



UK Government

GOVERNMENT RESPONSE TO:

Make Work Pay:

**Consultation - Draft Code of Practice on
Electronic and Workplace Balloting for
Statutory Union Ballots**

PUBLISHED: 22 JUNE 2026

Government Response

Make Work Pay:

Code of Practice on Electronic and Workplace Balloting for Statutory Trade Union Ballots



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INTRODUCTION

1. The government is clear that trade union law and regulation must be brought into the twenty-first century. The Employment Rights Act 2025 has set the country on the path of national renewal, building a Britain for all on the firm foundations of security, respect and opportunity.
2. However, the Employment Rights Act 2025 is only the first step to ensuring that we deliver for working people. At present, the law requires almost all statutory trade union ballots to be conducted solely by post. This is outdated, reduces democratic participation, and serves to dampen the voice of working people. We want to make participation easier, modernise the balloting process, and ensure ballot results truly reflect the voices of working people
3. Therefore, as part of the first step to delivering on this commitment, we will be introducing electronic and workplace balloting for statutory union ballots via secondary legislation. This will bring worker participation in line with modern voting practices already widely used in political parties and listed companies and deliver toward our commitment made in Make Work Pay. This is only the first step, and we will work with stakeholders to expand the electronic voting methods further.
4. The government will introduce these changes through a statutory instrument (SI) under section 54 of the Employment Relations Act 2004. Section 54 provides the power for expanding the voting methods for union ballots and elections conducted under the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”). It allows the Secretary of State to permit additional voting methods, provided that postal voting remains available as one of the options. The SI will be subject to parliamentary approval, as will the Code of Practice we have consulted on, and this response relates to.
5. The new code will serve as the principal source of practical guidance on the conduct of ballots using these new methods. It will give employers, unions and independent scrutineers more detail on the use of electronic and workplace balloting. It will include information on the requirements for each party involved in a statutory union ballot to ensure a ballot meets the required standard, factors and criteria to be applied when choosing a voting method, and good practice in the conduct of statutory union ballots using these new voting methods.
6. Once the code and the measures in the SI are in place, workers will be able to participate in ballots more easily, helping both unions and employers ensure ballots are conducted to a high standard, supporting robust and democratic outcomes in industrial relations.

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Looking Forward

7. Delivery of electronic and workplace balloting is something we are committed to and want to deliver quickly and securely. Modernised balloting methods are expected to make participation in statutory ballots more accessible and improve representation and participation of workers.
8. We will deliver the following balloting methods which can be used in combination with each other:
 - 8.1. **Electronic Voting** – where the distribution of the voting materials, the casting, and the return of the votes, take place entirely through electronic means.
 - 8.2. **Hybrid Voting** – where voting materials are distributed by post, with members able to return their vote either by post or electronically (for example casting their vote online using a website administered by the scrutineer).
 - 8.3. **Workplace Voting** – where members cast their vote in person at the workplace, via a physical ballot box and paper, or at an off-site location. All arrangements must be agreed in advance between the union and employer on a voluntary basis.
9. We will progress this work in three phases:
 - 9.1. **Phase 1:** We will deliver electronic and hybrid voting methods for the following statutory union elections/ballots: industrial action ballots, political fund / resolution ballots, union elections, and union merger ballots. We will also deliver workplace voting for industrial action ballots. Following the establishment of electronic and workplace balloting, we intend to set up a Senior Oversight Board for electronic and workplace balloting. This board will comprise businesses, unions, cyber security experts, and independent scrutineers that will provide views on the implementation of electronic and workplace balloting, and share what they consider future e-balloting and workplace balloting should look like.
 - 9.2. **Phase 2:** The government intends to allow for the use of electronic and hybrid voting during recognition and derecognition ballots. Where needed updates will be made to the unfair practices legislation in Schedule A1 to the 1992 Act to facilitate the use of these new methods, with the intent of delivering this change in 2027.
 - 9.3. **Phase 3:** Ongoing work with the Senior Oversight Board to assess implementation and scope potential enhancements to the electronic balloting and workplace balloting regime.

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CONDUCTING THE CONSULTATION

10. The consultation ran from the 19 of November 2025 to the 28 of January 2026.
11. The consultation received 69 responses from a range of stakeholders as set out in Table One. Where respondents marked themselves as 'Other Stakeholder' but then identified themselves with information aligning to a stakeholder category already provided, they have been counted under the provided stakeholder categories.
12. The online submission portal saw a number of responses that were blank with no identifying data, completed with random text, or provided answers that were completely unrelated to the questions asked. These responses have been checked for relevant information, and where there was no response provided, discounted from the total of completed responses.
13. During the consultation period the Department for Business and Trade (DBT) also engaged with consultation stakeholders through virtual meetings, and email.

Stakeholder	Number of Responses
Academic, or on behalf of an academic or research organisation	2
Business Representative Organisation	9
Employer	13
Independent Scrutineer	4
Individual	6
Legal Representative	2
Local Government Body	2
Trade Union	29
Other	2
Total Responses	69

Table One – Breakdown of Responses

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Methods of Analysis

14. Written consultation responses were analysed using mixed methods. Closed components of questions were analysed with standard dichotomous and multiple-choice quantitative techniques. Open ended components of questions were analysed using qualitative techniques involving breaking the text down into categories, coding responses, and considering positive or negative sentiments to draw out common perspectives among the respondents.
15. In analysing the responses to the consultation, we have applied the following criteria to how they have been counted as part of the summary of responses:
 - 15.1. Responses from multiple bodies or individuals that were received within one submission are counted as a single response for the purpose of this government response.
 - 15.2. Where respondents answered any of the questions to the consultation, even if this was only one question, these have been counted as responses to this consultation.
 - 15.3. Where respondents to the consultation only provided their name and/or email address and did not answer any questions posed in the consultation these have not been counted as responses.
 - 15.4. Where respondents to the consultation input random data in response to questions (most commonly random letters that do not form words) these responses have been discounted.
 - 15.5. Where respondents have submitted multiple returns to the same consultation – we have taken their latest (most recent) submission as their intended response.
16. There are many questions in this consultation where respondents chose to answer one specific area of interest and then leave the other questions relating to different topics blank. Therefore, for each question the government response will set out how many of the total 69 respondents to the consultation, returned a response to each question.
17. For the purpose of any percentages provided in the government response, where respondents have provided a response against the questions with the options 'Yes', 'No', or 'Not Sure' – these have been used to calculate the percentages. Where a respondent has not provided an answer against these three categories, but has provided a qualitative response the following approach has been taken:

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- 17.1. If they have indicated support for a proposal they have been counted as 'Yes',
 - 17.2. Where respondents have indicated opposition or provide a different suggestion they are counted as 'No'.
 - 17.3. Where respondents provide a response that is unable to be scored as supporting or opposing the question, they are counted as 'Not Sure'.
18. All blank responses and responses that indicate the respondent intends to provide no position are marked as no answer and are discounted from percentage calculations.
19. Percentages may not total to 100% when added up, as percentages have been rounded to the nearest whole number.
20. This document provides a summary of the consultation responses received and the government response. It does not attempt to capture every point made in submissions to the consultation, nor does it cover comments on aspects of policy that fall outside the scope of this consultation. This document sets out the key changes the government has or will make in response to the main points raised in the consultation. It may not comprehensively list all the individual changes that have been made. Where the government has not made a change, or has made a different change, the reasons are explained.
21. We have provided a high-level thematic summary of responses to questions where relevant. Summaries of the positions raised in response to this consultation are not exhaustive and set out the most common and pertinent positions raised in response to the consultation questions.

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QUESTION RESPONSES AND GOVERNMENT RESPONSE

22. It should be noted that respondents were significantly more likely to provide further information to their response in cases where they considered that changes to or refinement of the draft code was needed.
23. Therefore, the summary of question responses will naturally focus on the areas for improvement in the draft code, rather than drawing out detail of where respondents considered the draft code to already be suitable or where no change was requested. This should not be taken as an indication that the entire draft code requires detailed change, and both positive and negative sentiment have been considered before any adjustments were made and the final code published.
24. The government has made a number of enhancements to the draft Code of Practice to reflect comments and views shared in this consultation. However not all comments and views have been reflected, as we have balanced the views of those who called for change with those who considered the existing draft Code was suitable. The final version of the code reflects updates to key areas to support understanding and clarity, while retaining the areas that were considered to be well understood and clear.
25. The draft code of practice that was consulted upon included guidance regarding recognition and derecognition ballots (“CAC ballots”) conducted by the CAC. The revised draft code does not cover CAC ballots because new balloting methods will now be extended to these ballots in Phase 2 of delivery. The consultation responses relating to CAC ballots have still been included in the summaries of responses, but this Government Response does not set out a response to those points. Views shared in relation to CAC ballots will be taken into account as part of the Phase 2 workstream that will enable electronic and hybrid voting to be used for these ballots.

Section – Terminology (Q1 & Q2)

Question One

- **Q1 Are there any definitions that are unclear? (Paragraph 17)**
 - **Q1.1 Please provide further information to support your answer.**
26. Of the 69 respondents to the consultation, 57 provided a response to this question while 12 provided no answer. 20 respondents (35%) answered Yes,

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33 respondents (58%) answered No, and 4 respondents (7%) answered Not Sure. Of the 57 respondents, 27 provided further information to support their answer.

27. A majority of respondents considered that the definitions were clear. However of those who did not, many respondents supported the aim of clarifying the definitions in the draft code but considered that the current drafting ties too closely to technology that may become outdated over time. Although some were content with the definitions as they stand, a plurality of responses highlighted practical and interpretative difficulties. Some respondents considered that the terminology used does not align well with common technical or operational usage, whereas others found the terminology helpful.
28. A range of respondents also raised concerns that some definitions are overly technical and may require future-proofing. These included reliance on mobile phone numbers for electronic messaging, limited recognition of modern devices and platforms, and distinctions between different forms of electronic or mixed balloting. Some respondents found terms used to describe certain ballot types (e.g. “hybrid electronic balloting”) and technical terms confusing, particularly without specialist expertise.

Question Two

- **Q2 Are there any other terms you would like to see defined? (Paragraph 17)**
 - **Q2.1 Please provide further information to support your answer.**
29. Of the 69 respondents to the consultation, 55 provided a response to this question while 14 provided no answer. 17 respondents (31%) answered Yes, **34 respondents (62%) answered No**, and 4 respondents (7%) answered Not Sure. Of the 55 respondents, 16 provided further information to support their answer.
 30. Responses to this question indicate limited support for adding further definitions. While the majority of respondents answered that no additional terms were needed, some highlighted specific areas where additional definitions would be helpful to reduce ambiguity and support consistent interpretation. Respondents who favoured further definitions considered this would aid clarity.
 31. A recurring theme was the need to define additional technical and legal terms. Respondents highlighted the absence of a specific definition for virtual internet messaging systems, arguing that this creates uncertainty. Others questioned

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assumptions about universal access to personal email, noting that this does not reflect workforce realities and complicates the practical application of electronic balloting. Several respondents also sought clearer definitions of ballot types and how and where the law applies. They also sought clearer guidance on how electronic balloting should be interpreted alongside existing law that currently refer to postal voting. A smaller number of respondents called for more advanced or future-facing definitions around different forms of electronic or combined balloting.

Government Response – Terminology (Q1 & Q2)

32. There were a wide range of useful and detailed suggestions provided. The main recurring theme across these questions was the call for greater detail in definitions, and to ensure that definitions were not tied to existing technology.
33. The government has therefore significantly expanded the definitions in the Code of Practice to align with the relevant legislation (the Trade Unions (Permissible Means of Voting) And Employment Rights (Unfair Dismissal) (Amendment) Order 2026) (“the 2026 Order”). This will help to ensure understanding of the legislative detail, aid clarity, and reduce concerns of ambiguity.
34. We acknowledge that some of the terminology used to describe different balloting methods has caused confusion for some respondents, particularly in relation to the term, “hybrid electronic balloting”, which was sometimes misunderstood. To provide greater clarity, the code now refers to this method as “hybrid voting”, recognising that it involves a voting process that combines electronic and postal elements.
35. Where there were specific calls for more precise technical definitions, these have been updated wherever possible. However, the government has been careful to ensure that definitions do not tie the voting processes to a specific technology or hardware.
36. We have also moved the terminology section into an annexed glossary. Locating the terminology in a glossary supports accessibility and ease of navigation, avoids interrupting the flow of the main body of the code, and allows terms to be referred to consistently across the document.

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Section – Responsibilities and Requirements (Q3 – Q11)

Question Three

- **Q3 Is the detail of who the responsible person is for each ballot method clear? (Paragraph 23 – 26)**
 - **Q3.1 Please provide any further information to support your answer above.**
37. Of the 69 respondents to the consultation, 54 provided a response to this question while 15 provided no answer. **29 respondents (54%) answered Yes**, 20 respondents (37%) answered No, and 5 respondents (9%) answered Not Sure. Of the 54 respondents, 22 provided further information to support their answer.
38. Responses to this question suggest that views were mixed on whether the detail about who acts as the responsible person is clear. While a majority of respondents answered positively, some expressed uncertainty about the role. Concerns were raised that the code did not explain in enough detail who may act as the responsible person, how the role applies across different ballot types, or what is meant by terms such as “General Secretary or equivalent”. Several respondents also asked whether, and how, responsibilities may be delegated.
39. Some respondents raised concerns that the current wording did not reflect existing governance arrangements or legal frameworks. Others emphasised that decisions about responsibility and delegation must align with organisational rules and established oversight arrangements. A further point raised by respondents was that unions should document their rationale for choosing a ballot method with the scrutineer, to support assurance and scrutiny.

Question Four

- **Q4 Are the details of the responsibilities of the Trade Unions clear? (Paragraph 27 – 31)**
 - **Q4.1 Please provide any further information to support your answer above.**
40. Of the 69 respondents to the consultation, 54 provided a response to this question while 15 provided no answer. **25 respondents (46%) answered Yes**, **25 respondents (46%) answered No**, and 4 respondents (7%) answered Not

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Sure. Of the 54 respondents, 31 provided further information to support their answer.

41. Responses to this question were evenly divided, with no clear consensus on whether the responsibilities of trade unions are set out clearly. There were an equal number of those who answered Yes, and No, and many of those who provided further comments raised detailed points about clarity, proportionality, and practical implementation.
42. Those who returned “Yes” considered that the paragraphs provide a helpful framework for safeguarding ballot integrity and setting out expectations for unions. These respondents generally viewed the responsibilities as understandable in principle and welcomed the emphasis on protecting secrecy and preventing interference. Some also felt that the structure of the provisions offered reassurance about the robustness of the balloting process.
43. However, other respondents identified specific responsibilities as unclear, overly prescriptive, or unrealistic in practice. Paragraph 28(a) (in the version of the code consulted on) which recommended unions to check members’ willingness to receive electronic ballots, was largely seen as unnecessary. Respondents also raised concerns that warnings about voting at work could undermine confidence and place responsibilities on unions that should more appropriately rest with employers.

Question Five

- **Q5 Are there any further responsibilities that should be included for the Trade Unions? (Paragraph 27 – 31)**
 - **Q5.1 Please provide any further information to support your answer above.**
44. Of the 69 respondents to the consultation, 56 provided a response to this question while 13 provided no answer. 12 respondents (21%) answered Yes, **38 respondents (68%) answered No**, and 6 respondents (11%) answered Not Sure. Of the 56 respondents, 28 provided further information to support their answer.
 45. Responses opposed adding further responsibilities for trade unions. A number of respondents considered that the code places substantial obligations on unions and considered that adding further duties could increase administrative burden, create additional grounds for employer challenge, and discourage the use of electronic balloting, undermining the core policy.

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46. Some argued that existing duties are already difficult to meet in practice, especially where unions have limited control over member data, and that further obligations could be disproportionate and legally risky. Many respondents suggested that priority should instead be given to removing or softening current requirements, for example by replacing “ensure” with “best endeavours”, rather than expanding the scope of union responsibilities.
47. Some respondents, mostly from business, legal, or technical sectors, recommended additional responsibilities that focused specifically on ballot integrity, privacy, or preventing undue influence. These suggestions were typically limited in scope and presented as safeguarding measures rather than as wide-ranging new obligations.

Question Six

- **Q6 Are the details of the responsibilities of the Scrutineers clear? (Paragraph 32 – 34)**
 - **Q6.1 Please provide any further information to support your answer above.**
48. Of the 69 respondents to the consultation, 55 provided a response to this question while 14 provided no answer. **29 respondents (53%) answered Yes**, 18 respondents (33%) answered No, and 8 respondents (15%) answered Not Sure. Of the 55 respondents, 20 provided further information to support their answer.
 49. A majority of responses to this question suggested that the responsibilities of scrutineers are largely clear. Respondents considered the core role of scrutineers and their high-level responsibilities are broadly understandable and aligned with existing practice. These respondents generally felt that the provisions provide a clear starting point for ensuring ballot integrity and independent oversight and welcomed the emphasis on transparency and security.
 50. However, some respondents raised concerns about the requirement for scrutineers to retain audit logs and ballot papers for 12 months, which was considered to be disproportionate. Respondents also expressed concern that references to technological updates could be interpreted as requiring frequent or bespoke system changes. Further comments included a call for greater clarity about who qualifies as a scrutineer, the scope and limits of their role, access and delegation arrangements, and the relationship between statutory requirements in legislation and guidance set out in the code.

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Question Seven

- **Q7 Are there any further responsibilities that should be included for Scrutineers? (Paragraph 32 – 34)**
- **Q7.1 Please provide any further information to support your answer.**

51. Of the 69 respondents to the consultation, 53 provided a response to this question while 16 provided no answer. 6 respondents (11%) answered Yes, **38 respondents (72%) answered No**, and 9 respondents (17%) answered Not Sure. Of the 53 respondents, 11 provided further information to support their answer.
52. A majority of responses to this question show opposition to adding further responsibilities for scrutineers. Many respondents considered that scrutineers already operate under suitable obligations and considered that further requirements could increase costs, reduce market capacity, or undermine the affordability and availability of electronic balloting. Several respondents expressed concern that expanding responsibilities, particularly those linked to data retention, system updates, or additional administrative processes, could discourage providers from offering services or make electronic ballots more expensive.
53. Some acknowledged that the existing framework broadly captures the core role of scrutineers and cautioned against over-prescription. A small number of respondents proposed targeted duties focused on safeguarding ballot secrecy, preventing disclosure of ballot progress before closure, or requiring notification of material cybersecurity incidents. These suggestions were generally presented as proportionate protections rather than broad new obligations.

Question Eight

- **Q8 Are the details of the responsibilities of the Employers clear? (Paragraph 35 – 39)**
- **Q8.1 Please provide any further information to support your answer.**

54. Of the 69 respondents to the consultation, 63 provided a response to this question while 6 provided no answer. **33 respondents (48%) answered Yes**, 23 respondents (33%) answered No, and 7 respondents (10%) answered Not Sure. Of the 63 respondents, 28 provided further information to support their answer.

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55. A plurality of respondents considered the provisions broadly understandable, but others raised concerns about its clarity and practical application. Some respondents felt that the paragraphs provide a reasonable outline of employer responsibilities, particularly in relation to electronic balloting, and welcomed the inclusion of guidance intended to support workplace access and cooperation. A small number also considered that the existing wording allows flexibility for employers operating in diverse or constrained environments.
56. However, other respondents argued that the use of “should not” rather than “must not”, in relation to interference, was seen as weakening the code and leaving too much discretion for employers to obstruct, delay, or interfere with ballots. Respondents also highlighted uncertainty around consent, access to digital infrastructure, and the risk of monitoring or inadvertent surveillance through routine IT systems. Others noted that practical constraints in smaller or sensitive workplaces are challenging to address.

Question Nine

- **Q9 Are there any further responsibilities that should be included for the Employers? (Paragraph 35 – 39)**
 - **Q9.1 Please provide any further information to support your answer.**
57. Of the 69 respondents to the consultation, 62 provided a response to this question while 7 provided no answer. 19 respondents (31%) answered Yes, **34 respondents (55%) answered No**, and 9 respondents (15%) answered Not Sure. Of the 62 respondents, 22 provided further information to support their answer.
58. A majority of respondents saw no further responsibilities required for employers. A number of respondents who considered more responsibilities were required supported strengthening and clarifying employer responsibilities, noting that current duties are too weak or permissive. There were also calls for more enforceable obligations, including replacing “should not” with “must not,” prohibiting monitoring or interference, and introducing positive duties to support ballot participation. Concerns were raised about employers being able to refuse or withdraw consent for workplace ballots without clear parameters, the risks created by routine IT monitoring systems, and the absence of clear guidance for workplaces with limited digital infrastructure or sensitive operational constraints.
59. Feedback also called for further guidance, including examples of good practice, clearer rules on when consent may be withheld, and expectations for privacy, data protection, and cybersecurity. Respondents emphasised that

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responsibilities must reflect the real conditions of different workplaces, particularly small or specialist settings where space, connectivity, or safeguarding considerations limit what is feasible.

Question Ten

- **Q10 Are the details of the responsibilities of the Central Arbitration Committee (CAC) clear? (Paragraph 40 – 43)**
- **Q10.1 Please provide any further information to support your answer.**

60. Of the 69 respondents to the consultation, 46 provided a response to this question while 23 provided no answer. **33 respondents (72%) answered Yes**, 10 respondents (22%) answered No, and 3 respondents (7%) answered Not Sure. Of the 46 respondents, 11 provided further information to support their answer.
61. A majority of respondents considered that the provisions were clear. However, those respondents who did not agree felt they needed further information. The most consistent view was that the CAC should formally liaise with the relevant union before determining the balloting method, reflecting current practice and ensuring the chosen approach is workable. Many also wanted explicit confirmation that mixed or combined balloting methods are permitted, together with clearer information about the criteria the CAC uses when selecting the method for a ballot. In addition, respondents asked for greater transparency in how decisions are made, including clearer guidance on processes.
62. Some responses questioned why electronic balloting is not yet permitted for statutory recognition ballots and suggested that the code should clarify whether this approach could be used in future. Several respondents welcomed the aim of providing a more structured and predictable framework for CAC decision making and noted that clearer criteria would help users understand how outcomes are reached.

Question Eleven

- **Q11 Are there any further responsibilities that should be included for the Central Arbitration Committee (CAC)? (Paragraph 40 – 43)**
- **Q11.1 Please provide any further information to support your answer.**

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63. Of the 69 respondents to the consultation, 51 provided a response to this question while 18 provided no answer. 11 respondents (22%) answered Yes, **30 respondents (59%) answered No**, and 10 respondents (20%) answered Not Sure. Of the 51 respondents, 13 provided further information to support their answer.
64. A majority of respondents generally opposed adding any further responsibilities. However, those who supported adding responsibilities consistently called for the CAC to formally liaise with the relevant union before determining the balloting method. Many felt this should be an explicit responsibility in the code, reflecting existing practice and helping ensure that the chosen method is appropriate and workable. There were also repeated calls for the code to clearly confirm that mixed or hybrid balloting methods are permitted, and to explain more clearly the criteria and factors the CAC applies when selecting a method.
65. Respondents also asked for greater transparency and predictability in CAC decision making. Suggestions included publishing anonymised case summaries to support consistency, clarifying who appoints the scrutineer in CAC-run ballots, and confirming that the CAC's powers and unfair-practice provisions apply fully to electronic balloting.

Government Response – Responsibilities and Requirements (Q3 – Q9)

66. After a careful review of the feedback provided, the government has concluded that a standalone “Responsibilities and Requirements” section is not the most effective way to provide clarity or assurance on individual responsibilities and requirements. In particular, bringing together responsibilities in a single section risked repetition, misinterpretation, and undue emphasis on prescriptive allocation of responsibility, when those responsibilities already arise from the statutory framework and are better understood in the context of specific stages of the balloting process.
67. The government therefore has removed this standalone section from the code. Statutory responsibilities and requirements on each party remain set out throughout the code, embedded where it is most relevant to the conduct of non-postal ballots, including through the continued use of “must” and “should” to distinguish between legal requirements and recommended practice.
68. This approach reduces duplication with the legislation, shortens the overall length of the code, and supports clearer and more accessible guidance, while ensuring that the concerns and points raised by the respondents in relation to the responsibilities are reflected across the code as a whole. Unions, scrutineers, and employers are expected to read the code alongside the

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relevant legislative provisions to ensure full understanding of their respective roles and responsibilities.

69. The code has also been updated to make clear that the responsible person will be the trade union. We have decided to include minimal further detail in the code about who within the trade union should exercise this role, to provide the union with the flexibility to ensure that an appropriate person undertakes this role for each ballot.

Section – Electronic Balloting Requirements (Q12 – Q26)

Question Twelve

- **Q12 Are the standards required of scrutineers for conducting electronic balloting clear? (Paragraph 47 – 52)**
 - **Q12.1 Please provide any further information to support your answer.**
70. Of the 69 respondents to the consultation, 45 provided a response to this question while 24 provided no answer. **28 respondents (62%) answered Yes**, 13 respondents (29%) answered No, and 4 respondents (9%) answered Not Sure. Of the 45 respondents, 16 provided further information to support their answer.
71. A majority of respondents considered that the provisions were clear and unambiguous. However, those respondents who did not agree felt they were insufficiently clear or not strong enough to address ballot-specific risks. Responses focused on the reliance on Cyber Essentials Plus as a baseline, with some saying it was a suitable standard for alignment, but others concerned that it represents basic cyber hygiene and does not clearly cover individual areas such as application security testing, secure development practices, insider threats, or cryptographic vote integrity.
72. Respondents also warned that overly prescriptive cyber requirements could have unintended consequences. These included duplicating controls already covered by Cyber Essentials Plus, imposing lengthy audit retention periods, or mandating frequent technical updates, all of which were seen as potentially increasing costs and reducing the number of scrutineers willing to operate in the market. At the same time, others argued that the standards should go further in addressing ballot-specific security and verifiability, including end-to-end verifiable tallying and approaches that reduce reliance on a single point of trust.

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73. Respondents also highlighted the importance of inclusion and practical performance, particularly the need for platforms to function reliably in low-bandwidth or high-latency environments, and reiterated calls for clarity that mixed ballot methods are permitted. Some respondents welcomed the use of a recognised baseline such as Cyber Essentials Plus, noting that a clear minimum standard provides a useful foundation, provided it is kept current and supplemented where necessary to address ballot-specific risks.

Question Thirteen

- **Q13 Are the provisions for distributing pure electronic ballots to eligible voters clear? (Paragraph 53 – 64)**
- **Q13.1 Please provide any further information to support your answer.**

74. Of the 69 respondents to the consultation, 52 provided a response to this question while 17 provided no answer. 21 respondents (40%) answered Yes, **29 respondents (56%) answered No**, and 2 respondents (4%) answered Not Sure. Of the 52 respondents, 37 provided further information to support their answer.

75. A majority of respondents felt that the provisions for distributing pure electronic ballots are not fully clear. While the overall intent was understood, some requirements were seen as overly rigid, impractical to apply, or internally inconsistent. The strongest concerns related to strict prohibitions on using workplace or union email addresses, the requirement to link messaging systems to SMS numbers, mandatory rules on “unique contact methods”, and obligations around monitoring undeliverable messages and reissuing ballots.

76. Some respondents called for a change in approach largely seeking use of shared inboxes, and workplace emails. They considered requirements framed as absolute duties should instead be expressed as “best efforts” or good practice, and that technical assumptions, such as tying messaging systems to phone numbers, should be removed. Clearer confirmation that mixed methods may be used alongside pure electronic distribution was also requested.

77. A number of respondents also called for greater detail in guidance, including minimum and maximum ballot windows, and rules on verification and liability. Some welcomed the underlying aim of protecting ballot integrity and avoiding employer interference.

Government Response

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Question Fourteen

- **Q14 Are the provisions for distributing hybrid electronic ballots to eligible voters clear? (Paragraph 53 – 56, and 65 – 68)**
- **Q14.1 Please provide any further information to support your answer.**

78. Of the 69 respondents to the consultation, 50 provided a response to this question while 19 provided no answer. **31 respondents (62%) answered Yes**, 14 respondents (28%) answered No, and 5 respondents (10%) answered Not Sure. Of the 50 respondents, 22 provided further information to support their answer.
79. A majority of respondents considered that the provisions were clear. However, those respondents who did not agree felt that the code did not explicitly confirm whether mixed balloting methods is permitted, creating uncertainty about whether electronic and postal methods can be combined within the same ballot. There was also a lack of clarity about how voters may receive electronic access information, including whether postal letters may be used to distribute digital ballot details, and how reissue rules apply in practice.
80. Operational and practical issues were also raised. Respondents highlighted uncertainty around vote precedence where more than one method is used, the absence of clear minimum timescales, and difficulties applying the rules in small, sensitive, or highly regulated workplaces. Concerns were expressed about data protection, liability where address information is inaccurate, and confidentiality in situations where workers share accommodation or live on employer premises. There were also calls for further guidance on how responsibilities are shared between the scrutineer and the responsible person when operating hybrid ballots.

Government Response – Electronic Balloting Requirements (Q12 – Q14)

81. The government has adjusted the scrutineer standards, and provisions for distributing ballots following the consultation. However, there are some areas we have not changed. Comments regarding permitting the use of workplace or union email addresses in electronic balloting are unable to be addressed due to the risk that use of an email address controlled and accessible by a third party would present to the secrecy of the ballot. While responses regarding the Cyber Essentials Plus standard have been mixed, with some suggesting the standard is too lax, and others considering that there shouldn't be additional requirements for scrutineers, the government is satisfied that the Cyber Essentials Plus standard is a suitable middle ground between usability and security.

Government Response

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82. Other changes have been made to simplify the code, and reflect broader concerns raised by respondents. The draft Code has been updated to more explicitly address how a scrutineer should handle multiple returns (attempted votes) from a single voter, and how to determine which vote should take precedence across multiple ballot methods. Further, requirements to review contact details to check for workplace email addresses, and workplace telephone numbers have been adjusted to a “should” recognising that unions and scrutineers will have different ways of ensuring only permitted contact details are used. Finally repetition of technical standards already addressed within the Cyber Essentials Plus standard have been removed, and it has been made clear that a combination of different voting methods are permitted to be used.

Question Fifteen

- **Q15 With respect to electronic balloting, are the requirements for the operation of the virtual ballot clear? (Paragraph 69 – 76)**
 - **Q15.1 Please provide any further information to support your answer.**
83. Of the 69 respondents to the consultation, 50 provided a response to this question while 19 provided no answer. **23 respondents (46%) answered Yes, 23 respondents (46%) answered No**, and 4 respondents (8%) answered Not Sure. Of the 50 respondents, 27 provided further information to support their answer.
84. There were an equal number of respondents who answered yes and no. Respondents raised concerns about the ambiguity in certain operational requirements. These included unclear expectations around confirming voter contact details, uncertainty about who commissions the scrutineer and how compliance with standards should be assured. Respondents also asked whether some security features, such as two-factor authentication, post-vote identifiers, bounce-back monitoring, and mid-ballot access changes, were proportionate, warning that overly complex requirements could deter participation or reduce confidence in the process. Some respondents also commented on the requirement to provide a “spoilt ballot” option; however, this is a requirement set out in the secondary legislation rather than the code, and was therefore outside the scope of this consultation, which sought views on the draft Code rather than the underlying legislation.

Government Response

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Question Sixteen

- **Q16 Are the voter platform requirements for electronic balloting clear? (Paragraph 77 – 82)**
- **Q16.1 Please provide any further information to support your answer.**

85. Of the 69 respondents to the consultation, 46 provided a response to this question while 23 provided no answer. **23 respondents (50%) answered Yes**, 20 respondents (43%) answered No, and 3 respondents (7%) answered Not Sure. Of the 46 respondents, 30 provided further information to support their answer.
86. A plurality of respondents considered the requirements clear. However, those respondents who did not agree felt that the voter platform requirements for electronic balloting are, in places, overly prescriptive and could risk unnecessary technical disputes, encouraging challenges over minor issues, and constraining operational flexibility without clear benefits. Some were of the view that the code should focus only on outcomes rather than mandating detailed instructional formats or processes.
87. Some supported the drafted requirements, highlighting the importance of accessibility, instructions, and encryption in enabling the ballot operation. While others considered the rules on IP blocking unclear and potentially exclusionary for voters who are overseas, travelling for work, or reliant on satellite or roaming connections. Security expectations around encryption, authentication, identifiers, and resilience were supported by some respondents, but described as vague in some places, with some respondents cautioning that overly complex requirements could reduce participation or confidence. Accessibility requirements were also variably viewed, with some considering them suitably drafted but others calling for clearer and more robust standards, alongside simpler and more intuitive user journeys.

Question Seventeen

- **Q17 Do you agree that encryption should be to the AES256 standard to ensure the confidentiality and integrity of the ballot? (Paragraph 80)**
- **Q17.1 Please provide any further information to support your answer.**

88. Of the 69 respondents to the consultation, 45 provided a response to this question while 24 provided no answer. **22 respondents (49%) answered Yes**, 12 respondents (27%) answered No, and 11 respondents (24%) answered Not

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Sure. Of the 45 respondents, 9 provided further information to support their answer.

89. A plurality of respondents who answered the question broadly agreed that strong encryption is essential, and there was wide support for using AES256 as part of the security framework for electronic balloting. However, those respondents who did not agree felt that specifying AES256 alone is not sufficient to ensure confidentiality and integrity. Many raised the point that encryption is only effective when combined with well-defined key management, separation of duties, operational controls, and clarity about whether encryption applies to data at rest, data in transit, or end-to-end protection. Several responses emphasised that ballot security depends on the overall system design, not just the choice of algorithm.
90. There was also a call to avoid hard-coding a single cryptographic standard in the code. Respondents warned that encryption standards evolve and that fixing AES256 in statute risks the framework becoming outdated or overly technical for non-specialist audiences. Some highlighted practical constraints in specialist contexts, such as maritime or remote environments, where encryption handshakes must work reliably over high-latency satellite connections. Others noted that strong encryption plays an important confidence-building role for voters, particularly in contentious ballots, but should not be treated as a guarantee in isolation.

Question Eighteen

- **Q18 Are the Unique Identifying Number requirements clear? (Paragraph 83 – 90)**
- **Q18.1 Please provide any further information to support your answer.**

91. Of the 69 respondents to the consultation, 40 provided a response to this question while 29 provided no answer. **26 respondents (65%) answered Yes**, 8 respondents (20%) answered No, and 6 respondents (15%) answered Not Sure. Of the 40 respondents, 10 provided further information to support their answer.
92. A majority of respondents who answered the question supported the requirements, noting that they would enable support and validation while ensuring voter secrecy. However, those respondents who did not agree felt that the unique identifying number (UIN) requirements were not fully clear. The most common concerns related to a lack of clarity about who is responsible for generating the UIN and how errors in the underlying voter data should be handled.

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93. Views were divided on the relationship between UINs and authentication. Some argued that additional authentication measures, such as two-factor authentication or post-vote identifiers, are necessary to strengthen security, while others warned that these measures are unsuitable for statutory ballots and risk reducing participation or creating new grounds for challenge. There were also calls for clearer guidance on whether UINs should be single-use, how they should be protected against brute-force attacks, and what fallback arrangements apply where additional authentication is not used.

Question Nineteen

- **Q19 Are the User Database, and Voter Database requirements clear? (Paragraph 84 – 85)**
 - **Q19.1 Please provide any further information to support your answer.**
94. Of the 69 respondents to the consultation, 42 provided a response to this question while 27 provided no answer. **26 respondents (62%) answered Yes**, 10 respondents (24%) answered No, and 6 respondents (14%) answered Not Sure. Of the 42 respondents, 10 provided further information to support their answer.
95. A majority of respondents who answered the question considered these requirements clear and balanced, noting that the separation of user and voter databases reduces the risk of identification, and supports post event verification if required. However, those respondents who did not agree felt that the requirements for the user database and voter database are not fully clear, or that the provisions were overly prescriptive and could have unintended consequences. In particular, rules requiring automatic invalidation or discontinuation of ballots following any unauthorised database access were considered to be disproportionate and creating unnecessary legal risk, including opportunities for challenge over minor or technical issues. Respondents who answered 'No' largely argued that the code should focus on achieving outcomes such as secrecy, integrity, and non-linkage between voter identity and votes, rather than mandating a single technical architecture or rigid response to incidents.

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Question Twenty

- **Q20 Are the provisions for the use of the ballot access method by eligible voters clear? (Paragraph 86 – 90)**
- **Q20.1 Please provide any further information to support your answer**

96. Of the 69 respondents to the consultation, 41 provided a response to this question while 28 provided no answer. **21 respondents (51%) answered Yes**, 16 respondents (39%) answered No, and 4 respondents (10%) answered Not Sure. Of the 41 respondents, 22 provided further information to support their answer.
97. A majority of respondents who answered the question considered that the provisions were clear, and agreed the importance of unique hard to guess credentials. However, those respondents who did not agree felt that the provisions are not fully clear, with the most consistent concern being that two-factor authentication could create barriers to voting, reduce turnout and introduce additional points of challenge. They argued that approaches such as postcode checks particularly disadvantage mobile or remote workers, and impose a higher burden than postal balloting. Respondents also highlighted drafting concerns, unclear technical language and concern that “single-use” access could lock out voters who return to the ballot after interruptions.
98. A further issue raised was technical logic. Some respondents flagged potential contradictions between certain 2FA approaches and data-separation expectations, alongside calls for clearer minimum security standards such as identifier strength and protections against brute-force access.

Question Twenty-One

- **Q21 Are the Ballot Access Vote Requirements for electronic balloting clear and understandable? (Paragraph 91 – 95)**
- **Q21.1 Please provide any further information to support your answer.**

99. Of the 69 respondents to the consultation, 51 provided a response to this question while 18 provided no answer. **24 respondents (47%) answered Yes**, 21 respondents (41%) answered No, and 6 respondents (12%) answered Not Sure. Of the 51 respondents, 29 provided further information to support their answer.
100. A plurality of respondents supported the requirements and considered that they ensure it would enforce the one-person-one-vote legislation. Those opposed

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felt that the ballot access vote requirements for electronic balloting were not clear or easy to understand, and considered that a requirement for an additional post-vote unique reference number would be unnecessary and confusing for voters, with many noting that existing identifiers already serve support and audit purposes.

101. Respondents also highlighted ambiguity around how duplicate access methods are deactivated, how “one vote only” is enforced in practice, and how electronic and postal votes interact in hybrid ballots, including which vote takes precedence.

Question Twenty-Two

- **Q22 Are the controls as specified under the heading Database Integrity and Access Controls clear? (Paragraph 96 – 100)**
- **Q22.1 Please provide any further information to support your answer.**

102. Of the 69 respondents to the consultation, 42 provided a response to this question while 27 provided no answer. **24 respondents (57%) answered Yes**, 11 respondents (26%) answered No, and 7 respondents (17%) answered Not Sure. Of the 42 respondents, 12 provided further information to support their answer.

103. A majority of respondents who answered the question considered the controls were clear. However, of those respondents who provided further information, they considered the requirements were not fully clear, with concerns about ambiguous drafting and uncertainty over how the controls are intended to operate in practice. In particular, respondents highlighted a lack of clarity around interaction with existing data protection legislation, the role of the scrutineer in verifying data sharing agreements, and how data separation needs to be followed.

104. There were also concerns that some provisions could be overly prescriptive or framed in absolute terms, risking impractical implementation and unintended consequences. Some respondents warned that rigid architectural requirements, strict access rules, or automatic responses to access events could force scrutineers into inflexible system designs and create unnecessary grounds for challenge.

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Question Twenty-Three

- **Q23 Are the requirements regarding the security of the electronic balloting system clear? (Paragraph 101 – 112)**
- **Q23.1 Please provide any further information to support your answer.**

105. Of the 69 respondents to the consultation, 52 provided a response to this question while 17 provided no answer. 23 respondents (44%) answered Yes, **24 respondents (46%) answered No**, and 5 respondents (10%) answered Not Sure. Of the 52 respondents, 30 provided further information to support their answer.
106. Respondents broadly were unsure about the security requirements for the electronic balloting system, and there was a clear level of objection to the automatic invalidation rule following any unauthorised database access - where respondents considered this rule would be too rigid. These respondents argued this approach exceeds postal standards, could create perverse incentives for hostile actors to trigger access events, and should not operate as an automatic trigger. Instead, respondents felt the response should depend on a risk-based judgement about the severity and impact of the incident.
107. Respondents also highlighted inconsistency in how discretion is applied across CAC ballots vs union ballots. There were also calls for clearer governance arrangements, stronger specification of key management and detection processes, and clearer roles in decision-making and escalation. A smaller number of respondents expressed broad comfort with the overall intent of the security framework, provided it is refined to be clearer, more consistent, and more workable in practice.

Question Twenty-Four

- **Q24 Are the requirements regarding the monitoring of the electronic balloting system clear? (Paragraph 103 – 107)**
- **Q24.1 Please provide any further information to support your answer.**

108. Of the 69 respondents to the consultation, 41 provided a response to this question while 28 provided no answer. **28 respondents (68%) answered Yes**, 8 respondents (20%) answered No, and 5 respondents (12%) answered Not Sure. Of the 41 respondents, 12 provided further information to support their answer.

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109. A majority of respondents considered the requirements were clear. Some of those who considered the requirements clear also called for the addition of a pre-ballot test to validate controls before a ballot. However, those respondents who did not agree considered there were inconsistencies in how the provisions would operate in practice. Further concerns focused on privacy and data protection.
110. Respondents also warned that logging IP addresses alongside voting activity risks re-identification and may conflict with the principle of separating identity data from vote data. Others noted that key concepts such as “suspicious activity”, thresholds for escalation, and who is responsible for deciding next steps are undefined. The distinction between mandatory controls and best-practice guidance was also seen as unclear, with some arguing that monitoring requirements unnecessarily duplicate existing cybersecurity standards while remaining under-specified in other critical areas.

Question Twenty-Five

- **Q25 Are the audit requirements to verify the outcome of the ballot clear? (Paragraph 113 – 120)**
 - **Q25.1 Please provide any further information to support your answer.**
111. Of the 69 respondents to the consultation, 40 provided a response to this question while 29 provided no answer. **26 respondents (65%) answered Yes**, 10 respondents (25%) answered No, and 4 respondents (10%) answered Not Sure. Of the 40 respondents, 16 provided further information to support their answer.
112. A majority of respondents considered the requirements were clear. However, those respondents who did not agree felt that the audit requirements are overly burdensome. There was also near-unanimous agreement that audit logs should be immutable, with no amendments permitted under any circumstances, and that transparency is best protected by allowing only additional entries rather than overwriting or altering existing records.
113. Respondents also raised concerns that the audit requirements exceed those applied to postal ballots, creating disproportionate obligations. The 12-month retention period was considered to be excessive, and could reduce the pool of available scrutineers, or make electronic balloting less viable. Others highlighted that new or expanded audit mechanisms risk introducing additional grounds for challenge, potentially enabling ballots to be disputed on technical or speculative grounds that do not arise in postal balloting.

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Question Twenty-Six

- **Q26 Do you have any other comments to raise about the Electronic Balloting section of the Code of Practice?**

114. Of the 69 respondents to the consultation, 23 provided a response to this question.
115. Respondents were clear in reiterating their support for electronic balloting and highlighting the potential for it to reduce costs and increase participation.
116. Some respondents considered that the electronic balloting section of the code is overly prescriptive, burdensome, and more restrictive than postal balloting. Numerous provisions were seen as imposing unnecessary obstacles, including complex validation steps, restrictive contact-method rules, and detailed technical requirements that go beyond what is required for postal ballots. Several respondents also highlighted confusion around email and contact rules, unclear procedures for handling system failures, and the cumulative effect of requirements that may deter use of electronic balloting altogether.
117. Accessibility and inclusion featured strongly. Respondents raised concerns about digital exclusion, data-heavy platforms disadvantaging low-bandwidth users, insufficient provision for disabled voters, and particular risks associated with workplace balloting, including intimidation, surveillance, or lack of safe access. A lack of clear guidance on resilience, escalation, and contingency planning during outages or interference was also highlighted.

Government Response – Electronic Balloting Requirements (Q15 – Q26)

118. The draft Code has been updated to adjust areas of key concerns, including updates to make it clear that different ballot methods are permitted to be used with each other. A new standalone section of the code titled, “Small accidental failures to be disregarded”, has been added to explain new provision in the 1992 Act that will enable certain small and accidental errors or failures to comply with the legislation that do not affect the outcome of the ballot, to be disregarded so they do not automatically invalidate the ballot. Further, the requirements for an additional post ballot reference number to be shown on the voting platform have been removed.
119. The ‘best practice’ advice has been removed from the Code in response to concerns that setting out best practice advice could inadvertently raise the minimum standards for balloting above that set out in the legislation in ways that would be disproportionate or overly burdensome, may not reflect real life use, or to a level that would incur significant costs to all parties. For example,

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the code no longer sets out that best practice for a Voting Access Method is that it is single use, in acknowledgement of the point raised that voters may seek to access their 'ballot paper' multiple times before casting a vote.

120. Further changes include greater detail on audit requirements, further information regarding the distribution of electronic ballots and requirements for the scrutineers' ballot communications with voters when sending ballots, more information regarding GDPR data retention requirements and timelines, and refinement of the standards that the electronic balloting system must meet to remove areas of duplication. Reference to blocking access for IP addresses outside the UK has also been updated to make clear that this should be discussed between the union and the scrutineer to ensure this does not prevent voters abroad from being able to cast their votes. Adjustments have also been made to database requirements to make clear what is required in terms of keeping personal data and voter data separate.
121. We recognise the concerns raised about the draft code referencing a specific encryption standard, particularly considering the way encryption approaches may evolve over time. As set out in the code, however, this point is already addressed through the requirement that data should be encrypted to a secure standard that ensures a level of security appropriate to the risk posed and assures the confidentiality and integrity of the information, with encryption at minimum to the AES256 standard. This wording is intended to provide flexibility while maintaining clarity about minimum expectations.
122. The government is clear that one of the purposes of the code is to support understanding of the legislation. The code is not intended to address every possible situation or circumstance that a party may encounter, or spell out in explicit detail the technical processes and procedures that scrutineers may undertake to secure electronic ballots, and parties will need to take their own advice regarding compliance with the underlying legislation.
123. A number of respondents raised that the requirements for electronic balloting go above and beyond those of postal balloting. This is by design to ensure that electronic balloting remains secure, and trusted by all parties. Electronic balloting has different risk factors to postal balloting, and it is only appropriate that these different methods have different security, audit, and reporting requirements.

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Section – Workplace Balloting Requirements (Q27 – Q34)

Question Twenty-Seven

- **Q27 Are the standards required of the scrutineers to conduct workplace balloting clear? (Paragraph 126 - 132)**
- **Q27.1 Please provide any further information to support your answer.**

124. Of the 69 respondents to the consultation, 45 provided a response to this question while 24 provided no answer. **24 respondents (53%) answered Yes**, 19 respondents (42%) answered No, and 2 respondents (4%) answered Not Sure. Of the 45 respondents, 23 provided further information to support their answer.

125. A majority of respondents who answered the question considered the requirements were clear. However, those respondents who did not agree felt that the standards required of scrutineers for workplace balloting are challenging for practical delivery. The strongest concern was that the requirement for employer consent effectively granted employers a veto, making workplace balloting potentially unlikely in practice. Many respondents considered this incompatible with workplace participation and inconsistent with established practice in other statutory contexts. There was also widespread concern that the code places asymmetric and disproportionate obligations on unions, while imposing few equivalent duties on employers.

126. Respondents also raised concerns that the code lacks clear, workplace-specific standards for scrutineer conduct, including guidance on access control, privacy, incident handling, and safeguarding against interference. Some noted that, in sectors such as maritime, 24/7 operations, or highly dispersed workplaces, the requirement for the independent scrutineer to be physically present to conduct a workplace ballot can present practical difficulties that may render the workplace balloting unviable.

Question Twenty-Eight

- **Q28 Are the ballot requirements clear? (Paragraph 133 – 139)**
- **Q28.1 Please provide any further information to support your answer**

127. Of the 69 respondents to the consultation, 47 provided a response to this question while 22 provided no answer. **29 respondents (62%) answered Yes**, 13 respondents (28%) answered No, and 5 respondents (11%) answered Not

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Sure. Of the 47 respondents, 15 provided further information to support their answer.

128. A majority of respondents considered the requirements were clear. However, some respondents felt the ballot requirements for workplace balloting are not clear, primarily because the code makes workplace ballots contingent on voluntary employer consent. This was viewed as creating an effective employer veto, undermining the purpose of workplace balloting and making its use extremely unlikely in practice. Many respondents considered this approach incompatible with participation and inconsistent with established practice elsewhere, noting that formal clarity does not translate into practical operability.
129. Further comments were raised about the design and scope of the requirements. Respondents highlighted that the code assumes conventional workplace settings and fails to account for sector-specific realities such as schools, food manufacturing, maritime environments, or 24/7 operations, where the requirements may be challenging to meet. Some respondents noted that while the requirements may appear clear on paper, they are unachievable in practice.

Question Twenty-Nine

- **Q29 Are there any further responsibilities that should be included for the parties involved in workplace balloting? (Paragraph 133 – 139)**
- **Q29.1 Please provide any further information to support your answer**

130. Of the 69 respondents to the consultation, 53 provided a response to this question while 16 provided no answer. 18 respondents (34%) answered Yes, **28 respondents (53%) answered No**, and 7 respondents (13%) answered Not Sure. Of the 53 respondents, 19 provided further information to support their answer.
131. A majority of respondents considered that there were no further responsibilities required. However, some respondents felt that employers should have clearer and more enforceable duties not to obstruct or veto workplace balloting and to facilitate secure participation. Many respondents also argued that responsibilities should reflect the realities of different working environments, including ships, schools, continuous production sites, and dispersed or outsourced workforces, and should ensure voting can take place privately, without intimidation or observation, and at times that accommodate shift patterns.

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132. There was also a call for clearer and more detailed responsibilities for scrutineers. Respondents highlighted gaps around record-keeping, queue and crowd management, dispute handling, and evidencing compliance with agreed arrangements. Others emphasised the need for explicit data protection and GDPR-aligned responsibilities for all parties, including clear data-sharing arrangements, privacy safeguards and prompt provision of accurate worker lists to support eligibility and inclusion.

Question Thirty

- **Q30 Is there anything else you think the Code should recommend to be included in a voluntary access agreement? (Paragraph 140 – 143)**
- **Q30.1 Please provide any further information to support your answer.**

133. Of the 69 respondents to the consultation, 46 provided a response to this question while 23 provided no answer. 15 respondents (33%) answered Yes, **27 respondents (59%) answered No**, and 4 respondents (9%) answered Not Sure. Of the 46 respondents, 19 provided further information to support their answer.

134. A majority of respondents considered there was nothing else to add. However, those respondents who did not agree supported the inclusion of additional responsibilities within voluntary access agreements, particularly to prevent obstruction, delay, or withdrawal of access by employers. Others argued that the code should set firm expectations around employer behaviour, including clear limits on refusal, safeguards against interference or surveillance, and defined consequences where access is withdrawn or delayed. There was also strong support for introducing clearer contingency arrangements covering disruption, emergencies, and fallback options, so that workplace balloting is not derailed by last-minute changes or disputes.

135. Some respondents also emphasised the need for stronger and more explicit operational responsibilities. These included GDPR-aligned data sharing and confidentiality duties, clear arrangements for queue and crowd management, privacy protections to prevent observation or intimidation, and practical accommodations for shift workers, disabled voters, and dispersed or remote workforces.

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Question Thirty-One

- **Q31 Is there anything else that you think the Code should recommend to be included in the provisions as set out for voter identification? (Paragraph 144)**
- **Q31.1 Please provide any further information to support your answer.**

136. Of the 69 respondents to the consultation, 42 provided a response to this question while 27 provided no answer. 9 respondents (21%) answered Yes, **28 respondents (67%) answered No**, and 5 respondents (12%) answered Not Sure. Of the 42 respondents, 13 provided further information to support their answer.
137. A majority of respondents who answered the question considered there was nothing else to add. However, those respondents who did not agree supported the introduction of a clearer and more inclusive voter identification requirements, with views suggesting that the current provisions risk excluding eligible voters. Some emphasised the need for more explicit guidance on what forms of identification are acceptable, alongside flexibility for voters who do not hold standard documents such as passports or driving licences. There was widespread concern that requiring paid or formal ID would be unreasonable and could disenfranchise low-paid, migrant, younger, or shift-based workers, undermining participation. Some suggested provision of a list of acceptable forms of identification may be useful.
138. Respondents also raised that identification processes must preserve voter secrecy and comply with legal protections, including data protection and freedom of association rights. Several highlighted the importance of agreeing identification arrangements collaboratively and communicating requirements clearly in advance, so voters know what to bring.

Question Thirty-Two

- **Q32 Do you consider this section on the requirements on sites used for workplace balloting clear? (Paragraph 145 – 150)**
- **Q32.1 Please provide any further information to support your answer.**

139. Of the 69 respondents to the consultation, 48 provided a response to this question while 21 provided no answer. **27 respondents (56%) answered Yes**, 19 respondents (40%) answered No, and 2 respondents (4%) answered Not Sure. Of the 48 respondents, 25 provided further information to support their answer.

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140. A majority of respondents considered that the existing requirements were clear. However, those respondents who did not agree highlighted the challenges of implementing the requirements in practice, this included arguments that expectations around CCTV-free areas, lockable rooms, and locations “out of sight” of management did not reflect the realities of modern workplaces, particularly in regulated, public-facing, or security-sensitive environments.
141. There was a clear objection related to the requirement that trade unions must always bear the cost of workplace balloting venues. Respondents considered this unnecessary and as giving employers leverage to force unions into costly or impractical arrangements. Others raised concerns about employer vetoes over site suitability, unclear rules for off-site balloting, and insufficient guidance on how privacy protections such as CCTV restrictions should be implemented where removal is impossible.

Question Thirty-Three

- **Q33 Should the Code include any other recommendations in relation to the requirements set out for each site location to ensure secrecy of the ballot? (Paragraph 145 – 150)**
 - **Q33.1 Please provide any further information to support your answer.**
142. Of the 69 respondents to the consultation, 44 provided a response to this question while 25 provided no answer. 9 respondents (20%) answered Yes, **28 respondents (64%) answered No**, and 7 respondents (16%) answered Not Sure. Of the 44 respondents, 12 provided further information to support their answer.
143. A majority of respondents considered no other recommendations were required. Across respondents, they all broadly supported the principle of strong secrecy protections and found the existing recommendations suitable. However, of those who said ‘Yes’ some considered the current provisions were incomplete or impractical in real-world settings. These respondents highlighted that secrecy needed to extend beyond the act of voting itself to include movement to and from the ballot location, room layout, observation limits, and handling of ballot materials. There were calls for clearer operational standards covering physical layout, limits on who may be present, queue and crowd management, and explicit prohibitions on observation, influence, filming, or photography, including via online or social media channels.
144. Another concern was related to CCTV and monitoring. Respondents noted that CCTV is ubiquitous in many workplaces and that secrecy protections should focus on restricting the use and review of surveillance systems during voting

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periods, rather than assuming CCTV can be eliminated. Others emphasised the need for qualified accessibility requirements so that secrecy measures do not unintentionally exclude voters with specific needs, and for tailored approaches in 24/7, multi-site, or specialist environments such as schools, hospitals, care settings, factories, and maritime workplaces.

Question Thirty-Four

- Q34. Do you have any other comments to raise about the Workplace Balloting section of the Code of Practice?

145. Of the 69 respondents to the consultation, 29 provided a response to this question.
146. Respondents broadly argued that key workplace balloting rules are formally clear but areas are unworkable, and that some provisions grant employers disproportionate control. The strongest and most consistent view was opposition to the mandatory off-site counting requirement, which many considered rigid, costly, and unnecessary.
147. Beyond counting, respondents raised concerns that the draft framework enables employer vetoes or obstruction, lacks sufficient secrecy and neutrality safeguards, and does not work well in sectors where fixed private spaces are not available or where workplaces are dispersed or highly regulated. Respondents also highlighted gaps in workplace-specific scrutineer standards, including clearer expectations for incident handling, evidential records, and what happens when access conditions change mid-ballot.

Government Response – Workplace Balloting Requirements (Q27 – Q34)

148. Changes to the code have been made in response to the consultation, including to draw out wider considerations that are relevant to workplace balloting, set out further clarity around the notification of the ballot to voters, set out further detail regarding the employer and union access agreement for the purpose of workplace balloting, make clear the provisions for multi-site balloting, and details on small accidental failures to be disregarded have been added.
149. However a number of proposed changes have not been made, including suggestions about providing explicit detail on exact ID requirements, queue management, or prescribing what exact contingency arrangements may need to look like. This is due to the fact that across the workplace balloting questions

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the majority of respondents considered the existing code suitable, and because where possible it is better to retain flexibility to enable workplace balloting to be adapted to different workplaces, rather than setting out stringent processes in the code, there is flexibility to enable workplace balloting to be adapted to different workplaces. Suggestions were made about providing explicit detail on exact ID requirements, queue management, or prescribing what exact contingency arrangements may need to look like. However, the code is clear that it is for employers and unions to agree the exact process of access for workplace balloting, and the code cannot set out a comprehensive all-encompassing guidance that covers every possible situation across different types of workplace. The access agreement requirements in the code and legislation are a minimum provision not a maximum.

150. There are some areas that were raised consistently across responses that have not changed in the code. These are the concerns regarding a perceived 'employer veto', and the requirement for workplace balloting to have a physical scrutineer presence. During Phase 1 of the delivery of electronic and workplace balloting, the government is clear that workplace balloting will only take place with the consent of the employer. This topic will remain under consideration, and we expect to look at this in detail as part of Phase 3 of the electronic and workplace balloting workstream. Similarly, workplace balloting will require the presence of an independent scrutineer, to ensure that the ballot is run fairly and independently to the benefit of all parties.
151. The government is clear that one of the purposes of the code is to support understanding of the legislation. The code is not intended to address every possible situation or circumstance that a party may encounter, or spell out in explicit detail the exact processes of workplace balloting that scrutineers may undertake to secure ballots, and parties will need to take their own advice regarding compliance with the underlying legislation.

Section – Responsible Person – Factors and Criteria (Q35 – Q42)

Question Thirty-Five

- **Q35 Are the requirements of the Responsible Person clear? (Paragraph 161 – 165)**
 - **Q35.1 Please provide any further information needed to support your answer.**
152. Of the 69 respondents to the consultation, 38 provided a response to this question while 31 provided no answer. **25 respondents (66%) answered Yes**, 10 respondents (26%) answered No, and 3 respondents (8%) answered Not

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Sure. Of the 38 respondents, 12 provided further information to support their answer.

153. The majority of respondents considered that the requirements relating to the responsible person are clear. However, some respondents considered that the code draws an artificial distinction between “criteria” that must be applied and “factors” that should be considered, which they viewed as unclear, unsupported by legislation, and potentially misleading. Respondents also warned that treating postal ballots as the implied default undermines the aim of modernisation and may constrain decision-making or expose ballots to challenge.
154. Further respondents called for more detail in how the responsible person’s role interacts with other legal and procedural frameworks. Respondents highlighted uncertainty about how decisions align with union rules and statutory oversight, who determines whether a responsible person has failed to comply, and what consequences follow. There were calls to make explicit that mixed balloting methods may be used within a single ballot, and to require responsible persons to maintain a written record of their decision-making to improve transparency and resilience against challenge.

Question Thirty-Six

- **Q36 Are the factors specified for the responsible person for pure electronic balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 166a)**
- **Q36.1 Please provide any further information needed to support your answer.**

155. Of the 69 respondents to the consultation, 40 provided a response to this question while 29 provided no answer. **20 respondents (50%) answered Yes**, 17 respondents (43%) answered No, and 3 respondents (8%) answered Not Sure. Of the 40 respondents, 18 provided further information to support their answer.
156. A plurality of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree raised concerns about understanding and overlap in the factors. Respondents noted that the code appears to place responsibility on the responsible person to decide which countries to block, while elsewhere suggesting different approaches, creating uncertainty and increasing the risk of legal challenge.

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157. Further concerns raised were with regard to ensuring no workplace or union email addresses are used. Respondents also highlighted that the factor asking whether pure electronic balloting is “secure” needed further definition to support decision-making. Similarly, contingency requirements were seen as opaque, with calls for more information on who contingency plans must be agreed with, how ballot extensions interact with statutory timetables, or how short-term outages should influence method selection. Many also stressed that the code does not clearly permit mixed balloting methods, despite this being necessary to ensure inclusion and practicality.

Question Thirty-Seven

- **Q37 Do you think the Criteria specified for the responsible person for pure electronic balloting are clear? (Paragraph 166b)**
- **Q37.1 Please provide any further information needed to support your answer.**

158. Of the 69 respondents to the consultation, 40 provided a response to this question while 29 provided no answer. **24 respondents (60%) answered Yes**, 13 respondents (33%) answered No, and 3 respondents (8%) answered Not Sure. Of the 40 respondents, 14 provided further information to support their answer.

159. A majority of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree largely raised the mandatory requirements that prohibit workplace or union email addresses, require all contact details to be “personal”, and ban duplicate email addresses or phone numbers. Many respondents argued that these criteria do not reflect how people actually communicate at work or at home and impose far stricter standards than those applied to postal balloting, where shared addresses are common. There was also concern that these rigid rules could expose ballots to challenge based on minor or inadvertent issues.

160. Respondents further highlighted confusion noting that what constitutes a “secure” electronic ballot is needed to be more readily defined, and without this you risk leaving responsible persons unable to apply the criteria confidently.

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Question Thirty-Eight

- **Q38 Are the Factors specified for the responsible person for hybrid electronic balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 167a)**
- **Q38.1 Please provide any further information needed to support your answer.**

161. Of the 69 respondents to the consultation, 38 provided a response to this question while 31 provided no answer. **22 respondents (58%) answered Yes**, 11 respondents (29%) answered No, and 5 respondents (13%) answered Not Sure. Of the 38 respondents, 13 provided further information to support their answer.

162. A majority of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree raised concerns about ambiguity and called for more detailed guidance. The most significant issues related to “security” requirements, IP blocking provisions, and contingency arrangements. Many respondents were concerned that the current wording risked disenfranchising legitimate overseas voters and could expose ballots to unnecessary legal challenge.

163. Further concerns focused on how hybrid balloting interacts with other voting methods. Respondents highlighted that the code does not explain how hybrid ballots should coexist with pure electronic, postal, or workplace ballots, including how voters are allocated, whether multiple methods may apply to the same voter, and which method takes precedence. Some also noted contradictions between the hybrid balloting factors and procedures used in CAC recognition ballots, adding to uncertainty about how the provisions should be applied in practice.

Question Thirty-Nine

- **Q39 Do you consider the Criteria specified for the responsible person for hybrid electronic balloting are clear? (Paragraph 166b)**
- **Q39.1 Please provide any further information needed to support your answer.**

164. Of the 69 respondents to the consultation, 32 provided a response to this question while 37 provided no answer. **23 respondents (72%) answered Yes**,

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6 respondents (19%) answered No, and 3 respondents (9%) answered Not Sure. Of the 32 respondents, 10 provided further information to support their answer.

165. A majority of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree called for more detailed rules on how hybrid balloting should operate in practice, particularly where different ballot methods may apply to different voters. Respondents considered that the code does not explain in enough detail how voters should be allocated between methods, how potential dual returns should be handled, or which method takes precedence.
166. Respondents also highlighted confusion caused by the ordering of criteria and factors compared with the pure electronic balloting section, and unclear expectations around what constitutes a “secure” hybrid ballot. Contingency arrangements were again described as unclear, with no explanation of who must agree plans, how they apply across postal and electronic components, or how changes during the ballot should be managed. Several respondents also stressed that technical security assessment should not rest with the responsible person but with the independent scrutineer.

Question Forty

- **Q40 Are the Factors specified for the responsible person for workplace balloting to support decision making when choosing the appropriate ballot method(s) clear? (Paragraph 168a)**
- **Q40.1 Please provide any further information needed to support your answer.**

167. Of the 69 respondents to the consultation, 35 provided a response to this question while 34 provided no answer. **25 respondents (71%) answered Yes**, 7 respondents (20%) answered No, and 3 respondents (9%) answered Not Sure. Of the 35 respondents, 9 provided further information to support their answer.

168. A majority of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree considered that they needed further detail to support consistent, defensible decision-making. A recurring point raised was uncertainty around the use of mixed or combined ballot methods. Respondents highlighted that the code does not clearly explain whether workplace balloting can be combined with postal, electronic, or hybrid methods, how voters should be allocated between methods, or which method takes precedence. Dependence on

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employer consent was also widely viewed as a challenge with concerns that an employer could obstruct workplace balloting altogether or undermine neutrality. Employers, meanwhile, sought clearer and more explicit grounds for declining workplace balloting to avoid adverse inference, alongside clearer links to established CAC guidance.

Question Forty-One

- **Q41 Do you consider the Criteria specified for the responsible person for workplace balloting are clear? (Paragraph 168b)**
- **Q41.1 Please provide any further information needed to support your answer.**

169. Of the 69 respondents to the consultation, 34 provided a response to this question while 35 provided no answer. **24 respondents (71%) answered Yes**, 7 respondents (21%) answered No, and 3 respondents (9%) answered Not Sure. Of the 34 respondents, 11 provided further information to support their answer.
170. A majority of respondents who answered the question considered that the existing requirements were clear. However, those respondents who did not agree were largely concerned about the requirement for employer consent and ongoing cooperation, while allowing employers to refuse or withdraw access with little consequence. Respondents were concerned that employer consent makes workplace balloting unpredictable, difficult to plan, and less workable than other ballot methods.
171. Further concerns focused on a call for further clarity on how workplace balloting can be combined with other methods, how voters should be allocated, and which method takes precedence where multiple returns are possible. There was also confusion around contingency arrangements, including who they must be agreed with and who bears costs if arrangements collapse late in the process.

Question Forty-Two

- **Q42 Do you have any other comments to raise about the Responsible Person section of the Code of Practice?**

172. Of the 69 respondents to the consultation, 8 provided a response to this question.

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173. Respondents raised a range of points about the Responsible Person section, with a strong emphasis on clarity, accountability, and practical competence. Several questioned whether the section adequately reflects how electronic voting systems operate in practice, while others highlighted gaps in cyber security expectations, data protection responsibilities, and documentation standards.
174. Some respondents also called for stronger and more explicit requirements around record-keeping and transparency. This included mandatory decision logs setting out the rationale for ballot method selection, records of accessibility, security, and data protection considerations, and clear retention requirements to support audits or challenges. Others stressed that the Responsible Person's duties overlap with existing regulatory frameworks, including trade union rules, and that the code should explicitly acknowledge and align with these obligations rather than implying a standalone role.
175. Overall, respondents considered the Responsible Person section requires further detail. The prevailing view was that the code should strengthen cyber security expectations, require clear and consistent documentation of decisions, explicitly recognise overlapping regulatory and data protection duties, and improve transparency to members.

Government Response – Responsible Person – Factors and Criteria (Q35 – Q42)

176. Overall responses indicate that the majority of respondents in each question considered the draft code's requirements, factors, and criteria to be clear. This suggests a general baseline view that the code is broadly suitable as drafted. However, a substantial share of respondents did not answer these questions, and those who chose to provide written comments tended to be those who opposed the draft code. Changes have been made in response to the comments shared by those who called for further amendments to be made to ensure that the code is understood by all.
177. The Responsible Person section has been redrafted and moved earlier in the code to provide a more chronological structure to the code and where possible reflect the concerns raised in the consultation. Changes to the code for this section have simplified and reduced the factors and criteria, and ensured that the requirements are clear to all parties. Similarly, reference to trade union rules has been included to make clear the role these rules might play in the Responsible Person's determination and the interactions that could be considered.

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178. The code has also been updated to make clear that multiple ballot methods are permitted to be used in conjunction with each other, as this was a common question raised across this section. Further detail has also been included regarding a proposed ballot plan, to support the responsible person in recording their determination against the factors and criteria and enable the scrutineer to understand what methods the responsible person has determined should be used.
179. The code has also been updated to make it clearer how and when voters can be moved between different voting methods, and how to provide for voters to have alternate options for voting in the case of issues with a particular method. As addressed in the government response to Q3-Q9 the responsible person has been updated to be the trade union.

Section – Scrutineer Reporting Obligations (Q43 – Q44)

Question Forty-Three

- **Q43 Are the additional scrutineer reporting requirements clear? (Paragraph 172 – 173)**
 - **Q43.1 Please provide any further information needed to support your answer.**
180. Of the 69 respondents to the consultation, 36 provided a response to this question while 33 provided no answer. **25 respondents (69%) answered Yes**, 6 respondents (17%) answered No, and 5 respondents (14%) answered Not Sure. Of the 36 respondents, 8 provided further information to support their answer.
181. A majority of respondents who answered the question considered that the existing requirements in the draft code were clear. However, those respondents who did not agree felt that the additional scrutineer reporting requirements are partially clear but incomplete. In particular, several respondents highlighted the absence of a required grand total across all voting methods, noting that method-by-method figures alone make it harder to understand outcomes clearly. There was support for requiring aggregate totals alongside method-specific breakdowns to improve clarity, comparability, and confidence in results.
182. Further points focused on how reporting requirements are framed and interpreted. Some respondents warned that certain reported figures, such as vote resets or deletions, could be misunderstood or misrepresented if presented without context, and argued that scrutineers should be able to

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include brief explanatory narrative so that routine system behaviour is not mistaken for irregularity or malpractice.

Question Forty-Four

- **Q44 Do you think the Code should include any other recommendations with respect to the additional requirements in scrutineer reports for ballots conducted with the new permitted methods? (Paragraph 172 – 173)**
- **Q44.1 Please provide any further information needed to support your answer.**

183. Of the 69 respondents to the consultation, 41 provided a response to this question while 28 provided no answer. 5 respondents (12%) answered Yes, **28 respondents (68%) answered No**, and 8 respondents (20%) answered Not Sure. Of the 41 respondents, 9 provided further information to support their answer.

184. A majority of respondents who answered the question considered that the existing requirements were clear and no further recommendations should be included. However, those respondents who did not agree considered that the code would benefit from additional recommendations to strengthen the clarity, robustness, and credibility of scrutineer reporting for ballots conducted using the new permitted methods. The most consistent and cross-cutting theme was a call for explicit cybersecurity and accessibility incident reporting, with respondents arguing that reports should clearly set out any security incidents, mitigations applied, and an assessment of their impact on ballot integrity. Many also supported including accessibility-related issues in the same incident reporting framework, to ensure transparency about barriers encountered during the ballot.

185. Several respondents also highlighted a lack of clarity about complaint routes available to employers. Others cautioned against disproportionate or method-specific reporting requirements, arguing that electronic ballots should not be subject to more onerous disclosure than postal ballots, particularly in relation to vote resets or deletions that may reflect normal voter behaviour rather than irregularity. There was also strong support for allowing scrutineers to include brief narrative explanations alongside quantitative data to prevent misinterpretation of raw figures.

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Government Response – Compliance and Enforcement (Q43 – Q44)

186. The reporting section of the Code of Practice has been revised to improve clarity and accessibility. The statutory reporting requirements for scrutineer reports, including the additional requirements introduced by the 2026 Order, are set out in the 1992 Act, which will have been amended by the time this Code comes into effect. Taking into account that the majority of respondents answered No to question 44, no further recommendations have been added to this part of the code of practice.

187. To avoid duplication and ensure the code remains focused on practical guidance, this section now signposts the relevant statutory reporting requirements rather than restating them in full. This approach supports a clearer and more accessible Code, which is intended to complement the legislation by providing additional context where helpful, rather than replicating legislative provisions or setting out the ballot process in detail.

Section – Other (Q45 – Q46)

Question Forty-Five

- **Q45 Are there any areas in the Code of Practice that you think would benefit from further guidance?**
- **Q45.1 Please provide any further information needed to support your answer.**

188. Of the 69 respondents to the consultation, 39 provided a response to this question while 30 provided no answer. 12 respondents (31%) answered Yes, **20 respondents (51%) answered No**, and 7 respondents (18%) answered Not Sure. Of the 39 respondents, 15 provided further information to support their answer.

189. A majority of respondents who answered the question considered that the draft Code of Practice areas were clear and no further recommendations should be included. However, those respondents who did not agree considered that there could be further changes to improve clarity, practicality, and consistency. A recurring theme was the need for clearer guidance on how Responsible Persons should document and evidence their decision-making, including how criteria and factors should be applied and recorded. Some also highlighted that the code does not sufficiently reflect real-world conditions, particularly for workplace balloting in multi-site, space-restricted, regulated, or

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safeguarding-sensitive environments, where compliance with the current assumptions may be difficult or impossible.

190. Further guidance was also sought on cybersecurity and data protection. Respondents called for clearer explanations of what standards apply, how data protection obligations extend beyond the scrutineer relationship, and how evolving technologies such as cloud hosting and remote access should be managed. Uncertainty around mixed or combination ballot methods was another point, with respondents noting that the code lacks clear, practical guidance on when combinations are permitted and how they should operate.

Question Forty-Six

- **Q46 Do you have any comments on the overall structure of the Code?**
- **Q46.1 Please provide any further information needed to support your answer.**

191. Of the 69 respondents to the consultation, 33 provided a response to this question while 36 provided no answer. 13 respondents (39%) answered Yes, **19 respondents (58%) answered No**, and 1 respondents (3%) answered Not Sure. Of the 33 respondents, 15 provided further information to support their answer.

192. A majority of respondents who answered the question considered that the existing requirements were clear and no further recommendations should be included. However, those respondents who did not agree either considered the code overly long, and prescriptive, making it difficult to navigate and apply in practice, or considered that further information was required, and the code did not capture the breadth of all possible scenarios.

193. There was concern that the structure does not adequately reflect diverse workplace realities or modern technology. Respondents highlighted that the code appears built around assumptions of conventional, land-based workplaces and traditional communication methods, with insufficient accommodation for remote, mobile, maritime, multi-site, or shift-based environments. Others warned that reliance on specific technical terminology may date quickly and that the structure lacks sufficient future-proofing.

Government Response – Other (Q45 – Q46)

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194. Many of the suggestions have been captured in the refinements made to the draft Code as set out in previous sections of this response.
195. There were a range of other useful and detailed suggestions provided by respondents that are a rich resource for development. We will consider all responses further and consider how they can be used to inform ongoing policy work.

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CONCLUSION & NEXT STEPS

196. The government would like to thank all respondents for their submissions to this consultation. The input from respondents has been invaluable and has helped to inform the updates we have made to the draft Code of Practice.
197. The government has now laid before Parliament the draft Code of Practice and the accompanying statutory instrument, the Trade Unions (Permissible Means of Voting) and Employment Rights (Unfair Dismissal) (Amendment) Order 2026 (“the 2026 Order”), which will make the changes required in legislation to permit electronic and workplace balloting.
198. The 2026 Order and draft Code of Practice will be debated in both the House of Commons and House of Lords. Once parliamentary approval has been received, the 2026 Order will be signed and a commencement order will be laid to bring the code into force on the same day as the 2026 Order.
199. The government is clear in its commitment to deliver Phase 2 of this policy, which will allow the use of electronic balloting for recognition and derecognition ballots. This work will involve making the necessary updates to Schedule A1 to the 1992 Act, including its provisions on unfair practices, to permit the use of electronic and hybrid voting for those ballots. We intend to deliver this phase in 2027.

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