



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the consultation by the Electoral Commission on draft performance standards for Electoral Registration Officers: Supporting Electoral Registration Officers in planning for and delivering well run electoral registration services

1. INTRODUCTION

1.1 The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,856 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:

- Contribute positively to electoral reform within the United Kingdom.
- Foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK.
- Raise the profile of electoral administration both within the UK and internationally.
- 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 published in October 2015. We welcome the opportunity to comment on the proposed standards, and 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 throughout 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 education and training for electoral administrators.

2.2 Consistency has to be seen in the context of a highly devolved structure for electoral registration across the United Kingdom. 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 a transformation in the way in which electoral registration is administered by Electoral Registration Officers and their staff. Equally, it has involved a substantial change in the application process for those citizens wishing to register. The current standards, which were introduced in September 2013, were designed to support EROs in planning for and delivering the transition to IER along with the Electoral Commission guidance. Now transition has ended, the stated aim of the new performance standards is that of supporting EROs in planning for and delivering well-run electoral registration services, across the whole of the UK, including Northern Ireland for the first time. The Electoral Commission will continue to provide guidance and resources for use by electoral administrators which is welcomed.

2.4 In view of the Minister's future vision of IER, we welcome the proposal that the performance standards will be flexible enough to reflect any improvements to support the changing landscape in which electoral registration services are taking place. This is both in terms of anticipated system change – such as simplifying and digitalising the process of electoral registration – and to improve efficiency in light of the continued pressure on budgets for all those involved in the process.

2.5 Following the Government's decision to bring forward the date for the end of transition to IER, the role of the Electoral Commission public awareness work will continue to be crucial in prompting individuals to take the action necessary for them to become registered under IER in time for the May 2016 elections. In some areas, this may be more significant than in others in

relation to those unconfirmed electors who were removed prior to the publication of the December 2015 register.

2.6 The role of the Electoral Commission public awareness work during the transition to IER was 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 campaign work continues especially in the lead up to the May 2016 elections. Clearly, EROs will need to work alongside whatever is developed by the Electoral Commission and so the earlier there is clarity about the content of the Electoral Commission campaign and the availability of templates, the more EROs will be able to respond appropriately.

2.7 Whilst the UK Government has made a commitment to funding the transition to IER, there is no commitment from the UK Government at present in relation to funding after this financial year. If funding is reduced, this will obviously have an impact on the delivery of electoral registration services which will have to be taken into account when assessing performance standards. Electoral administrators are working within a changing local government environment which has seen and continues to experience a reduction in budgets and resources. During the transition to IER, the additional costs of the IER processes appear to be far greater than the previous registration system with the additional costs continuing after the end of transition based on current legislation. Electoral services teams in some areas have seen the introduction of additional temporary staff on fixed term contracts for the IER transition which has been funded by the Government's additional funding but only whilst it is available. In addition, reductions in the overall numbers of employees 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 at elections. In many cases, this ad hoc assistance is no longer available with a consequential reduction in actual resource available to the ERO. It is essential that the funding and resources available to an ERO are taken into account when assessing their performance against any standards.

2.8 Clearly, EROs and their staff need to take a project management approach in delivering a well-run electoral registration service. This has been done previously during the transition to IER. However, not yet knowing what funding arrangements will be in place for the next financial year makes any planning extremely difficult.

2.9 The priority must be to ensure the efficient and effective delivery of a well-run electoral registration service rather than generating a large volume of documentation which then requires considerable time and effort to maintain.

2.10 It is essential that the framework complements and utilises any reporting and monitoring to be continued 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 with IER and other electoral processes. Fundamentally, the framework must not create an additional burden to those responsible for the delivery of IER.

2.11 Following the consultation on the draft performance standards, the Electoral Commission propose to publish the new performance standards for EROs in March 2016, alongside their guidance, tools and templates to support EROs. The performance standards will be monitoring the 2016 canvass which would usually start in late August/September, and EROs will need to have their plans in place well in advance of the start of their canvass. On this basis and applying the Gould² principle, there is not a clear six months between the proposed publication of the performance standards and when the ERO will be having to produce their plans to meet the performance standards for the 2016 canvass. In addition, May 2016 sees elections taking place across the country and electoral administrators will be otherwise engaged in planning and preparing for the elections by March 2016 and will not have the capacity to focus on the 2016 canvass and the EC performance standards at that stage. Additionally, the possibility and consequential effect of the European Referendum being held this year would have a direct impact on the resources and time available for the 2016 canvass.

3. GUIDELINES FOR RESPONSES – SPECIFIC QUESTIONS OUTLINED IN PARAGRAPH 3.10

3.1 Does the framework focus on the right outcomes?

- **Is what the framework lists as being what the ERO needs to do the right indicator of whether the key outcomes can be delivered?**
- **Will the information outlined in the framework indicate whether the key outcomes can be delivered?**

3.1.1 The AEA strongly welcomes the Electoral Commission's intention to continually review the performance standards in light of any future changes to IER processes.

3.1.2 Prior to the introduction of IER, the main focus date in relation to the completeness and accuracy of the register has been in relation to the publication date of 1st December each year. However, with the introduction of IER and the new processes involved with HEFs and ITRs, the emphasis for EROs in relation to an accurate register has moved from 1st December to the register being used at an election. As a result, any performance standards need to reflect this change and not just focus on the revised register published on 1st December each year.

² [Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007.](#)

3.1.3 Draft performance standard one requires “a clear understanding of the particular challenges in your registration area, a strategy for responding to the challenges in your registration area, and robust project planning methodology employed to enable delivery of activity to maintain accurate and complete registers”. 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. Whilst the Cabinet Office are looking at introducing an “Academy” with the opportunity for local authorities to learn from other good working practices which might be suitable for their local circumstances, there is currently no body of accepted good practice that can be drawn on to use as a comparator. There is unlikely to be any such arrangement in place until IER has bedded down after transition and after the full canvass in 2016 when “business as usual” should be in place. There could still be ongoing significant changes in IER processes in line with the Minister’s proposed future vision for IER.

3.1.4 A key issue which needs to be taken into account whilst setting performance standards is that of funding and resources that will need to be available for an ERO to meet those standards. As previously outlined, whilst the UK Government has made a commitment to funding the transition to IER there is no commitment from the UK Government at present in relation to funding after this financial year. For example, performance standard one refers to media and advertising which will require funding. Whilst data matching identifies potential new electors, the volume of written communications which requires printing and postage in relation to HEFs, ITRs along with the reminders and personal visits all require funding. The Household Notification Letter is a valuable exercise in terms of ensuring the register is as complete and accurate as possible prior to an election. However, at present there is no funding available from the Cabinet Office to repeat the exercise in the spring of 2016. This could well impact on the quality of the register if the local authority is unable to fund the costs. The experience of the 2015 canvass is that the introduction of IER and its various processes is far more costly than the previous registration system. The Electoral Commission will need to take into account the funding and resources available to each individual ERO when assessing their performance.

3.1.5 Within draft performance standard two, there is a requirement for “timely supply of the register to those entitled to receive it”. The performance standards consultation paper does not define “timely”. However, in the current Part 3 guidance for EROs, it states the following on page 46:

“As set out in the Commission’s performance standards framework, one of the criteria that the Commission will monitor is whether EROs are supplying copies of the register and absent voter lists to those entitled to receive them on publication or on receipt of a valid request within 5 working days.”³

³ The Electoral Commission - Individual Electoral Registration guidance - Part 3-2015 Canvass

3.1.6 The proposed standard does not include the number of working days. However consideration needs to be given to making the performance standard clearer with the inclusion of the number of working days if that is what it will be measured against. In addition, there may be circumstances when compliance with such a 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 new ways of working under IER and the heavy reliance on IT systems.

3.2 Will the framework help to ensure a consistency in service for electors while still recognising varying local circumstances?

3.2.1 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 after the end of 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. Initial indications during the recent canvass has been that of a poorer response rate to the initial and reminder HEF and ITR forms compared with the previous household canvass.

3.2.2 The focus of the standards appears to be to achieve consistency in terms of management approach – e.g. having a project plan, risk register 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.

3.2.3 In this context, EROs cannot be expected to deliver consistency in service for electors immediately following the end of transition given the proposed ongoing changes to IER processes set out in the Vision. At present, there is no experience of what that will mean either for electors or for electoral administrators. It is encouraging to note that one region is holding a canvass review to look at the various canvass methods and registration processes adopted during the 2015 canvass with a view to identifying and sharing good practice. In the long term, this could result in consistency of approach for that region. It would therefore be more realistic to consider issues of consistency in terms of the service that electors receive once there is a clearer sense of what business as usual will look like under IER.

3.3 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?**

3.3.1 We assume that much of the data required for performance standard number two will be generated by the IT systems used by EROs and therefore ought not to represent a burden. Previously, the Electoral Commission has worked with the Cabinet Office closely to achieve this. We would welcome confirmation that this approach will continue. Collection of the data would represent an additional burden for the ERO if it is not generated automatically from electoral management systems.

3.3.2 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 further enquiries by the Electoral Commission 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.

3.3.3 Paragraph 1.10 of the consultation paper refers to the 1st December register as part of this year's assessment "...We will provide a final assessment of ERO performance against the second standard in spring 2016, following conclusion of the 2015 canvass and analysis of the December 2015 registers." Paragraph 2.8 of the consultation paper also states that "We will also continue to collect data from all EROs as in previous years." However, with the introduction of IER and the new processes involved with HEFs and ITRs, the emphasis for an accurate register has moved from 1st December to the register being used at an election and throughout the year. This was demonstrated last year when the Cabinet Office, as part of the IER transition, provided funding for EROs to send a "Household Notification Letter" (HNL) at the beginning of 2015 to each household to improve the accuracy of the register for the elections taking place in May 2015. Any monitoring of performance standards relating to the completeness and accuracy of the register in the future should reflect the change in working processes under IER and focus on the register to be used at an election, not the register published on 1st December each year.

As a good starting point, the Electoral Commission needs to review its focus to the register data to be assessed from 1st December each year to a date that will coincide with an election register, for example, the following May each year for those EROs with elections. However, whilst the date of the EC assessment may change in the future, EROs need to ensure the register is complete and accurate throughout the whole year and not just at any one point in time to take account of by-elections at other times of the year and any other elections or referendums. It is noted that, as part of the framework for the delivery of registration activity set out in paragraph 2.7 of the consultation paper, reference is made to the need for robust project management methodology not just during key periods of registration activity, but throughout the year. This raises the question of whether the Electoral Commission performance assessment monitoring should be carried out throughout the year.

3.3.4 The main potential costs 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.

3.3.5 Performance standard two lists various data that will be used to demonstrate that local challenges have been met. One relates to the "Number of household enquiry forms issued and responded to and applications made as a result". When reviewing this data, consideration also needs to be given to the number of electors who will automatically register on line and not complete and return the household enquiry form.

3.3.6 Other data that could be considered relates to the number of potential electors identified who failed to register:

- The number of ITRs outstanding after the reminder and personal visit stages
- The number of electors not verified and awaiting documentary evidence/ attestation route
- The number of names removed from the system having been identified from a HEF or other data source but failed to register online or complete an ITR.

3.3.7 This data may be useful to assess the impact of IER on the registration of electors within the various stages. Previously, these potential electors identified from a household or registration form would have been registered. Collation of this data would have to be generated via the electoral management software along with the other data required as part of the assessment of performance standards.

3.4 Considering the issues set out in Chapter 1, are there any alternative methods of calculating the accuracy and completeness of electoral registers or examples of using target-based standards to drive improvements in electoral registration services?

3.4.1 Prior to IER, target-based standards were an easy and straight forward method of comparing canvass performance with other EROs from the same region with similar demographics, e.g. the % return of canvass forms and the ERO position in a regional league table. An ERO could also use the % return rate to compare against previous year's performance along with the number of registered electors which could be used as a target to improve performance. However, following the introduction of IER and the two stage process of HEFs and ITRs, the % of HEFs and ITRs returned cannot reflect the completeness of the canvass because online registration would not be included in such a measurement. However, target-based standards could still be a useful approach in monitoring and comparing canvass performance.

3.4.2 One of the key tests as to whether a register is accurate and complete is at an election. An accurate and complete register is the corner stone and one of the key building blocks to running a successful election. Therefore, if all eligible residents wishing to vote at an election are registered and able to do so, it is a good indicator that the register is as complete and as accurate as can be. A way of measuring for accuracy and completeness on polling day could be by the gathering of data by polling station staff of such residents who came to vote at the polling station but were not registered on the polling station register. The following data could then be gathered and used to invite any residents not registered to register after the election:

- Name
- Address
- Contact details (e.g. email address)
- Date of moving into the property

3.4.3 The Electoral Commission could request these figures from the ERO after the election as part of the assessment for completeness and accuracy. It is worth bearing in mind that the fact that someone is not registered does not mean that the ERO has failed in their duty. It could well be that the person concerned did not take the necessary action to register until it was too late on polling day.

3.5 Do you have any views on our proposed approach to monitoring performance?

- **Is a risk-based approach to monitoring and supporting EROs the right one?**
- **If so, are there specific factors that should be taken into account in assessing risk?**
- **Are there other options that should be explored?**

3.5.1 The proposed approach to monitoring performance along with the risk-based approach to monitoring and supporting EROs appears to be a sensible approach in the initial stages. However, this approach also needs to be undertaken with caution as some EROs may need support but may not be identified using this approach. In addition, whilst the Electoral Commission will have a set criteria for assessing the level of risk for each ERO/local authority, this does not always mean that such an ERO are a high risk. For example, a new ERO (Chief Executive) appointed but with an experienced Electoral Services Manager already in post does not mean that the ERO/local authority should become categorised as high risk automatically without further consideration being given to the particular circumstances. Each situation needs to be assessed individually taking into account those circumstances. Support can then be offered where it is needed the most.

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

3.6.1 The performance standards framework may identify the EROs that need support as previously mentioned. However, whilst the submission of plans, documentation etc. will assist in identifying those local authorities that need additional support, there will be some local authorities which can only be identified by local knowledge and networking at regional events such as AEA branch and county lead meetings.

3.6.2 We need to be clear what the Electoral Commission envisages by "support" and to manage EROs' expectations 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. During the IER transitional period, the Cabinet Office employed Regional Delivery Managers who provided additional support including site visits to the local authorities in their region, along with support from County Leads. Additional support was also provided by the Electoral Commission. Following the end of IER transition, the Cabinet Office regional support is no longer available, and the continuation of the county lead support is being reviewed. There may be a need for the Electoral Commission to bridge

the gap and offer further additional support for some individual local authorities.

3.6.3 It should be recognised that administrators have varying levels of experience within the profession. With the recent high level of turnover in the electoral field, on occasions, staff with limited experience are having to be recruited. 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. In addition, the AEA also provides training in electoral registration and the annual canvass for electoral administrators at all levels.

3.7 Do you have any views on our proposed approach to making assessments of performance?

3.7.1 It is essential that any standards to be employed are realistic and achievable, providing information that is relevant and useful to EROs and their staff as well as the Electoral Commission, the Cabinet Office and the public. In addition to measuring performance, the performance standards framework should also encourage, identify and disseminate any existing and emerging good practice, recognising the different challenges faced across the UK.

3.7.2 An example of this is in relation to performance standard number two and the requirement to "Ensure a full and effective canvass of properties is carried out including making personal visits by trained canvassers where voter registration material has not been responded to." In some areas this may not be realistically achievable, for example in large rural areas or areas with a large number of entrance systems to flats or private gated properties. An ERO and their team may have carried out sterling work in producing excellent, quantifiable results which can then be overshadowed by an assessment that they are not complying with the Commission's performance standards, and by implication are not undertaking their responsibilities effectively, simply because of an expectation that every single non-responding property within a registration area is canvassed, irrespective of the reasons why this may not be feasible or indeed appropriate.

3.7.3 The AEA welcomes the establishment of a panel of representatives from the Electoral Advisory Board (EAB) to consider assessments, particularly in those cases where it appears that an ERO does not meet one or more elements of the standards. It is noted that EROs will then be written to setting out the assessment of their performance against the standards, as agreed with the panel of members of EAB, giving each ERO an opportunity to comment. The AEA has previously raised the issue in relation 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 or will feedback be provided?

3.7.4 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 information 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.

3.7.5 Any discussions with the Electoral Commission as part of the assessment ought to provide constructive and realistic feedback and then be confirmed in writing. In doing so, the Commission needs to recognise the different pressures and challenges faced in different areas and accept that a "one size fits all" approach is not necessarily applicable. In many respects, greater consideration to outcomes rather than inputs needs to be made. Consideration might also be given to the involvement of peer review in order to achieve a structured approach to continuous improvement.

3.7.6 It is noted that each ERO will be given the opportunity to comment on their assessment and any representations received will be considered on a case-by-case basis and responded to before a final decision is made ahead of publication of the report on the performance of EROs. Whilst this provides an opportunity for the ERO to comment, it does not form a formal independent appeal/review process in respect of the Commission's determination on disputed performance. We reported on disagreements in the assessment of performance standards in our report on the administration of elections in 2012⁴. 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."

John Turner
Chief Executive

January 2016

⁴ [A question of timing? The administration of the Police and Crime Commissioner elections in England and Wales - 2012](#)