be required to answer. If the data return was a manual process, then frequency would become an extremely significant issue. In either case, the Electoral Commission should ensure that they make their requests for data in a timely fashion and that the deadlines given are achievable particularly with regard to any other electoral activity around the time of the request, e.g. elections or referendums. If it is found that any of the data is not as helpful as envisaged, the Electoral Commission should respond to this promptly by streamlining any future data requests and reporting.
- 5.4. The main potential cost of this framework would be the staff time in producing and maintaining any additional documentation to that already in place, any manual provision of data, and responding to email and/or telephone enquiries and/or reviewing the documentation and data with Commission staff as part of the assessment process. We are not clear as to whether the funding provided through the Cabinet Office for the transition to IER is intended to cover any additional work arising from the proposed performance standards framework.

6. Reviewing and assessing

How should the information provided to demonstrate how the challenges are being met be reviewed?

- *Should the Commission carry out the review in a similar way to how current performance standards returns are reviewed?*
- *Are there other options that should be explored?*

- 6.1. The consultation paper gives two points at which the Electoral Commission will report its assessment of whether the standards have been met:
 - Spring 2014 - the Electoral Commission will report on the preparedness to deliver the transition to IER and performance against standard one; and

- As soon as practicable after the May 2015 polls - the Electoral Commission will report on the performance of EROs in relation to standard two.
- 6.2. Given the unique circumstances of the transition period, the review process cannot take place in a similar way to the current process. In particular, the proposed timing of the 'preparedness' report in Spring 2014 ('Spring' is not defined for this purpose) would result in data collection and the review process taking place possibly in late 2013 and early 2014 at a time when electoral administrators will be extremely stretched in terms of:
- understanding the implications of the new IER system for their area,
 - potentially reviewing polling districts and places,
 - attending and cascading training on IER,
 - delivering the postponed canvass,
 - reporting against existing ERO standards,
 - planning to deliver the European Parliamentary Elections, local government elections (England) and, potentially, other polls,
 - in Scotland, making the necessary plans and preparations for the register and the administration of the referendum to be held in September 2014.
- 6.3. Targeted review and support would be more proportionate and potentially extremely helpful, but should dovetail with and not duplicate other measures already in place. See our comments at paragraphs 2.13 to 2.18 above, and 7.5 below.
- 6.4. The question also arises as to what an ERO could expect back from the Electoral Commission as a result of providing the data and other documentation envisaged in the proposed framework? Would the ERO simply be informed that they have met or not met the standards?
- 6.5. We have previously reported that electoral administrators have expressed that it would be helpful to receive feedback as a result of assessments against standards. While general issues and findings are communicated via the Electoral Commission's published reports, administrators find that very little is given back to them or recognised in terms of the areas on which they have done well and equally on the areas where they might improve further.
- 6.6. Any discussions with Electoral Commission staff as part of the assessment ought to provide constructive and realistic feedback and then be confirmed in writing. Consideration might be given to the involvement of peers in order to achieve this in the form of discussion of plans, activities and learning points

across areas, particularly if authorities with similar demographics could be brought together. Indeed this is already envisaged, at least in part, by the regional structure put in place by the Cabinet Office.

- 6.7. We reported on disagreements in the assessment of performance standards in our report on the administration of elections in 2012³. At its meeting on 10 July 2013, the AEA Board passed the following motion,

“In considering the motion proposed by the North West branch in relation to performance standards, the Association believes that the Electoral Commission has recently shown some progress towards engagement and building bridges with electoral administrators. While there is still a lot to be done, particularly in respect of the conflict which interpretation of standards can cause over prioritisation of the use of resources, conflict with lawful directions issued by returning officers and value for money, the Association would welcome dialogue with the Commission with a view to improving consultation with all stakeholders on performance standards and policies. As part of this dialogue, we would recommend consideration of an independent appeal / review process in respect of the Commission's determination on disputed performance.”

7. Support for EROs and their staff

Will the framework help identify EROs that need support, and what are the best mechanisms for delivering this support?

- *Is there a role for peer support?*
- *Are there any other mechanisms for providing support that should be explored?*

- 7.1. The performance standards framework may identify the EROs that need support. The same may be said of the Cabinet Office monitoring.
- 7.2. We need to be clear what the Electoral Commission envisages by “support” and to manage EROs’ expectations during the transition as to the support that may be available to them and from whom. A range of additional support may be required, from being able to share experiences and ideas with peers, to informal and formal advice and guidance, and potentially further resource, IT and financial support.
- 7.3. It should be recognised that administrators have varying levels of experience within the profession. The AEA national and regional branch structure provides a valuable and well-established network for sharing experiences, information and good practice all of which provide support for individual electoral administrators.

³ http://www.aea-elections.co.uk/downloads/reports/aea_post_elections_report_2013.pdf

- 7.4. A joint protocol has been published by the Electoral Commission and the Cabinet Office⁴. However, it is not clear if 'peer support' referred to in the performance standards consultation is a reference to the work of Regional Delivery Managers and County Leads already appointed by the Cabinet Office, or whether it is intended to mean something else entirely. Within the protocol, the support envisaged by the performance standards framework would appear to be provided by the Electoral Commission English regional teams and the Scotland and Wales Offices. However, also within the protocol, the County Leads are tasked with 'attending and facilitating regional and sub-regional working group meetings as a forum for sharing good practice, peer reviewing implementation progress and discussing potential solutions' and, further, 'supporting the development of regional profiles to assess local authorities at risk of not being able to deliver IER successfully'.
- 7.5. We would welcome further discussions with both the Electoral Commission and the Cabinet Office to clarify who is responsible for what and how this relates to the proposed performance standards framework.

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⁴ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/155544/Regional-working-PDF-and-logo.pdf