



Cabinet Office

A democracy that works for everyone: survivors of domestic abuse

Response to policy statement

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Foreword

I am pleased to publish this response to the feedback received to the anonymous registration policy statement published in March 2017, as we continue to improve our electoral registration process to make it as accessible as possible to ensure that every voice counts.

We set out in the policy statement “A democracy that works for everyone: survivors of domestic abuse” our intention to improve the accessibility of anonymous registration for those individuals whose safety must be protected when registering to vote. In particular we are looking to help victims and survivors of domestic violence and abuse, for whom appearing anonymously in the register provides a vital layer of protection when they are escaping abuse.

In the policy statement we outlined possible changes to the scheme to ensure that the evidence required better fits with the realities of the experiences of domestic violence and abuse survivors. I would like to thank those who responded to the statement for their insightful comments and for sharing their invaluable knowledge about the real world difficulties faced by survivors. It was rewarding to see the positive response to the proposed changes from a cross section of organisations. The responses we received have guided the changes we are looking to make to ensure that barriers that prevent domestic abuse survivors from participating in our democracy are removed, while also preserving the integrity of the electoral register.

I look forward to continuing to work with the electoral community and domestic violence and abuse support charities as we move ahead with making these changes. Alongside the changes to the law which the Government will introduce, I anticipate that new guidance will be developed to help all those involved better navigate the anonymous registration scheme. It is important that those applying to register anonymously, those asked to provide an attestation and electoral administrators are clear about what they need to do.

I have been working with the relevant devolved administrations to ensure that we can together deliver reforms which properly reflect and respect the differences in law and practice across the UK. I will bring forward legislation in respect of the UK Parliamentary register in all parts of Great Britain. The Scottish Government will also be bringing forward legislation to make the same changes in Scotland to the local register in due course; I look forward to continuing to work closely with them in order to achieve this.

As we approach the 90th anniversary of universal suffrage in 2018, it remains as important as ever that all eligible citizens are able to register to vote and exercise their democratic right without fearing for their safety. I am confident that the changes set out in this document will go some way to secure this.

Chris Skidmore MP

Minister for the Constitution

Introduction

1. The Government announced in September 2016, following discussions with Women's Aid and others, that it would look closely at whether the current system of anonymous electoral registration could be improved to make it easier for survivors of domestic abuse to safely register to vote. The name and address of someone registered anonymously is not shown in the electoral register.
2. In March 2017 the Government published a policy statement entitled "[A democracy that works for everyone: survivors of domestic abuse](#)" that set out the proposed approach to reforming anonymous registration and invited feedback from all interested parties.

Background

3. Anonymous registration was first introduced in Great Britain through the Electoral Administration Act 2006.
4. Anonymous registration was intended to protect those whose safety would be at risk if their name and address appeared in the electoral register. The electoral register is a public document, as it has been since at least 1832. It is important for the transparency and legitimacy of elections that electors, candidates and political parties can check that only those eligible to vote are included on the register and that it includes all those who are eligible. The register can be inspected, under supervision, at the local authority or local libraries, although no electronic copies can be made. There is a strict regime in place, set out in legislation, controlling who can access the full electoral register and for which purposes. There are penalties for the improper use of the electoral register.
5. At the time the anonymous registration scheme was introduced it was envisaged that those looking to register anonymously might include, for example, victims of harassment or stalking, as well as some witnesses in criminal court cases. It was never intended to be available to those who simply wanted to keep their name and address private. Consequently, the threshold for anonymous registration was set at quite a high level.
6. A person can register to vote anonymously if they can show that their safety, or the safety of someone else in their household, would be at risk if the electoral register contained their name or address. This is known as the 'safety test'.
7. An applicant must provide evidence which shows that their safety, or the safety of someone else in their household, is at risk. The forms of evidence which can be used are a live court order or injunction from a set list of orders and injunctions; or an attestation certifying the risk to their safety made by a qualifying officer, such as a Superintendent of Police or a Director of Social Services.
8. During the summer of 2016, the Government received representations that the anonymous registration scheme is not sufficiently accessible to some who are entitled to use it as they are currently unable to produce the evidence required by law.

Overall feedback

9. We received 12 formal responses to the policy statement from a range of groups and organisations including Electoral Registration Officers, groups representing survivors of domestic abuse and organisations representing potential new attestors (listed in **Annex A**). We received further responses after the deadline listed in **Annex B**. We have also engaged with others such as: the national domestic violence police co-ordinator, local authorities and other government departments, all of which were supportive of the policy statement's intentions to improve the accessibility of the scheme.
10. The Government intends to use this feedback to make improvements to the evidence requirements of the scheme through expanding the list of qualified attestors and the list of court orders.
11. The Government believes that the intended changes, outlined below, will balance:
 - greater access to anonymous registration for those who need it; and
 - clarity and certainty for Electoral Registration Officers about who is eligible for anonymous registration.

Proposed changes and feedback

The first proposal

12. To expand the list of qualifying officers who can provide an attestation by:
 - lowering the seniority required from the police from superintendent to inspector level;
 - lowering the seniority required from the social services from director of social services to social worker; and
 - adding additional professions to the list of those who can attest including health professionals, domestic abuse refuge managers, domestic abuse advocates, Independent Domestic Violence Advocates or Advisors (IDVAs) or Independent Domestic Abuse Advocates (IDAAs) and Multi-Agency Risk Assessment Conference (MARAC) chairs.

Feedback:

13. Feedback on this proposal was mixed. General support was shown for the expansion of the number of people able to attest, especially for the lowering of the police rank.
14. Women's Aid and others highlighted how victims of domestic violence are frequently in contact with healthcare professionals, and with the managers of refuges, and that these individuals are therefore well positioned to be able to attest whether an individual's safety is at risk.
15. Concerns were raised about the proposal that the seniority of social workers be lowered. These were raised by the Association of Directors of Adult Social Services (ADASS) and the Association of Directors of Children's Services (ADCS) in their joint response, as well as by local authorities and others. ADASS and ADCS stated that the attestation should be

signed off by a Director of Adult Social Service or a Director of Children's Services to ensure appropriate checks and balances remain in place. Other respondents noted that there is not the same UK-wide consistency in the hierarchical naming structures of social work as there is in the police. Lowering the seniority of eligible attestor to "social worker" would mean that pressure is put on individuals to attest who are not in a reasonable place to make that judgement, either being newly qualified or having minimal contact with the individual they are being asked to attest for. They recommended leaving the required seniority as it is and instead improving guidance to all social workers about how to help individuals access the scheme.

16. Representative Royal Colleges, such as the Royal College of General Practitioners and the Royal College of Midwives, indicated their support for the proposals that their members be able to attest as professionals recognised to be in frequent contact with victims and survivors of domestic abuse.

Government response:

17. The Government intends to lower the seniority required from the police from superintendent to inspector level. Inspectors are generally the police force leads for domestic violence and are therefore in close contact with the issues faced by victims and survivors.
18. The Government will add certain health and medical professionals to the list of qualified attestors. They are frequently in contact with victims and survivors of domestic abuse as confidential professionals and they are therefore well placed to attest to whether an individual's safety is at risk. Domestic abuse refuge managers will also be added (discussed at paragraph 32) to the list of those who can attest.
19. The Government will instead work with the Electoral Commission to improve guidance for social workers to help individuals access the scheme. The Government notes the concerns raised around the inclusion of social workers in the list of qualified attestors and will therefore not lower the seniority from Director of Social Services.
20. The Government does not currently intend to include IDVAs, IDAAs or MARAC chairs to the list of those who can attest. The Government does recognise that these individuals are well placed to attest to an individual's safety being at risk. However, it believes that by updating the list to include the new attestors outlined above that the inclusion of these potential attestors as well would not actually increase the number of people in direct contact with a possible attestor and would therefore not serve to increase the accessibility of the scheme.
21. No changes will be made to the other qualifying officers: the Director General of the Security Service and Director General of the National Crime Agency.

The second proposal

22. To add to the list of court and other orders listed in Regulations that are acceptable as evidence of the risk to an applicant's safety to reflect new orders which have been added to the statute book. These include:

- Domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs); and
- female genital mutilation (FGM) protection orders.

23. And to add other types of documentary evidence, including:

- relevant unspent court convictions for a domestic abuse-related offence
- criminal proceedings or evidence of bail for a domestic abuse-related offence
- court undertakings relating to domestic abuse
- court findings of fact that domestic abuse has taken place
- relevant police cautions for domestic abuse
- evidence that someone has been granted indefinite leave to remain in the UK as a victim of domestic violence and
- evidence that someone has been granted legal aid in private family proceedings on domestic violence grounds.

Feedback:

24. Few respondents addressed this proposal, but those that did were positive towards the inclusion of new orders in the list of evidence able to be used.

Government response

25. The Government intends to add DVPOs and FGM protection orders to the list of court orders accepted as evidence. The Government does not intend to include DVPNs into the list of acceptable evidence due to the fact they are only given for a maximum of 48 hours. As the evidence used must be live, inclusion of DVPNs would fail to improve the accessibility of the scheme as it is highly unlikely that an individual will register to vote anonymously within that very short time period. In addition, the majority are converted into a longer running DVPO, which is being added to the list of acceptable evidence.

26. After careful consideration, the Government does not currently intend to update the list to include other forms of evidence. This is because the safety test must be considered in all areas of potential change. While the potential evidence listed at paragraph 23 serves to prove that the individual has been a victim of domestic abuse or violence, this does not necessarily prove that the individual's safety would be at risk if their name and address were to appear on the electoral register. The Government recognises that many survivors of domestic violence or abuse never feel truly safe even long after any relevant court orders or other criminal evidence has expired. But it hopes that through the extended list of qualified attestors these individuals will more easily be able to explore other routes to access the scheme.

Extending the duration of an anonymous entry on the register beyond the current 12 months? After this a new application for anonymous registration must be made.

Feedback:

27. Eight respondents were broadly supportive of extending the duration of an anonymous entry on the register beyond the current 12 month period. Some respondents stated that the entry should be life-long, while others suggested bringing anonymously registered voters into line with other 'special category electors' like members of HM Armed Forces registered as service voters, who are registered for five year periods. However, feedback from electoral administrators highlighted that if an individual is not moving house there are rarely difficulties registering them anonymously again. The larger burden appears to be registering anonymously each time an individual relocates.

Government response

28. The Government acknowledges that requiring registration annually can place a burden on those applying, who may need to present fresh evidence each time that their safety remains at risk. But the Government must balance this against the intentions of Parliament when the anonymous registration scheme was established - that an individual's safety must currently be at risk - as well as the duty on Electoral Registration Officers to maintain the accuracy of their registers. Consequently, the Government does not intend to make changes to the duration of an anonymous registration at this time, but will continue to investigate potential improvements in this area.

Specific questions for feedback

Should health professionals be added to the list of qualified attestors? If so, which health professionals should be added to the list?

29. Seven respondents firmly believed that this is an essential change, while two were supportive provided that the guidance produced for health professionals is very clear and the final three gave no opinion on the matter.

Government response:

30. The Government intends to include certain health professionals in the list of qualified attestors.

Should domestic abuse refuge managers be added to the list of qualified attestors? If so, should there be a direct connection between an applicant and that refuge?

31. Seven of the respondents firmly believed that this is an essential change. The Association of Electoral Administrators (AEA) highlighted the need for careful thought on the matter. The AEA noted that anonymous entries on the register cannot be subject to the same public scrutiny as entries for other electors, which could lead to perceptions of fraud. Unlike other attestors, refuge managers are not members of professional bodies, meaning that Electoral Registration Officers cannot readily check them against an accredited list in the same way as other attestors. Four gave no opinion on the matter.

Government response:

The Government intends to include refuge managers in the list of qualified attestors. The Government recognises the issues raised by the AEA, but believes that refuge managers are among the best placed to attest as to the risk to a person's safety due to their sustained frontline experience working with individuals who fear for their safety. Including them in the list of possible attestors will improve the accessibility of those resident in a refuge being able to register to vote anonymously at the refuge in which they are resident. In addition, refuge managers are frequently a first point of contact for victims escaping domestic violence and abuse, often before they have reached out to the police or social services. Their inclusion will therefore serve to improve the accessibility of the scheme, especially for those who have only recently escaped abuse but also for all those who pass through a refuge on their journey to safety. The Government will work with the AEA and others to seek to address any remaining concerns.

32. We do not intend to require that there is a direct connection between the applicant and the refuge. This is because the refuge manager must make the decision, to the best of their knowledge, about whether the individual's safety is at risk. There is no requirement for the attestor to know the applicant for this decision to be made and this requirement does not exist for other qualified attestors.

How should domestic abuse refuges be defined in order to capture all appropriate organisations?

33. We had very limited feedback to the question around defining refuges, but emphasis was placed on the need for a clear definition for the ease of everyone involved.

Government response:

34. The Government intends to define a refuge in a way which is compatible with other areas of law, but also serves to encompass all appropriate specialist establishments that provide residential accommodation, as well as planned programmes of support, for individuals seeking help when escaping domestic violence or abuse.

Should the requirement that court orders used as evidence must be live at the time of application be removed and, if so, should it be replaced with a time limit on the use of spent court orders?

35. Six of the respondents responded positively towards the removal of the requirement that the court order used as evidence must be live, while two mentioned limitations to be considered and four gave no opinion on the matter.

Government response:

36. Having reflected carefully on this issue, the Government does not intend to enable spent court orders to be used as acceptable evidence. The safety test prescribed in primary legislation states that evidence must demonstrate that an individual's safety is at risk if their name and address appeared on the electoral register. As noted above, legislation also provides for an anonymous registration to last for 12 months. Taken together, this points to a requirement that an individual's safety must currently be at risk. The Government believes that removing the requirement for a court order to be live would therefore push beyond the boundaries of the safety test as it stands. The Electoral Registration Officer may question whether a court order that was spent many years ago is sufficient to demonstrate that an individual's safety is currently at risk. They are under a statutory duty to ensure that the register is accurate and would therefore likely be unwilling to accept evidence such as this. The Government also believes that setting a time limit on the use of spent court orders would necessarily be an arbitrary exercise.

37. While court orders are given for a set period, they can be renewed or extended if a court determines that an individual requires the continued protection. Equally, a spent court order may be helpful, in combination with other considerations, in helping a potential attester from the newly extended list to decide whether an individual's safety is currently at risk.

ANNEX A

Coventry City Council
Eastbourne Borough Council
Avon and Somerset Police
Association of Electoral Administrators
Borough of Poole
Welsh Government
Reigate and Banstead Women's Aid
The Royal College of Midwives
Association of Directors of Adult Social Services and the Association of Directors of
Children's Social Services
Women's Aid
Nottinghamshire Rape Crisis Centre
The Electoral Commission

ANNEX B - Further responses received after the deadline from:

The Scottish Assessors Association
The Royal College of General Practitioners
Scottish Women's Aid
Safelives