

	<h2>General Functions Committee</h2> <h3>9 November 2016</h3>
<p style="text-align: right;">Title</p>	<h2>Independent Review of the Electoral Registration and Elections Services in Barnet and the council’s Response</h2>
<p style="text-align: right;">Report of</p>	<p>Interim Chief Executive</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<ul style="list-style-type: none"> • Appendix A: Dr Dave Smith’s Review of Barnet’s Electoral Registration and Elections Services • Appendix B: Report of the Elections and Electoral Registration Service Review Public Consultation
<p style="text-align: right;">Officer Contact Details</p>	<p>John Hooton – Interim Chief Executive</p>
<h2>Summary</h2>	
<ul style="list-style-type: none"> • This report overlays the final report and recommendations of the external and independent ‘Review of Barnet’s Electoral Registration and Elections Services’ that has been conducted by Dr Dave Smith (former Returning Officer for Sunderland City Council). • Following the problem of incomplete electoral registers being supplied to polling stations for the GLA elections on 5 May 2016, an independent investigation was conducted, by Mr Mark Heath (Returning Officer for Southampton City Council) to look at the specific circumstances which led to the problems experienced by voters. The report from that investigation made a number of recommendations which were all accepted and implemented by the council. • The final recommendation from the Heath Investigation was that Barnet’s Returning Officer should <i>“initiate a review of the way in which elections are delivered and how the electoral services function operates with a view to producing suitable recommendations on resources, future management, support arrangements, operating practices, compliance issues and responsibility/accountability for the electoral services function.”</i> This review by Dr Smith, its recommendations and the further proposals put forward within this report constitute the council’s implementation of that recommendation from the Heath investigation. • In summary, Dr Smith’s review finds that the Electoral Registration and Elections Services in Barnet has strong and effective professional knowledge and experience and is compliant with both the law and Electoral Commission guidance, but that there are areas in which the services can be challenged to perform at a higher level and achieve beyond compliance. • Dr Smith’s report proposes 16 recommendations for Barnet’s Electoral Registration and Elections services. These recommendations are all accepted by the council and the Returning Officer and initial responses are contained within this report. 	

Recommendations

- 1. That the Committee notes Dr Smith's report and its recommendations.**
- 2. That the Committee notes that the Returning Officer and Interim Chief Executive has accepted all of the recommendations in Dr Smith's report and the initial status of the council's intention to implement these recommendations.**
- 3. That the Committee approves the Returning Officer and Chief Executive to bring annual reports to Committee detailing activities and performance of the Electoral Registration and Elections services of the council.**
- 4. That the Committee notes and approves that the Returning Officer and Interim Chief Executive will oversee the preparation and delivery of an action plan to effectively implement all recommendations in a timely and effective manner by way of a monthly 'Elections Review Recommendations' management delivery board meeting which he will Chair.**

1. WHY THIS REPORT IS NEEDED

- 1.1 It is a statutory requirement that the process of administering and running both electoral registration and elections is conducted entirely separately from politicians.
- 1.2 The final recommendation, made by Mr Mark Heath in his report from his external and independent investigation into the problem of incomplete registers being supplied to Barnet's polling stations for the GLA elections on 5 May 2016, was that the Returning Officer initiate a review of the way in which the elections services and electoral registration operates in Barnet *"with a view to producing suitable recommendations on resources, future management, support arrangements, operating practices, compliance issues and responsibility/accountability for the electoral services function"*.

Terms of Reference for the Independent Review of Electoral Registration and Elections Services

- 1.3 At the meeting of the Committee on 29 June 2016, the Terms of Reference (ToR) for the review were discussed and approved.
- 1.4 The Interim Chief Executive consulted with London Councils for advice on appropriate individuals that could conduct the London Borough of Barnet's independent review of Electoral Registration and Election Services before appointing Dr Smith.
- 1.5 The agreed ToR were subsequently communicated to Dr Dave Smith by the Returning Officer and Interim Chief Executive when he was appointed to conduct the review on his behalf.
- 1.6 The ToR were drafted following consultation with the Electoral Commission and then approved by Committee 29th June 2016 and subsequently given to Dr Smith. They are as follows:

- 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

Information provided to Dr Smith and who he consulted

- 1.7 Dr Smith has clearly laid out the methodology for the conducting of his review within the introduction to his report and the relevant part of that paragraph is reproduced here:

“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”

- 1.8 In consultation with Dr Smith, the LBB Communications team devised and conducted a Public Engagement process, which ran between 18 July and 14 August 2016 to ensure that the views of residents were incorporated into the Review. The consultation consisted of an online feedback form published on the Barnet website, with paper copies made available in libraries. Residents who could not access the internet or collect paper copies were invited to respond by telephone by contacting the council’s main call centre. All residents that had contacted the Returning Officer or Electoral Services office following the GLA elections in May (whether in relation to the problem with

registers on polling day or with another issue) were individually contacted to invite them to engage with the consultation. The report on results from this public consultation is attached as Appendix C.

Review recommendations and the council's initial response

- 1.9 Dr Smith's final report, which includes detailed outlines his recommendations, is attached at Appendix A.
- 1.10 The Returning Officer and Interim Chief Executive has accepted all of Dr Smith's recommendations and outlined below are the council's initial responses and status updates for each of them:

Recommendations from the Dr Smith's Independent Review of Barnet's Electoral Registration and Elections Services:

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

Response of the council: The Returning Officer and Interim Chief Executive will work closely with the Director of Assurance and the Head of Electoral Services to establish stretching but realistic objectives that meet the criteria set out by Dr Smith in his recommendation and ensure that progress against meeting these objectives are regularly monitored.

- 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**

Response of the council: The Head of Electoral Services will be tasked by the Returning Officer and Interim Chief Executive with working closely with the Electoral Commission and the Association of Electoral Administrators to research and document examples of best practice across the services objectives (as set out in accordance with recommendation 1 above) and assess how these examples might be applied to Barnet. The Head of Electoral Service will present a planned approach to applying this best practice to Barnet's Electoral Registration and Elections Services objectives and service outputs. In addition the Returning Officer, Director of Assurance and Head of Electoral Services will consequently undertake a review of the business process plans, project plans and risk assessments based upon the newly developed objectives and best practice processes adopted.

- 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**

Response of the council: The Returning Officer and Interim Chief Executive proposes that an annual report reviewing the performance of the electoral registration functions is brought to the General Functions Committee at its first meeting following publication of the annual 'Revised Register of Electors' on 1 December each year. It is proposed that the first report of this nature will be brought to the Committee's meeting currently scheduled for 16th January 2017.

- 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.**

Response of the council: In consultation with the Returning Officer, the Head of Electoral Services will review the approach taken to the recruitment and retention of temporary elections and registration canvassing staff and the training that is given to them. Further to this the Head of Electoral Services will develop an appropriate recruitment and retention action plan to be used as required during those periods when it is necessary to recruit temporary elections or registration staff – with a minimum requirement that it is effectively operational in time for the delivery of the Local Elections scheduled for May 2018 (which are currently the next borough-wide elections scheduled to be held in Barnet).

- 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.**

Response of the council: In consultation with the Returning Officer and Assurance Director, the Head of Electoral Services will develop a standard review timetable, set of performance indicators and a formalised process for the conduct of reviews, which incorporate and take account of the feedback from internal and external stakeholders following any borough-wide election or referendum, with a minimum requirement that it is effectively operational in time for use following the Local Elections scheduled for May 2018.

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

Response of the council: The Head of Electoral Services will develop a set of key performance indicators to be used for more formally reviewing the performance of individual members of staff used for the conduct of elections and electoral registration (specific to the particular role any individual is appointed to deliver), with a minimum requirement that they are effectively operational in time for use at the Local Elections scheduled for May 2018.

- 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

Response of the council response: The Director of Assurance will work with the Returning Officer, Barnet's Human Resources partner and the Head of Electoral Services to develop and propose a new structure for the Electoral Services team that will:

- incorporate the count coordinator responsibilities within the permanent staff population of the service (whilst ensuring that there is no significant loss of corporate knowledge or experience in relation to the responsibilities of this role)
- allow the wider team to both fully engage in new ways of working to support the demands of the electoral registration and elections in Barnet
- provide opportunities for future team development and secure more robust succession planning within the service

The Director of Assurance will work with the Head of Electoral Services and oversee the implementation of the new structure within the Electoral Services team in a timely and effective manner. It is estimated that the restructure of the Electoral Services Team can be fully completed and operational by the end of June 2017 following consultation with staff (assuming no changes to current election timetables are forthcoming).

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

Response of the council: The Returning Officer will work with the Director of Assurance and the Director of Resources to ensure that the budget position of the Electoral Services team continues to be sufficient and appropriate to the demands upon the service. In particular, the ongoing budgetary demands placed upon the service by the implementation of IER since 2012 will be closely monitored and budgeted for as required.

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

Response of the council: The Director of Assurance and Head of Electoral Services (in consultation with the Returning Officer) will develop revised processes for the checking of key documents being generated by Electoral Services and also ensure that there is appropriate resource within the wider Commissioning Group and Assurance Directorate to

support the external verification and proofing of critical and essential documentary outputs. Further to this, the Director of Assurance will work with the senior managers across the Commissioning Group to develop a wider staff resource that is both trained and available to support the Electoral Services Team across the various critical and time-consuming processes and activities necessary during periods of intense activity for elections and registration throughout the electoral cycle.

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

Response of the council: The Head of Electoral Services will develop and run an informal and advisory 'Democracy Working Group' comprised of invited and relevant staff and stakeholders (e.g. Members, Election Agents, Staff from LBB Communications, Representatives of Local Community Groups etc.). Although this group cannot and will not have any decision making powers, the purpose of the group will be to communicate current planning and activities within Electoral Services and to take on board feedback regarding those activities and plans. It is currently estimated that a first meeting of this advisory group (to agree Terms of Reference, frequency and nature of meetings etc.) can be arranged for early in 2017.

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

Response of the council: The Returning Officer and Interim Chief Executive, Director of Strategy and Customer Services and the Director of Assurance to work with appropriate directors from CSG to enhance current arrangements and further develop provisions for the operational processes and responsibilities of a discrete elections call-centre operation when required. These arrangements to include additional training for call centre agents with the objective of driving up quality of advice and speed of resolution to residents and electors enquires. Following this, CSG and Electoral Services (in consultation with the Communications Team) to further develop the systemised arrangements between them for the handling of contacts from the public and other stakeholders during the period that an elections call centre is operational.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Dr Smith's review was conducted independently and the recommendations that he has put forward have similarly been reached independently. The interim Chief Executive and Returning Officer accepts all of Dr Smith's recommendations.
- 2.2 As Dr Smith has stated in his report: "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". The full adoption of these recommendations and the initial plans that are being put into place to achieve them are considered essential in rebuilding confidence in the effectiveness of the Electoral Services delivered by the council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 As this review was initiated following the acceptance by Committee (and the Returning Officer) of all of the proposals put forward by Mr Mark Heath in his report of his Independent Investigation into the problem with registers on polling day of 5 May 2016, no other options were put forward for consideration.

4. POST DECISION IMPLEMENTATION

- 4.1 The Returning Officer and Interim Chief Executive accepts all of Dr Smith's recommendations and as per the responses laid out above will oversee a body of work to see that the recommendations are fully adopted and worked into the normal practice and performance of the Electoral Registration and Elections functions of the council
- 4.2 The Returning Officer and Interim Chief Executive to bring annual reports to Committee detailing activities and performance of the Electoral Registration and Elections services of the council.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

It is a Corporate Priority to ensure fairness in decision making. In line with this, it is essential that electoral processes are robust and fair to all in Barnet. By adopting and implementing the recommendations put forward by Dr Smith it is considered that the principle of fairness in decision making (specifically with regards to electoral processes) will be further enhanced for the residents and electors of Barnet.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2...1 As illustrated by Recommendation 10 above, taken from Dr Smith's report, there is an identified financial pressure upon Electoral Services due to the additional demands brought about by the introduction of

Individual Electoral Registration (IER) legislation in January 2013.

- 5.2...2 The Head of Electoral Services has calculated this pressure (once it is confirmed that no further grant funding for IER will be forthcoming from Cabinet Office) to be in the region of £180,000 per year – most specifically related to the costs of the statutory annual IER Household Enquiry Form canvass that must be conducted between 1 July and 1 December each year. A reserve is being considered to be set up to fund these costs, should the IER grant funding cease.
- 5.2...3 As per Recommendations 8 and 9 above, taken from Dr Smith's report, there is a reasonable likelihood that some additional staffing budget will be required to fund a new position or positions within a restructured Electoral Services Team, to fully meet the proposals to be brought forward by the Assurance Director. At present it is considered reasonable to expect that this additional funding will be in the region of approx. £50,000 per annum for an additional staff post and to enable the responsibilities of a Count Coordinator to be fully embedded within the team. Once this review has taken place funding will be identified.
- 5.2...4 In accordance with electoral legislation specific to each electoral franchise, the majority of costs for most borough-wide elections are met by other relevant governmental agencies (e.g. Parliamentary election costs are met by parliament, London Mayoral/GLA election costs are met by the GLA etc.). The costs of Council (local) elections however are met in full by the council and any increases in the cost of conducting any election activities will have to be met by the council (whether for full Council elections, such as those scheduled for May 2018, or for single vacancy 'by elections').

5.3 Social Value
Not applicable.

5.4 Legal and Constitutional References

- 5.4...1 Each London Borough is required by Section 35(3) of the Representation of the People Act 1983 Act to appoint an officer of the council (the proper officer of the council) to be the Returning Officer (RO) for elections of borough councillors. Section 8(2)(a) of the Act also requires the Council to appoint an officer to be the Electoral Registration Officer (ERO). The ERO is responsible for the preparation and maintenance of the electoral register for any parliamentary constituency or part of a constituency within its area.
- 5.4...2 According to Section 28(1)(a) of the Act, only the ERO may act as the (Acting) Returning Officer at Parliamentary elections for constituencies in London, the Returning Officer for these elections being the Council's Mayor. It is common practice throughout therefore, that a single officer is appointed as both the RO and ERO.
- 5.4...3 Responsibility for appointing a Deputy Returning Officer rests solely with the Returning Officer (RPA 1983 35(4)). However s52(2) of the Act

provides that any deputy ERO must also be approved by the Council.

- 5.4...4 The Council Constitution, Responsibility for Functions (Annex A) sets out the terms of reference of the General Functions Committee, which include responsibility for “Elections in general”.

5.5 Risk Management

- 5.5...1 This report notes the recommendations made by an independent review, which was itself a key recommendation of an independent investigation. The point of this independent review has been to assess the current performance and suitability of Barnet’s Electoral Registration and Elections Services and to identify where improvements can be made to reduce the risk of poor performance, to identify what went wrong and learn from it, and so the actions detailed in the recommendations are designed to identify and minimise any risks.

5.6 Equalities and Diversity

- 5.6...1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, advance equality of opportunity between people from different groups and foster good relations between people from different groups
- 5.6...2 It is considered that the adoption and implementation of the recommendations from Dr Smith’s review will not negatively affect any of the groups protected under the Equality Act.

5.7 Consultation and Engagement

- 5.7...1 The Interim Chief Executive consulted with London Councils before appointing Dr Dave Smith as detailed in 1.4 above.
- 5.7...2 A public consultation was undertaken to gather responses as detailed at 1.6 above.

5.8 Insight

Not applicable

6. BACKGROUND PAPERS

- 6.1 Report and appendixes of the Independent Investigation conducted by Mr Mark Heath that was presented to the special meeting of the General Functions Committee held on 9 June 2016
- 6.2 Approval of the Terms of Reference for the Independent Review of Barnet’s Electoral Registration and Elections Services made by General Functions Committee at the meeting held on 29 June 2016.