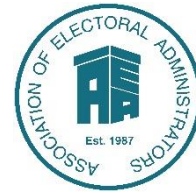


The Association of Electoral Administrators



Response to the Electoral Commission consultation on draft guidance for Returning Officers on assistance with voting for persons with disabilities

Organisation: The Association of Electoral Administrators (AEA).

Summary of Organisation: Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

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The guidance allows Returning Officers (RO) and electoral administrators to consider the implications and requirements of the Elections Act around voting for electors with disabilities.

After reviewing the draft guidance, we are concerned about a possible lack of consistency across Great Britain. This is likely to result in different levels of service being provided to voters with similar disabilities and ROs being left open to challenge.

The non-prescriptive elements of the Act allow ROs flexibility. The guidance should therefore provide criteria to effectively evaluate what equipment should be provided to support electors. For example, a checklist criteria to determine what is needed where. This would allow the intention of the Act by recognising flexibility, but safeguard ROs if they are challenged on why 'x' wasn't provided.

Elections Act 2022 implementation will have its challenges for all concerned, especially local authorities already working with stretched resources. Our response suggests additional resources and guidance for consideration. These may help ROs with smooth implementation and provide a more consistent approach across Great Britain.

The draft guidance does not have a separate section on devolved nations other than on page four mentioning '*These requirements do not apply to elections to the Scottish Parliament or the Senedd, or to local elections in Scotland and Wales*'. However, the duties under the Equalities Act 2010 and the RPA 1983 which relate to ensuring voting is accessible to voters with disabilities do apply'.

We believe guidance should be produced for each UK nation reflecting different legislative requirements for different election types. This should be clear for everyone involved in running, standing, and voting in each type of election. The guidance should also clarify what funding will be available for suggested equipment and where

that funding will come from: new burdens, justification led bid, UK Government, or devolved government.

Supporting Returning Officers to make voting accessible

Barriers to voting

The barriers to voting at the polling station are not limited to physical barriers and can include psychological and informational barriers.

The draft guidance aims to support ROs to understand and identify the barriers that people with disabilities may encounter at the polling station and then to take steps to help overcome them through training and the provision of information, specific equipment and support.

Are there any other barriers that voters may experience when voting at the polling station that the draft guidance does not cover?

- Yes
- No
- Don't know / Not applicable

If so, what other barriers do people face at the polling station? How could these barriers be addressed?

We believe the guidance as it stands is comprehensive.

Provision of equipment

The Electoral Commission will have a duty to give guidance to Returning Officers on the equipment they should provide to enable or make it easier for voters to vote independently and in secret at the polling station.

The draft guidance identifies the equipment that could have a significant impact in enabling and making voting easier for as many voters with disabilities as possible. It sets out that ROs should provide this equipment as a minimum.

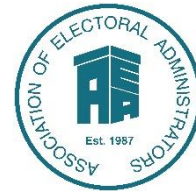
It also highlights some additional equipment and support that ROs should consider making available and provides some guidance to support ROs in making decisions about this.

Do you think the suggested minimum requirements for equipment to be provided at the polling station are sufficient and reasonable?

- Yes
- No
- Don't know / Not applicable

If not, are there any changes you would want made to the list of minimum requirements?

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We fully support the minimum requirements listed in the consultation. We would ask for clarity about whether the 'list of minimum requirements for equipment' will form part of the final EC RO Performance Standards.

We would suggest the following minimum requirements are expanded within the guidance:

- Polling booth at wheelchair level –helps to ensure that voters who use a wheelchair are able access a lower writing surface to ensure they can cast their vote in secret in a booth that is accessible

This should include positioning the ballot box on a low-level table or chair, so it is easily accessible for a wheelchair user.

- Staff name badges – these help voters more easily identify that a person is a member of staff in the polling station and is someone they can approach for assistance

It may be useful to include additional text like 'here to help' as suggested in the 'Accessibility of Elections Working Group - examples of accessibility good practice within local authorities.' The staff name badge will help identify staff in a polling station, the additional text will inform voters that help is available. First name only would be sufficient to identify staff as some may not want their full name disclosed.

The guidance highlights other types of equipment that could support voters to participate and provides support to help Returning Officers make decisions about what additional equipment and support to provide. Are there any changes you would want made to this guidance?

- Yes
- No
- Don't know / Not applicable

If yes, please tell us more here

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There are other types of equipment that could support voters to participate, which could also be provided in polling stations. Examples of additional provision you could make include the following:

We fully support other types of equipment being made available as outlined in the consultation. These include audio devices, hearing induction loops, and easy read guides. We believe new burdens funding will cover the following:

- Accessibility equipment - each local authority (LA) and Valuation Joint Board (VJB) will be provided with funding to provide reasonable equipment to support disabled people to vote in polling stations. This will be allocated based on the number of polling stations in the LA area. The funding is based on buying a range of equipment including accessible audio, assistive writing devices like pencil grips and additional seating. Equipment purchase is at the discretion of the RO who must adhere to EC guidance.
- Core staff time for accessibility related equipment.

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- Training for polling station staff and core electoral services team.

Clarity is needed either within this guidance or from DLUHC on exactly what each type of funding will cover in practice and what detail and procurement framework is required when applying for justification led bid funding.

We have concerns about inconsistency and varying levels of service provided to voters with similar disabilities between local authorities, and even between polling stations in the same area. ROs may be open to challenge for not providing additional suggested equipment. The final guidance needs to include evaluation criteria to mitigate against inconsistency and challenge.

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As RO you may receive requests for additional support or equipment to be provided, beyond that which you are already planning to put in place.

In such instances, you should consider the request and decide if it is reasonable to provide additional support and/or equipment to remove the substantial disadvantage the voter has identified and brought to your attention.

We believe clarity and guidance should be given about how to evaluate a request and how to determine if a request is reasonable. This should include what criteria should be applied and the approach to take if a request is not deemed reasonable. Guidance should also include how to manage any follow up or appeal from an elector, particularly the type of information an RO should document to form an audit trail in the event of any challenge.

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- Are the cost implications reasonable?

Outlined above is our understanding of the new burden funding. Clarity and guidance are required on how to decide if a request is reasonable.

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We believe time should be included in the list of factors to consider. For example, if a request came in the day before polling day for an audible device. There may be insufficient time to obtain the device and/or not time to record and train the relevant polling station staff. Likewise, providing a document in braille takes time. The timing of a request would determine whether it is viable to provide a document in an alternative format.

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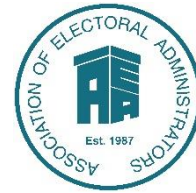
Where you are contacted by a voter with a disability asking for additional support or equipment, you may receive sensitive special category data about that individual and their specific needs. You will be considered the data controller for this sensitive data and it is your responsibility to ensure that you manage it in line with data protection requirements, and ensure that the individual is aware of how their data will be managed.

The guidance should include an explanation about what 'sensitive special category data' is for clarity and ease of reference.

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The guidance suggests 'other equipment' which may already be available at polling places. These may include hearing induction loop, ramps, and additional lighting. The

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guidance could encourage ROs to start preliminary work on polling station accessibility requirements. This could involve input from other council officials about the suitability of ramps and handrails. It would be beneficial to include a template booking letter outlining polling station equipment provisions to inform decision making.

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- A notice inside and outside the polling station providing instructions on how to vote at the election¹
- A notice in each polling booth providing information on how to mark the ballot paper at the election²

You must consider whether it is appropriate to make these notices more accessible for a wider range of voters³ by providing them in alternative languages and formats, e.g. in Braille, in languages other than English or Welsh, in pictorial formats⁴ or in audible form.⁵

We believe the EC should look to provide the legally prescribed notices in the accessible formats they are suggesting. This would ensure consistent and compliant notices that meet the aims of this guidance.

Producing them nationally would be more efficient than each RO reviewing formats and sourcing separate suppliers.

Another format for consideration is 'easy read' where text is presented in an accessible, easy to understand format and can include images to represent text.

If notices are not provided nationally there is likely to be an inconsistency of approach across Great Britain. Some ROs may provide all formats while others may not have the time or resources available. This could leave ROs open to challenge.

Centralised arrangements should be made for standard notices to be made available in braille and supplied as necessary. Clarification should be included in the guidance around funding for providing non-standard documents with variable data in braille.

The guidance states 'must consider whether it is appropriate'. As highlighted above, clarity should be given in the guidance on how to evaluate whether a request is appropriate, standard criteria to apply, and a consistent approach to take if a request is not deemed to be reasonable.

Ensuring those working to support the poll are aware of accessibility needs

To help ensure that all voters are provided with equal access to voting and receive a high quality of customer care, all of those who work to deliver the election should be aware of the needs of those with disabilities, and receive training to support them.

The draft guidance aims to highlight the importance of accessibility awareness training for all staff who interact with voters, and to support the delivery of specific training for polling station staff to ensure that voters' experience is a positive one.

Does the draft guidance give enough information to support Returning Officers with providing training to support making voting accessible for all?

Yes

No

Don't know / Not applicable

If not, what other information should the draft guidance include?

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You can take advice from your Equality, Diversity and Inclusion (EDI) officer or HR department on other accessibility awareness training that you could access.

Existing RNIB and Mencap videos are a welcome resource to help raise awareness in polling station staff training. Rather than each individual RO taking advice from their Equality, Diversity and Inclusion (EDI) officer or HR department as suggested, the EC should provide a national template that can be used as part of local accessibility training.

As a national organisation, the EC can speak to the relevant national bodies, provide resources, and support that can then be consistently applied across Great Britain for all disabilities. This would provide efficiency and consistency rather than each RO arranging and sourcing their own.

In addition to all of this you could think about sourcing or developing evergreen resources that are not election specific and so can be used year round over multiple years in partnership with civil society organisations that advocate for and support their stakeholders on issues surrounding the accessibility of voting.

For the reasons outlined above, we believe the EC should provide 'evergreen resources' templates if they are not election specific to bring consistency and minimise administrative burden on election teams. For ease of reference, it may also be helpful to include an explanation of 'evergreen resources'.

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- awareness that a companion assisting a voter can be anyone over the age of 18

In Scotland and Wales for local, Scottish Parliament and Senedd elections the companion must be over the age of 16 and must be a close relative. How will the guidance reflect these different legal requirements? As stated earlier, we believe guidance should be produced for each UK nation reflecting different legislative requirements for different elections.

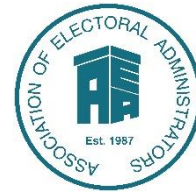
Raising Awareness

It is important that ROs have a clear communications strategy to help tackle the information and psychological barriers some voters face, as well as to ensure voters are aware of the support available to enable them to vote confidently.

The draft guidance aims to support ROs to communicate with voters with disabilities by highlighting a range of ways they can provide and promote information about the voting process and available support. It also covers the importance of identifying and working with relevant partners to explore opportunities to work together to raise awareness.

Does the draft guidance give enough information for Returning Officers on how they can engage with voters and publicise information about elections and the support available to them?

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- Yes
- No
- Don't know / Not applicable

If not, what other information should the draft guidance include on how Returning Officers can engage with voters and publicise information?

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- Identify and communicate with relevant partners and disability organisations to explore opportunities to work together to raise awareness

The guidance should include a list of suggested relevant partners and disability organisations for an RO to contact in addition to local 'Disabled People Organisations' (DPO). Including website addresses and key agreed contact details would also be useful. The EC could pre-empt the need for multiple ROs to contact the same organisations by working with them to create FAQs as part of nationally available material. National coordination to update information with learning from each set of major scheduled polls would also be useful.

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- Promote and communicate information to voters with disabilities about the process of voting at a polling station and the support and equipment available
- Ask for feedback on the support and equipment provided – for example, by proactively inviting comment via your website or social media

We believe the EC should support this guidance with the following template resources for ROs:

- communicating with local disability organisations, and information to voters
- feedback via the council website and social media channels

In addition, the EC should:

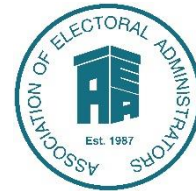
- provide draft communication templates
- work in partnership with disability organisations nationally to communicate directly to their members.

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internal networks or external organisations you are working with and encourage them to share it with their stakeholders. Additionally, you could include the link on the notice of situation of polling stations. Should you need any further information or support in using the search tool, please visit [Democracy Club's website](#).

It would be helpful if the EC included the link on their template notices and communicated this guidance to EMS providers to encourage compliance with the EC templates. The EC could also provide guidance to EMS providers, and to ROs, of how accessible and machine-readable versions of template statutory notices could be generated for upload to council websites.

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Providing advance information on voting at the polling station

To help overcome concerns and anxiety about what voting at the polling station will be like, you could provide a dedicated page on your website that contains accessible content to help voters who want to know more about voting at the polling station.

This could include:

- information about the assistance and support available in the polling station including:
 - That a companion is able to assist a voter
 - That a Presiding Officer is able to help a voter
 - The types of equipment that will be available at the polling stations
- information about what to expect when voting at the polling station including:
 - Links to videos about voting in BSL
 - Easy guides to voting videos by Mencap
 - When the station is likely to be busy and when it is likely to be quiet
 - Availability of quiet space

We fully support providing advance information on voting at polling stations. We would encourage the EC to consider providing a video on a 'voters experience in a polling station'. The video could highlight the bullet points above and be a national resource. This would make information more accessible to voters with disabilities including those who struggle to read. It would also encourage consistency of information.

Likewise, we support the suggestion of a dedicated webpage on each local authority website for 'accessibility at elections'. We believe it would be beneficial if the EC considered developing a template webpage or at least a checklist of what an 'accessibility at elections' webpage could include.

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These local organisations may also have access to specialist equipment which may benefit voters locally with particular disabilities and needs which you could borrow or hire.

After 'specialist equipment' include 'including ramps'.

Evaluation

The draft guidance sets out how, after each election, ROs should evaluate their processes and communications in relation to providing equipment at the polling station, including inviting feedback from voters and accessibility groups.

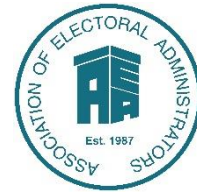
The Electoral Commission will also ask for feedback on the equipment ROs provided to support voters with disabilities as part of our reporting on elections and to support the identification and sharing of good practice.

Does the draft guidance effectively support Returning Officers to evaluate, learn lessons and build on their approach to supporting the needs of voters with disabilities for future polls?

- Yes
- No
- Don't know / Not applicable

Please provide any further detail to explain your response here.

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The section in the guidance 'Reviewing the election' makes useful suggestions for ROs to consider. We believe it would be beneficial if the EC considered developing these rather than each RO designing their own:

- 'Easy Read Survey' for use at polling stations
- template 'log for polling station staff to record the equipment used'

Clarification is also needed about where funding will come from to carry out the suggested evaluation.

Anything else you want to tell us?

Is there anything else you'd like to tell us in response to this consultation?

Equipment – in the final guidance the EC should consider providing a 'tick box check list'. This should be easy to follow and identify at a glance both minimum and discretionary equipment requirements.

Angela Holden

Policy Manager on behalf of the AEA

13 October 2022