London Borough of Barnet – Review of the Registration and Elections Services

Introduction

The London Borough of Barnet and its Returning Officer faced criticism for an error made at the GLA elections in May 2016 whereby the polling stations were issued with an inaccurate register. This error caused individual electors affected in the first part of the election day to be at best inconvenienced by having to manage their availability to vote and at worst unable to vote. A detailed independent review was undertaken into the circumstances surrounding the error and the action taken to rectify the error during polling day. This review undertaken by Mark Heath in May 2016 addressed these concerns and made a series of recommendations, including the need for a wider review of Barnet's electoral and registration service. The Council adopted the recommendations in full and commissioned the wider review from me. The terms of reference of my review were identified to me as

To review Barnet Council's electoral and registration functions, to identify actions to be taken to improve these and to agree an action plan to ensure actions are implemented. Specifically to consider:

- Clarification of the role and responsibilities of the Returning Officer

- Clarification of the role and responsibilities of the Council in relation to electoral registration, elections and referenda

- Planning for elections and electoral registration activity in the context of the Electoral Commission's performance standards framework

- The structure; reporting lines and resourcing of the electoral services team including:

- benchmarking the resourcing of the team with other London borough election/registration teams

- investigating alternative delivery models for electoral services

- The effectiveness of the elections and electoral registration function, including:

- The arrangements for the production and distribution of poll cards; applications for and distribution of postal votes; applications for proxy votes and proactive work to ensure an accurate and complete register of electors

- Practical arrangements for elections including the staffing and operation of the election call centre

- Arrangements for the review of polling districts and the location of polling stations

- Previous election reviews and lessons learnt, including the independent review undertaken following the May 2016 poll and evaluation following the EU Referendum

Timeline

Report to General Functions Committee 9th November, 2016. Implementation of recommendations from the review in time for the 2018 local elections.

Methodology

I have conducted this review by means of written evidence and a series of interviews. I have undertaken 21 interviews. These interviews have included staff and management of the Registration and Elections Service, Returning Officer and Deputy Returning Officers, politicians including Party Group Leaders, MP's, the Member of the London Assembly for Barnet and Camden and other external stakeholders. I have also had the benefit of a public consultation undertaken by the Council. I have read and taken account of more than 50 separate written pieces of evidence including planning and project management documentation, policies, procedures, assessments and reviews, written complaints, comments and other submissions. My review was undertaken between the end of July and the end of September, 2016. My assessment, conclusions and recommendations are intended to assist the Council and the Returning Officer to continue to ensure that the registration and elections service are meeting the needs of the electorate and effectively supporting the democratic process within the law and consistent with the standards and guidance issued by the Electoral Commission.

Assessment

1) Clarification of the role and responsibilities of the Returning Officer/Electoral Registration Officer

A local government Returning Officer is personally responsible and accountable for the administration of the local government election. The

principal duties include the nominations process, the provision and equipping of polling stations, the appointment of presiding officers and clerks, the management of the postal voting process and the verification and counting of votes. The specific duties to be undertaken vary by degrees by the nature of the election where other tiers of responsibility may apply; for example Regional Returning Officers, Chief Counting Officers and the Greater London Returning Officer. Nevertheless the core personal statutory duty applies.

It is the responsibility of all Returning Officers to ensure that in the administration of the election process the voters and those who stand for election have a positive experience in so far as the process is concerned. It is this point that underpins the Electoral Commissions standards by which they assess and judge the performance of Returning Officers. The Returning Officer must ensure that there is comprehensive, robust documented planning and decision-making. This underpins an effective system, minimizes the possibility of mistakes, supports actions to correct mistakes made and provides evidence should the Returning Officer be challenged.

Where mistakes are made in what is a complex and at times intense process for all involved, the Returning Officer is empowered in law to act to remedy mistakes made in the process and take reasonable and necessary steps that are within the law and guidance. Indeed, a failure to act to remedy mistakes leaves the returning officer vulnerable to a charge of having breached his/her official duty. Where appropriate action is taken the Returning Officer will not have committed an offence.

It is the responsibility of the Returning Officer to decide how many polling stations are required for each polling place and he must allocate electors to the polling stations in such manner as they think most convenient.

The Returning Officer, rather than the Local Authority, decides the polling stations within the polling places determined by the Council. There is a requirement to consult with interested parties.

The Electoral Registration Officer has a statutory duty to maintain an electoral register, which is as accurate and complete as possible, and to publish this register. In fulfilling this duty the Electoral Registration Officer is required to

- send more than once to any address the form to be used for the canvass
- make on one or more occasions house to house enquiries
- make contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register
- inspect any records held by any person which he is permitted to inspect
- provide training to persons under his direction or control in connection with the carrying out of the duty

The Electoral Registration Officer is also under a duty to proactively take any other steps that may promote greater accuracy and completeness of the

register and to encourage the participation of electors in their area in the electoral process.

2) Clarification of the role and responsibilities of the Council in relation to electoral registration, elections and referenda

The Council has a duty to appoint and make available to the Returning Officer/Electoral Registration Officer the resources necessary to fulfil his statutory responsibilities. In carrying out this duty the Council is required to satisfy itself that the allocated resources are being used efficiently and effectively, consistent with its general duties and powers.

The Council also has a duty to determine polling districts and polling places and is under a duty to consult before making its decision.

The Electoral Registration Officer is responsible for amending the register to reflect any changes to the polling districts.

In the general functioning of the registration and elections process I am satisfied that the Returning Officer and Electoral Registration Officer complies with his primary duties and responsibilities.

The Electoral Registration Officer takes the steps required to comply within his statutory duty including additional actions to promote registration and participation in the electoral process.

The Returning Officer similarly complies in systemic terms with the requirements placed upon him in the conduct of elections.

In both instances, there is good evidence of strong and robust planning and documentation, the proper review of outcomes and of learning from mistakes made.

In addressing the specific mistake made in the deployment of an incomplete register during the GLA elections, the Returning Officer breached the Electoral Standard of ensuring the quality of the service to the electorate and maintaining the confidence of candidates. The Returning Officer did, however, take reasonable steps to rectify the mistake and there was no evidence of systemic weakness and this error or others of a similar magnitude did not occur at the subsequent referendum.

The Council complies with its primary duties in securing the resources for the conduct of elections and registration, in the oversight of performance and in the review of polling districts and places. The General Functions Committee engages in the post election reviews and in the review of polling districts and places. The General Functions Committee took the decision to arrange a review of the elections and registrations service both to examine the specific circumstances of the GLA Election errors and a wider systemic review.

There are, of course, areas of practice which could continue to be improved and adapted to changing circumstances in both the areas of registration and elections. The accuracy and completeness of the register is a continuing challenge given a growing and transient population and in the context of the complexities associated with Individual Electoral Registration. The need to ensure initiatives taken to maximise registration are effective and achieve the desired result is key in circumstances where resources are limited. In similar terms the ability to deliver an election process which is accurate, provides as timely an outcome as possible and adapts to changing circumstances including combined polls, different election methods, changes to accommodation and logistics, require adaptability and a culture of continuous improvement. Building on the core strength and experience within the elections and registration service, the recommendations in this report draw attention to how further improvements can be made.

3) Planning for elections and electoral registration activity in the context of the Electoral Commission's performance standards framework

As indicated above the Returning Officer has breached the Electoral Commission standards for the GLA elections. However, at a more systemic level I have not found any practice that would fail to meet the Commission's core standards. The Returning Officer complies with the need to plan the requirements for both registration and election and this is well evidenced in the suite of planning documents completed by the Returning Officer. The core processes, risk assessments, and reviews are fully documented and the Returning Officer has comprehensive project plans in place. This evidence supports the conclusion that the Returning Officer fulfils his duties in the conduct of elections and in the registration process.

Nevertheless, the elections and registration service would benefit from the development of objectives and continuous improvement planning that offers the service the opportunity to stretch and challenge its performance. New objectives that enable the service to develop and refine its activities would assist both the service to better meet the needs of the registration and elections process and would further improve the experience of candidates, agents and the electorate in the exercise of these functions. This approach targeted at registration rates, the timeliness of count declarations, improved internal and external communications would do much to further improve the experience and confidence in practice. Focussed objectives will provide better opportunities to define what good looks like, to refresh the planning process and its supporting documentation and enable the Council to further fulfil its function in holding the Returning Officer to account for overall performance.

Recommendations

1) **Establish a set of stretching but achievable objectives including on registration rates, election declaration times, speed and quality of communications**

2) Research best practice in respect of the objectives chosen and consider how to apply to Barnet. Seek guidance from the Association of Electoral Administrators and the Electoral Commission on Local Authorities with proven track records

3) Revise business process plans, project plans and risk assessments in light of new objectives and methods

4) Extend the Council's existing formal review processes to include an annual review of registration performance and embed an analysis of achievement against objectives. Continue to report the outcomes of the review to the General Functions Committee for both registration and elections

4) The structure; reporting lines and resourcing of the electoral services team including: benchmarking the resourcing of the team with other London borough election/registration teams and investigating alternative delivery models for electoral services

Benchmarked against other London Boroughs the elections and registration service is broadly on a par in its overall team resourcing. (Appendix 1) However, there are some arrangements which require further consideration in the context of the planning and delivery of registration and elections services. Barnet, like most Councils, relies upon a range of people for canvassing, polling stations and counts. In the main this works well, though there is a significant turnover and this affects levels of experience and commitment. I note that currently Barnet's practice for counts is only to use Council staff, including LATC and Capita staff. This appears to me to be overly restrictive in the context of attracting sufficient of the right people for counts. Particular attention needs to be paid to continuing to refresh training that encompasses both the technical and legal requirements of the role and also begins to instil a culture that promotes pride, commitment and achievement in fulfilling the role. Feedback from polling staff, presiding officers and supervisors and count supervisors, assistant DROs and others can be used to inform improvement and be part of considering the suitability and performance of those involved in the count. The fee structure adopted needs to account for the structure and retention policy the Returning Officer wishes to retain.

Barnet also uses a key individual outside the structure as a count coordinator. He designs the count, prepares and delivers training to count staff and coordinates activity at the count. The individual involved has a great deal of knowledge and experience and he ensures that he has up to date guidance in the planning of each election. However, such a key role not embedded in the structure and overall process puts at risk business continuity, knowledge transfer, accountability and responsibility. This is qualitatively different from ancillary roles such as logistics. The Returning Officer should embed this role within the registration and elections service.

Consistent with the recommendations in section 3 above, the Returning Officer /ERO and Deputy Returning Officer/DERO should consider how to

create managerial accountability in adopting a continuous improvement model. Strong planning needs to be consistently translated into strong delivery to ensure intent and action are matched and where they are not that learning can take place. There is a high degree of professionalism and experience within the service and further development of a management culture which supports achievement will make the most of these assets.

The Council had intended to restructure the team to integrate roles and responsibilities within the team whilst allowing for the focus to shift in the cycle between aspects of registration and the election. This remains the most effective model to adopt given rolling registration, canvass periods and the cycle of elections. However, I do not think the intent of the restructuring has been fully achieved and this needs to be resolved. This needs to be underpinned by decisions over the budgets to support the activity of the team. There needs to be a clear and consistent budgeting that allows the elections and registration team to plan the activities over the year and achieve its goals.

Recommendations

5) Refresh the approach to the recruitment and retention of temporary staff and reconsider the content of the training to account for the technical and legal requirements of the role and the culture of achievement.

6) Further formalise, take account of and report on feedback received from internal and external stakeholders contributing to the election process and consider performance in light of this.

7) Review the performance of staff employed to undertake roles on the canvass, at polling stations and at the count.

8) Embed the count coordinator role within the registration and elections team

9) Fully implement the restructuring of the registration and elections team and engage the team in new ways of working to support the intent of the restructuring. Consider as part of this the opportunity for team development

10) Confirm the budget position for the replacement of the IER transitional grant, which is coming to an end

5) The effectiveness of the elections and electoral registration function, including: the arrangements for the production and distribution of poll cards; applications for and distribution of postal votes; applications for proxy votes and proactive work to ensure an accurate and complete register of electors. Practical arrangements for elections including the staffing and operation of the election call centre. Arrangements for the

review of polling districts and the location of polling stations. Previous election reviews and lessons learnt, including the independent review undertaken following the May 2015 poll and evaluation following the EU Referendum

The Registration and Elections Service detected a problem in the printing of 764 polling cards in the run up to the election in May 2016. The polling cards included the wrong polling station address, though the map on the polling card was correct. Relative to the size of the registered electorate it was small in number and the error was detected at the time and corrected. Instances of this type occur, as do instances of inaccuracies on postal vote papers. As Mark Heath made clear in his report the only way to minimise the risk of such errors is to ensure that there are robust quality checks taking place and that these are undertaken by someone independent of those who have been directly involved in the design and content generation. A systemic approach to quality checking is essential in the conduct of registration and election processes.

The core administrative processes for all aspects of the register and the issuing of paper work to the electorate are essentially robust and complete. There are clear signs that at intense activity times in the period running up to the election that the elections team are under severe strain and the risk of errors necessarily increases. Whilst this is mitigated by the actions taken to draft in additional Council staff to assist, their contribution is limited dependent on their prior experience. Some further work could be done as part of the restructuring work referenced above to examine working practices within the team, the ability of the team members to contribute to the full range of duties and to earlier and better preparation of additional staff who may be required temporarily to assist at high activity points.

There are a number of reasons why a postal voter may have cause for complaint concerning the non-receipt of a postal vote including not having successfully registered for a postal vote, error in the issuing of the postal vote and an error in the delivery. The most important issue for confidence in the system is early and effective communication. The ability to address the complaint with accurate and timely information is key alongside the clarity of the remedy. This applies for all aspects of the registration and electoral cycle and applies to handling complaints and concerns of individuals through to more proactive communication and engagement of key stakeholders in the process. Whilst, the professionalism and knowledge of the service is widely recognised, there are always improvements that can be made to communication. As part of the organisation within the team there needs to be further consideration on how the team's resources are used to further systematise points of contact, availability of points of contact, access to information and proactive communication. This is a critical issue at points of intense activity and the ability to provide reassurance through good communication to staff, the public, candidates and agents is a key element of effective practice.

The role of the contact centre is a critical element in this process. Effective communication and resolution of matters within the purview of the contact centre is dependent on the preparation, planning, implementation, training and support provided to the contact centre agents. It is also dependent on a fast, efficient and effective means to communicate and resolve matters that require the direct attention of the elections team. This remains an area for further development. There have been improvements since the system was introduced in 2015. The early planning, the mutual training and engagement between the contact centre and the elections team is to be commended. However, there remains more to do in the detailed implementation and the system of communication between the contact centre and the elections team in the live environment. In a fast changing environment of an election period there needs to be firmer contingency plans to ensure sufficient trained and equipped staff at the contact centre to manage issues that arise unexpectedly. The means of communicating phone and email contacts from the contact centre to the elections team need to be more systematised and the elections team need to be organised to deal with those that require their particular input. Further consideration should be given as to whether the contact centre's role can be safely expanded to resolve more contacts at the first point of contact and release more elections team time for other matters.

The arrangements for the review of polling districts and polling places are consistent with Electoral Commission guidance. The Council and the Returning Officer must continue to ensure that the distinction between the Council's role to decide polling districts and polling places and the Returning Officer's role in determining polling stations is understood. There will always be tensions and issues about determining these arrangements and compromise is often required to balance the views on community needs and the availability of suitable venues.

The reviews undertaken by the elections service following elections is good practice and to be commended. There is evidence of learning from the outcome of the reviews, including immediate action to implement the recommendations of Mark Heath's review of the register error made at the GLA election. It is noteworthy that the Returning Officer, his staff and the Councillors interviewed are focussed on learning the lessons and ensuring the service continues to improve. My recommendations in this review point to the opportunity to further embed the desire to improve through focussed ambition, and continuing improvement in the translation of plans into action.

Recommendations

11) Embed a quality assurance process to check the details of key documentation/outputs – including poll cards, postal votes, registers, polling station equipment, HEFs, ITRs etc.

12) Further consider detailed working practices within the team to address efficiency and effectiveness particularly as it relates to intense period activity

13) Plan and prepare early for additional staffing needs at times of intense activity and train and prepare those staff

14) Consider further planning and action to consult, engage and proactively inform relevant staff and stakeholders of actions being taken and concerning critical points in the process of registration and elections

15) Review and further systematise arrangements within the team for handling reactive communications from staff, the public and stakeholders and for the management of communications from the contact centre

16) Continue to develop the arrangements between the contact centre and the elections team to identify improvements in the preparation for elections, in contingency planning and in the communication between the contact centre and the elections team for live issues

Conclusion and Summary of Recommendations

Notwithstanding the particular problems experienced at the GLA elections, Barnet's elections and registration practice is compliant with the law and the Electoral Commission's guidance. The service would benefit from greater challenge that expects the service to perform at a higher level through a process of continuing improvement underpinned by objectives that set a direction of travel for achievements above compliance.

The service has strong and effective professional knowledge and experience. Much of this is evidenced in the planning for registration and elections. The strength of the planning is not always matched by the same robustness in the execution. Practices in the arrangements for staff to support the election, the count process, initiatives to maintain the register and some aspects of communication could be refreshed to help set a more dynamic approach. This would assist in further improving the confidence of staff and stakeholders in the registration and election process.

Recommendations

1) **Establish a set of stretching but achievable objectives including on registration rates, election declaration times, speed and quality of communications**
2) **Research best practice in respect of the objectives chosen and consider how to apply to Barnet**
3) **Revise business process plans, project plans and risk assessments in light of new objectives and methods**

4) Extend the Council's existing formal review processes to include an annual review of registration performance and embed an analysis of achievement against objectives. Continue to report the outcomes of the review to the General Functions Committee for both registration and elections
5) Refresh the approach to the recruitment and retention of temporary staff and reconsider the content of the training to account for the technical and legal requirements of the role and the culture of achievement.
6) Further formalise, take account of and report on feedback received from internal and external stakeholders contributing to the election process and consider performance in light of this.
7) Review the performance of staff employed to undertake roles on the canvass, at polling stations and at the count.
8) Embed the count coordinator role within the registration and elections team
9) Fully implement the restructuring of the registration and elections team and engage the team in new ways of working to support the intent of the restructuring. Consider as part of this the opportunity for team development
10) Confirm the budget position including the replacement for the IER transitional grant, which is coming to an end
11) Embed a quality assurance process to check the details of key documentation/outputs – including poll cards, postal votes, registers, polling station equipment, HEFs, ITRs etc.
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13) Plan and prepare early for additional staffing needs at times of intense activity and train and prepare those staff
14) Consider further planning and action to consult, engage and proactively inform relevant staff and stakeholders of actions being taken and concerning critical points in the process of registration and elections
15) Review and further systematise arrangements within the team for handling reactive communications from staff, the public and stakeholders and for the management of communications from the contact centre
16) Continue to develop the arrangements between the contact centre and the elections team to identify improvements in the preparation for elections, in contingency planning and in the communication between the contact centre and the elections team for live issues

Dr D. Smith

Managing Director

Promodo Ltd   14th October, 2016

Borough	Electorate Size (by band)	Current Full Time Staff (or equivalent) for Electoral Services only (not inc. Mgr)
A	A - Up to 150,000	Equivalent of 4 fte delivering both registration and electoral services
B	A - Up to 150,000	No reply to questionnaire
Barnet	E - Over 225,000	6.5
BB	D - 200,000 to 225,000	4.4
C	A - Up to 150,000	5.5
CC	D - 200,000 to 225,000	6
D	A - Up to 150,000	No reply to questionnaire
DD	E - Over 225,000	No reply to questionnaire
E	A - Up to 150,000	4 plus 2 apprentices
EE	E - Over 225,000	No reply to questionnaire
F	A - Up to 150,000	No reply to questionnaire
FF	E - Over 225,000	8 (4 - Registration) (3 - Elections) (1 - canvasser) NOTE: 1 of above Elections post shared with Members Services
G	A - Up to 150,000	No reply to questionnaire
H	A - Up to 150,000	8
I	A - Up to 150,000	No reply to questionnaire
J	A - Up to 150,000	No reply to questionnaire

Borough	Electorate Size (by band)	Current Full Time Staff (or equivalent) for Electoral Services only (not inc. Mgr)
K	A - Up to 150,000	No reply to questionnaire
M	B - 150,000 to 175,000	8
N	B - 150,000 to 175,000	No reply to questionnaire
O	B - 150,000 to 175,000	4
P	C - 175,000 to 200,000	No reply to questionnaire
Q	C - 175,000 to 200,000	No reply to questionnaire
R	C - 175,000 to 200,000	No reply to questionnaire
S	C - 175,000 to 200,000	No reply to questionnaire
T	C - 175,000 to 200,000	2 FT 1PT 1 FT fixed term contract
U	C - 175,000 to 200,000	6 (includes an apprentice funded via top up IER funding)
V	C - 175,000 to 200,000	5
W	C - 175,000 to 200,000	No reply to questionnaire
X	C - 175,000 to 200,000	No reply to questionnaire
Y	D - 200,000 to 225,000	11
Z	D - 200,000 to 225,000	5