Equality Considerations

Summary

1. In addition to reducing fraud and increasing the completeness and accuracy of the register, Individual Electoral Registration (IER) presents an opportunity to modernise the electoral registration system. Through the introduction of IER, individuals will be empowered to take responsibility for their own registration and will not need to rely on others to ensure they appear on the electoral register.

2. Equality considerations have been taken into account in developing the new system and we will continue to look at ways to make the system more accessible to under-represented groups and those with special requirements, including disabled people. One aspect of this has been exploration of additional channels for registration, including the potential to make an application online – a proposal welcomed by many groups representing disabled people. This will allow us to improve the service and also make registration more readily accessible for a wider group of people.

3. To inform policy development we have done a significant amount of evidence gathering including the equality assessments detailed below. This has involved listening to Parliament and stakeholders; carrying out data matching pilots; commissioning research; and considering lessons which can be learned from international comparisons. Public consultation gave us an insight into the views and concerns of a wide range of stakeholders, including representatives of groups with key equality considerations. As a result of our data matching pilots, we are testing a new approach to simplify the transition process and allow Electoral Registration Officers (ERO) to focus their resource and efforts on those most at risk of dropping off the register. This approach is described in paragraph 16 below. We have subsequently dropped the 'opt out' provision which would have enabled individuals to indicate that they did not wish to receive further invitations during that canvass period. The legislation also sets out the introduction of a civil penalty for those who fail to make an application when required to do so after an ERO has taken steps to encourage an application.

4. We are committed to ensuring that equality considerations are fully taken into account as policy and implementation planning develops. As part of this commitment we are planning further research and additional data matching pilots to widen our evidence base. We will continue to ensure that we are fulfilling the Equality Duty throughout the life of the programme.

Background

5. While Great Britain's electoral registration rate compares well with other countries, we are aware that there are number of groups who are less likely to appear on the electoral register. We believe that the introduction of IER brings with it an opportunity to modernise the system, increase the channels

available for individuals to engage with registration, and promote engagement with those groups who are currently under-represented on the register.

6. On 30th June 2011 we published a White Paper setting out our proposals for IER. Alongside this we published a full Impact Assessment which included an Equality Impact Assessment (EIA) that presented the likely equality issues arising from IER in Great Britain. This assessed the likely impact on disability, race, gender, gender reassignment, age, religion or belief, sexual orientation, pregnancy and maternity and caring responsibilities.

7. The assessment particularly considered the impact of IER for three specific groups. Firstly, those who are currently under-represented on the register – these were found to include 16-24 year olds, private sector tenants and Black and Minority Ethnic (BME) British residents. Secondly, those presenting a particular challenge in 2014 – this group included 16-17 year olds who can be registered as 'attainers', people moving house and people new to the country. And finally, groups with special requirements – special category electors (including service voters), the elderly, those with disabilities and those in care. It also set out the consultation which had taken place with representatives of these groups and the plans for understanding the more effective ways to communicate with these specific groups and provide opportunities for them to register to vote.

8. A copy of this document can be found on the Cabinet Office website as part of the Impact Assessment documentation - http://www.cabinetoffice.gov.uk/resource-library/individual-electoral-registration-draft-bill.

Since publishing our Equality Impact Assessment

9. Since the publication of the initial EIA, we have carried out further consultation. As well as hosting a series of roundtable events focussing specifically on the impact of IER for accessibility, youth and BME groups, we have undertaken a public consultation on our proposals. The Political and Constitutional Reform Committee has also carried out pre-legislative scrutiny on our draft legislation.

10. Over 100 organisations responded to the public consultation – including representatives of currently under-represented groups, disability groups, gender groups, students and BME groups. These responses included: support for the proposal not to require a 'wet signature' as part of an application; support for the development of alternative channels for application as long as these were designed to meet accessibility standards; support for the move away from household to individual registration; concerns that the 'unique identifying number' (UIN) process and that the identifiers and exceptions processes could prove difficult for those with disabilities; concerns about the complexity of the system and the voluntary nature of IER – particularly the potential for this to disenfranchise those from BME groups;

and concerns about the potential removal of block registration for students in halls of residence.

Changes to policy proposals

11. We have carefully considered the view of the Committee and those responding to the consultation and have consequently made a number of changes to the policy proposals set out in the White Paper.

12. We are keen to simplify the transition to IER for as many individuals as possible and have developed a proposal which we believe will achieve this (there is more detail about this in paragraph 16 below). This will, in particular, answer some of the concerns raised about the complexity of the identifiers and exceptions process for the majority of those on the register.

13. We have also dropped the proposal to send a letter with a UIN to individuals who have proactively applied to register which would need to be returned to complete their application. This has been replaced with a simpler system whereby the individual will receive a letter informing them that they have been added to the register and requesting that the occupier informs their ERO if the named individual does not live at the property.

14. The response to the consultation acknowledged the concerns about the voluntary nature of IER – in particular the impact this could have on the completeness and accuracy of the register - and highlighted the suggestion made by a number of respondents that a civil penalty should be introduced to reduce the risk of this happening. While the Government has no intention of criminalising those who do not register to vote, the document acknowledged that there was a debate to be had regarding the issue of a civil penalty and committed to considering this before a decision was taken. Since publishing the Command Paper officials at the Cabinet Office have consulted in private on the issue of introducing a civil penalty with a range of stakeholders including those representing groups identified in paragraph 6. The legislation sets out the decision that the opt out will be dropped and there will be a civil penalty introduced for those who fail to make an application when required to do so by an ERO after the ERO has taken prescribed steps to encourage the person to apply.

15. The White Paper also set out the proposal that all those wishing to cast an absent vote in 2015 would need to be registered under IER. Concerns were expressed about the potential this had to disenfranchise vulnerable electors. We have considered these concerns; however, we intend to retain the position set out in the White Paper. The use of data matching to passport individuals across to the new register will mean that a greater number of current postal voters will be able to retain their postal vote in 2015. For those who do not, there will be clear and simple communications informing them of the change and the steps they need to take to ensure that they are able to cast an absent vote in 2015.

Data matching pilots

16. In addition, we have spent time collecting further evidence regarding under-registration and looking at ways to better target those who are not currently registered. One aspect of this has been exploring the use of "data matching" through a series of pilots. The first wave of pilots was carried out in 2011. This involved electoral registers in 22 areas being cross matched against the Department for Work and Pensions' (DWP) Customer Information System database (CIS). They showed that around two thirds of entries on the Electoral Register can be confirmed to a sufficient degree of certainty that we can verify an individual's information as accurate by matching all entries against the DWP database.

17. We have therefore proposed an approach whereby in 2014, all electoral registers will be cross matched against the DWP database. All electors whose information can be matched will be confirmed as entries on the new register without having to take any further action. Those whose information cannot be matched will be invited to register individually, and provide personal information as set out in the White Paper. This will simplify the transition for the majority of electors, including many registered electors from under-represented groups. This proposal will also free up resource allowing EROs to focus their efforts on those electors whose details could not be confirmed and those who do not currently appear on the electoral register which we expect would lead to an increase in registration for those from under-represented groups.

18. We are planning to carry out a further series of pilots in 2012 which will further test the proposal set out above but will also look specifically at how to support registration for students, attainers and home movers. We also anticipate that these pilots will look at the potential for enabling information to be shared between different parts of 'two-tier' Local Authorities enabling them, for example, to use local education data to identify and invite those who do not currently appear on the register.

Research

19. In addition to piloting, we have carried out a number of pieces of research. In 2011 we funded the Electoral Commission's research into the completeness and accuracy of the current register as we were keen to understand the state of the register to inform the development of our plans for IER. The research showed that the register was 85-87% complete and found that differences in completeness are linked to length of residence at an address, age, tenure of housing and ethnicity. This information was taken into account during the policy development which took place following the consultation and pre-legislative scrutiny. It has also helped to shape our plans for a second series of data matching pilots to ensure that these are targeted in the most efficient way. The Electoral Commission's report was published on 13th December 2011 on their website

http://www.electoralcommission.org.uk/publications-and-research/policy-and-research?query=&meta_s_phrase=Electoral_register&meta_dyear=&sort=relevancy&daat=on.

20. Internal research involving international comparisons with Australia, Canada and Northern Ireland showed that an effective publicity campaign is essential to the success of capturing most electors in the initial period of change in electoral registration. In both Northern Ireland and Canada, the change of the electoral registration system was not effectively advertised and caused a significant impact on the registration rates of particular social groups; in both cases this had a disproportionate impact on young people. It also showed that there needs to be effective mechanisms in place to stimulate electoral registration amongst under-registered groups – an example of this working effectively is the school outreach programmes in Australia and Northern Ireland. An analysis of the countries considered showed that the accuracy of the electoral register can be improved by data sharing. The report concluded that a complex set of factors affect registration rates and therefore a number of options need to be in place to combat declining levels of registration. We will continue to explore lessons learned from comparable countries.

21. We also commissioned Dr Stuart Wilks-Heeg, a respected academic and Director of Democratic Audit, to carry out a literature review of the current evidence on electoral registration. This confirmed that there is a certain demographic who are less likely to be registered including students, young people, BME groups, recent home movers and those living in privately rented accommodation and / or shared houses. This was published on the Cabinet Office website http://www.cabinetoffice.gov.uk/news/register-voters-be-more-accurate-and-complete in February 2012.

22. The Runnymede Trust published research on BME voting patterns on 28th October 2011. An Ethnic Minority British Election Study which conducted 2,787 interviews with the five biggest ethnic groups (Black Caribbean, Black African, Indian, Pakistani and Bangladeshi) showed that around three quarters of ethnic minority people were registered to vote (compared to 88% of respondents who said that they were registered). Looking at the reasons for not registering, nearly 3 in 10 non-registrants did not think they were entitled to vote.

23. We have also commissioned a piece of qualitative research into the reasons why some groups are less likely to be registered than others and to identify ways in which they may be encouraged to register. This research will include interviews with young people, students, BME groups, EU nationals, Commonwealth citizens, those with learning disabilities, those with physical disabilities and residents in communal establishments (such as student halls or care homes and houses of multiple occupation). The aim of this research is to refine our understanding of the specific challenges for each of our under-registered groups. The final report will be available during the passage of the Bill.

Next Steps

24. We will continue to engage with representatives of under-registered groups throughout the transition to IER. We are also looking at how we can integrate electoral registration with other citizen-state transactions.

25. In developing additional channels for registration, we are working with the Government Digital Service (GDS) to design the online solution. During this project, we will carry out specific research with those from disability groups to ensure that their approach meets and exceeds all of the required accessibility standards. In addition, GDS continues to develop guidelines for online usability and accessibility in the form of a Global Experience Language, which is already in use today on gov.uk.

26. The Electoral Commission has also noted their intention to "design [their] public awareness strategy to target groups who are currently under-represented on the register, building on the evidence and successes of [their] previous work."

Electoral administration proposals

27. The Electoral Registration and Administration Bill will also contain a number of electoral administration proposals which will serve to increase voter participation, further improve the integrity of our electoral system and ensure that the process underpinning our elections is more robust. A number of these provisions should particularly benefit specific groups of electors.

Extension of the electoral timetable for UK Parliamentary elections

28. The Bill includes provisions to extend the electoral timetable for UK Parliamentary elections from 17 to 25 working days. As part of this extension we will also improve the sequencing of certain processes which take place within it. A key benefit of these provisions is that they will allow postal ballot packs to be printed and distributed significantly earlier than is currently possible.

29. This will benefit all postal voters but particularly overseas voters, including those in the military who are stationed abroad. Under the current arrangements the earliest that electoral administrators can begin printing and despatching postal ballot packs is 11 working days before polling day. This is a small window (approximately 2 weeks) for the postal ballot packs to be printed, despatched, and then received, completed and returned by the overseas voter. Our provisions should increase this window to approximately 3 to 4 weeks.

30. There were 32,733 overseas electors in 2010 (not including Service voters), an increase on the number in the previous year which was 14,915[1]. However, this is a small proportion of the total number of UK nationals overseas. No central record is kept of the number of armed forces personnel who registered and voted at either the 2010 UK Parliamentary election or the referendum on the voting system in May 2011. However, the Defence Analytical Services and Advice Survey conducted by the Ministry of Defence in 2010 showed that an estimated 75 per cent of Service personnel were registered to vote; this is up from 69 percent in 2009. It is argued, notably by the Families Federations of the Armed Forces that the time available for postal votes to reach and be completed by service personnel (and in some cases their families) is a key reason why registration and participation amongst this group is low.

Polling Place Reviews

31. Our proposal to alter the timing of polling place reviews, to align them with the new cycles of Parliamentary terms as set out under the Fixed-term Parliaments Act 2011, and boundary reviews, should have a positive impact on the voting experience of disabled electors. The Electoral Administration Act 2006 placed a requirement on local authorities to review the accessibility of all polling places and to ensure that, so far as is reasonable and practicable, every polling place for which it is responsible is accessible to electors who are disabled.

32. Stakeholders have highlighted the fact that in a number of areas, polling place reviews have become out of sync with Parliamentary elections, to the extent that they sometimes take place after the date of the polls. Our proposal, and the introduction of fixed Parliamentary terms, will help to ensure that the accessibility of polling places has been determined, and any reasonable steps taken to improve its accessibility, before Parliamentary elections take place.

Requiring Electoral Registration Officers (EROs) to inform electors if their postal vote has been rejected due to a problem with their Postal Vote Identifier (PVI)

33. Anecdotal evidence from electoral administrators has suggested that a number of common mistakes are made routinely on postal voting statements returned alongside the postal ballot paper. This affected around 150,000 electors at the polls in May 2011. Common errors include missing signatures and dates of birth, accidentally inverted dates of birth, giving the current day's date rather than the date of birth and supplying a signature which has changed since the original application was made. A signature might change because the elector has changed their name through marriage, for example, or because the quality or nature of handwriting can deteriorate over time due to age or because of an injury. Whilst we cannot predict the behavioural impact of this policy we expect it will help a number of individuals avoid

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[1] Based on data provided by the Office for National Statistics, the General Register Office for Scotland, and the Electoral Office for Northern Ireland

making repeated inadvertent errors and have a positive impact on their participation at future polls.