

EQUALITY IMPACT ASSESSMENT - RESULTS

<p>Title of Policy</p>	<p>The Representation of the People (Annual Canvass) Amendment (Scotland) Order 2020</p> <p>&</p> <p>The Representation of the People (Data Matching) (Scotland) Regulations 2020</p>
<p>Summary of aims and desired outcomes of Policy</p>	<p>The proposed changes to the Regulations governing the conduct of the annual canvass will remove the current requirement on Electoral Registration Officers (EROs) to canvass all households the same way by sending up to three full canvass forms with pre-paid pre-addressed envelopes, with the addition of a household visit where the property has not responded. Instead, these changes will allow EROs to better focus their resources on households more likely to have experienced changes in composition.</p> <p>The policy is to establish a mandatory national data matching service allowing EROs discretion over the conduct of their annual canvass of the electors on their electoral registers.</p> <p>And to set out new ‘matched’ and ‘unmatched’ property routes, one of which EROs must follow based on the results of their data match step,</p>

	as well as an exemption process for certain properties.
Directorate: Division: team	Directorate for Constitution and Cabinet: Elections and FOI Division: Elections Team

Executive summary

The Scottish Government is committed to modernising the electoral registration system, so that our citizens are more readily able to register as electors and participate in our democracy. Democratic participation challenges the inequalities of power and influence that exist in society.

The intention is that the legislation governing the reformed annual canvass is less prescriptive than is currently the case. The objectives of canvass reform are:

- to make the process simpler and clearer for citizens;
- for EROs to have greater discretion to run a tailored canvass which better suits their local area;
- to reduce the administrative burden on EROs and the financial burden on taxpayers;
- to safeguard the completeness and accuracy of the registers;
- to maintain the security and integrity of the registers;
- and to include the capacity for innovation and improvement, with a model that is adaptable to future change.

The legislative change will give Electoral Registration Officers greater discretion to run a tailored canvass which better suits the needs of communities and individuals and will therefore have a positive impact across each of the protected characteristic. This assessment examines this in more detail and in some cases recommends mitigating action.

Background

The canvass gathers information on potential additions, changes and deletions to the electoral register. It is heavily paper-based and outdated. All properties must respond to the canvass even if they have no changes to report. If they fail to respond, they enter a comprehensive chasing cycle of reminders and personal door-knocking. This is costly,

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inefficient, and often confusing for electors when faced with both the annual canvass and Individual Electoral Registration (IER), which replaced household registration in 2014 and introduced an online application process.

Intervention is necessary to amend the canvass by amending the legislation. There is a need for the Scottish, UK and Welsh Governments to work together to legislate to ensure that any changes apply to all electoral registers. If SG does not take action canvass processes for the maintenance of different registers will be substantially different across the UK, creating complexity for EROs and electors.

Based on the evidence from pilots, the Scottish, UK and Welsh Governments agreed and consulted on a hybrid model taking the successful elements of each of the pilots

The new canvass will incorporate a 'data step' at the outset of the process. This will inform the ERO, based on the data available to them, which properties are likely to have an unchanged household composition, based on matching their data on registered electors against national government data, such as the Department for Work and Pensions' Customer Information System, and, where relevant, locally held data sources, such as council tax records.

The ERO will then follow one of two routes for each property:

Route 1, the matched properties route, will be used for properties where the data indicates no change in household composition.

Route 2, the unmatched properties route, will be used for properties where data matching has highlighted that there may be a change to the information the ERO currently holds for the property.

This will allow the canvass process to be streamlined for those households that have not changed since the previous year. It will enable the ERO to target their resources to where responses and updates to the electoral register are believed to be required.

A third route, Route 3 - the defined properties route, will be available for property types which do not fit clearly within Routes 1 and 2. The characteristics of these property types mean that the ERO can more

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effectively and efficiently obtain information on residents using by identifying a 'responsible person' to provide the information in respect of all residents. Examples of these property types are care homes and student halls of residence.

On 5 October 2018, the Scottish, UK and Welsh Governments jointly published a 'Consultation on Reform of the Annual Canvass', which closed on 30 November 2018 and received overwhelmingly positive responses.

This SSI will amend existing regulations around the annual canvass and ensure the new system applies to the registers for Scottish Parliament and Scottish Local Government elections.

For further background and a full description of the proposed matched and unmatched property routes, please see the Scottish, UK and Welsh Governments' joint Statement of Policy on the reform of the Annual Canvass - <https://www.gov.uk/government/consultations/proposals-for-the-reform-of-the-annual-canvass>

The Scope of the EQIA

The policy affects very broad groups within which each of the characteristics protected under the Equality Act will be represented.

The scale of the reforms, given the scale of the canvass, is large. The reformed canvass will touch the 46.5 million electors currently on the register in Great Britain (4.1 million on the registers for Scottish Parliamentary and Local Government elections). This may be higher when we take into account eligible electors that are not currently registered.

The policy will also impact on attainers, 14 and 15 years old who will attain voting rights by the next planned election.

Key findings

In considering the potential impacts deriving from the canvass reform proposals, we detail what these are and the steps taken to address them below.

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- **Age**

Impact – Generally, younger people are more likely to be more confident using, and have access to, internet enabled devices.¹ There is a risk, therefore, of older electors – who are likely to be less IT literate – becoming excluded by the modernisation of the annual canvass for example, being targeted with electronic communications rather than traditional canvassing methods.

Mitigation – The retention of traditional paper communications within the reforms will mitigate the risk to less IT literate individuals. There is no requirement on EROs to utilise the alternative communication methods which will be made available to them under the reforms; they will only do so where they hold the relevant contact details and where they consider it to be the most effective communication method. Moreover, under Route 1, the matched property route, there will be a mandatory paper communication sent to the property if an electronic communication receives no response or is not used. Under Route 2, the first contact with the property must be either paper based or a household visit. A prescribed canvass form with a prepaid, pre-addressed envelope must be sent to the property at some stage as a mandatory requirement where no response has been received.

Route 3 is expected to result in benefits to the citizen, as it will be used for properties which are not suited to traditional canvassing methods because either there are multiple unrelated occupants who are not well placed to respond on behalf of the property, or because there are particular issues with postal delivery or access to the property. Taking care homes as an example, if the ERO can identify a responsible person, such as the care home manager, they can obtain information about the residents of the care home without needing to contact individual residents. They will then send individuals an Invitation to Register form if they need to be added to the register. This should be a more straightforward and less confusing process for the individual elector, which should also lessen their risk of being missed during the canvass.

The Scottish, UK and Welsh Governments are working together with the Electoral Commission, the Scottish Assessors Association and the

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/455176/gs-15-17-future-ageing-attitudes-new-technology-er08.pdf

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Association of Electoral Administrators to ensure EROs have guidance around the use of electronic communications and what steps they should take to mitigate any negative impact. These measures will be supplemented by the continuation of public engagement campaigns, already run by both the EC and Local Authorities, which are designed to educate and inform electors on electoral registration.

Impact – With regards to attainers, if the messaging used in Route 1 canvass communications or electronic communications is not clear enough, there is a risk this could result in new attainers being missed. Unclear messaging on communications may result in recipients failing to understand the need to notify this change to the ERO. This is because the Route 1 paper communication will not require a response if the household has no changes in composition to report, nor will it be followed up with further contact by an ERO.

Mitigation – The design of communications as part of the reforms will include the development of clear messaging. The responsibility for designing communications lies with the EC and it will test the clarity and understanding of newly designed communications with users prior publishing.

Once the new canvass processes are in operation, the EC will also design a suite of good practice guidance to support the reformed canvass process. This will include steps that the ERO could take to identify attainers, for example data mining using locally available data sets, such as education data.

- **Disability**

Impacts – Disabled electors may be affected by the proposed alternative canvassing methods. We are aware from discussions with stakeholders that, for example, canvassing in person can be very beneficial for those with physical and mental disabilities. RNIB highlighted, in response to the consultation which closed in November 2018, that personal contact is an ‘important backstop’ for the process. To replace this with another form of communication, such as a phone call, may negatively impact their engagement.

Mitigation – Under section 20 of the Equality Act 2010, we must show reasonable adjustments have been made for those with disabilities.

It has been suggested that the new proposed electronic communications may, in fact, make the canvassing process more accessible for certain groups of people, for example those with visual impairments.

The Cabinet Office-led Accessibility of Elections Working Group has considered the proposals with no particular concerns or issues being raised. Members of the group include: RNIB, Mencap, Rethink Mental Illness, Scope, United Response, NHS, Royal College of Psychiatrists, SAA, EC, AEA and SOLACE. As part of engaging the Working Group, we have provided the policy for their consideration and used their feedback to refine our proposals. We will continue to engage with the Working Group as future progress is made, including on the design of communications.

With regards to the personal contact element of the canvass, EROs have discretion over choosing in-person (household visit) canvassing or telephone canvassing to fulfil this duty. The use of canvassers has not been abolished. EC Guidance will highlight the need for EROs to take account of the best canvassing method for disabled electors.

- **Gender reassignment**

Impacts – Individuals that have undergone gender reassignment may be subject to greater impact at the data matching step. As a result of their transitioning process, transgender individuals often have their national insurance numbers placed into a protected status within DWP datasets, which the data matching process will not have access to.

This means they are more likely to fail the data matching step with the result that individuals may be sent down Route 2 every time. However, going down Route 2 each year would not result in their disenfranchisement or removal from the electoral register.

Mitigation – Once sent down Route 2, the only impact will be that the elector will receive a more robust canvassing process. We do not, therefore, anticipate the reforms will have a discriminatory effect – either indirectly or directly – against transgender individuals. Further, we envisage the new process will equip EROs to offer transgender individuals an enhanced canvass experience in comparison to the current process.

- **Pregnancy and maternity**

We do not anticipate that the reforms will discriminate either indirectly or directly against the protected characteristic listed above.

- **Race**

We do not anticipate that the reforms will discriminate either indirectly or directly against the protected characteristic listed above.

- **Religion or belief**

We do not anticipate that the reforms will discriminate either indirectly or directly against the protected characteristic listed above.

- **Sex**

We do not anticipate that the reforms will discriminate either indirectly or directly against the protected characteristic listed above.

- **Sexual orientation**

We do not anticipate that the reforms will discriminate either indirectly or directly against the protected characteristic listed above.

Recommendations and Conclusion

A common theme running through a number of the identified impacts is of matching during the **data matching step**. This may mean that some people with protected characteristics could be less likely to be sent down the simpler Route 1. This will not, however, have an impact on:

- their ability to be canvassed overall;
- subsequently being added to the register (or registering to vote), or
- their ability to vote.

They will still benefit from the modernised contact methods included within Route 2.

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Continued engagement with the key groups outlined in this document will be undertaken to ensure necessary reasonable adjustments are undertaken.

The areas where this remains to be undertaken will be identified **during the design and testing of forms and communications by the Electoral Commission.**