

**POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2000**



THE SPEAKER'S COMMITTEE

SECOND REPORT 2009

Report of the Comptroller and Auditor General

**Follow Up of C&AG's Reports: Electoral
Commission 2005–2009**

POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000



THE SPEAKER'S COMMITTEE

SECOND REPORT 2009

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The Speaker's Committee

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Third Report 2007 was published in February 2008 as House of Commons Paper No. 288 of Session 2007–08.

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The Committee's Reports are available on the internet at www.publications.parliament.uk/pa/cm/cmspeaker.htm

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Speaker's Committee Second Report 2009

1. We have received the report of the Comptroller and Auditor General under paragraph 16(1) of Schedule 1 of the Political Parties, Elections and Referendums Act 2000 (PPERA) on his examination into the economy, efficiency and effectiveness with which the Commission has used its resources. The Committee has a statutory obligation¹ to have regard to the most recent such report when considering the Electoral Commission's proposed Estimates and Corporate Plan. The report, which we considered on 25 November 2009 in the context of our examination of the draft Estimate for 2010-11 and draft Corporate Plan for 2011-15, is reproduced in the Appendix.

2. The report reviews the progress the Commission has made in implementing recommendations made by the Comptroller and Auditor General with the support of the Committee in the four previous reports issued during the current Parliament. We are grateful to the Comptroller and Auditor General and his staff for producing this report. We welcome his conclusion that the Commission has made good progress in implementing the recommendations made during this Parliament in all four reports.

¹ By virtue of paragraphs 14 and 15 of Schedule 1 of the Political Parties, Elections and Referendums Act 2000.

Appendix: Follow Up of C&AG's Reports: Electoral Commission 2005–2009

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Summary

1. The Political Parties, Elections and Referendums Act, 2000 (the 2000 Act) established the Electoral Commission (the Commission) as an independent body with the aim of ensuring integrity and public confidence in the democratic process. As set out in the 2000 Act¹, each year the National Audit Office produces a report for the Speaker's Committee on the work of the Commission. For this report, the Speaker's Committee agreed the NAO should examine progress the Commission has made in implementing recommendations made by the Committee in the four reports issued during the current Parliament (Figure 1).

Figure 1: Value for Money Reports issued by the Speaker's Committee 2005 -06 to 2008-09

Parliamentary Session	Committee Report	Title
2005-06	Third Report 2005	Training Electoral Staff for the 2004 European Parliamentary Elections
2006-07	First Report 2006	Is the Public Aware of Democracy?
2007-08	Second Report 2007	Electoral registration: the lynchpin of democracy
2008-09	First Report 2009	Compliance with regulations on funding political parties

Source: National Audit Office

2. This report therefore evaluates whether the Commission has implemented the recommendations. Where events have meant recommendations are superseded, we have evaluated the extent to which the spirit of the recommendations has been met. The methodology used to produce this report is in Appendix 1. A table showing which recommendations have been implemented is at Appendix 2.

Key findings

Overall Conclusion

3. The Commission has made good progress in implementing the Committee's recommendations made during this Parliament across all four reports. Since making the decision to take the provision of guidance and support for electoral administrators back in-house, the Commission has worked well to produce new material and seminars. It now needs to improve the issuing of such material and obtain better feedback. The Commission has limited resources to help raise public awareness of democracy. It could do more to evaluate its initiatives that target harder-to-reach groups. The Commission also needs to ensure that all Electoral Registration Officers have a public awareness strategy. The Commission has reviewed its approach to establishing the level of electoral non-registration and the causes of under registration and inaccuracies in electoral registers. A full report on this issue is due to be completed by February 2010 which will be followed by a series of annual reports on the state of the registers.

¹ Political Parties, Elections and Referendums Act 2000 (Schedule 1) 16 (1) "For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 14 and 15 the Comptroller and Auditor General shall in each year— (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs)"

4. The introduction of Performance Standards for Electoral Registration Officers is an important change in improving the management of voter registration as are the steps the Commission has taken to cost voter registration. It now needs to develop benchmarks for local authorities to be able to compare the cost of registration and Key Performance Indicators so local authorities can assess their registration performance. On regulating party funding, the Commission has taken an important step by producing a draft strategy for its compliance and enforcement work.

Training electoral staff

5. The Committee's 2005-06 report reviewed training provided by the Commission for electoral staff for the 2004 European Parliamentary Elections. Recommendations centred on the Commission employing a private consortium to design and deliver the training. After the 2004 European Parliamentary Elections, the Commission changed its approach and took the identification of needs and the delivery of providing guidance and support back in-house with input from a wide range of external stakeholders, including introducing in 2008 in England and Wales, a new Elections and Electoral Registration Working Group.

6. The Working Group was set up specifically for the 2009 European Parliamentary Elections. It worked well as an advisory group although it faced some difficulties in commenting on new guidance and support material the Commission had developed, especially in the run up to the elections, due to the volume of material and the short time available. The Commission produced over 100 new pieces of guidance and support materials which have generally been welcomed by electoral administrators although a few have been used by only a minority. The Commission has also run seminars: most have been welcomed as helpful and pitched at the right level although the forms used for providing feedback on the seminars were not consistent across all regions.

7. Following the Committee's report the Commission has made significant improvements to its procurement processes, including producing a Procurement Handbook. The specific weaknesses on procurement the Committee identified have been addressed by the Commission.

Public Awareness of Democracy

8. The Commission has implemented the recommendations made on improving communications with electoral administrators. The Commission has issued formal guidance to administrators detailing their responsibilities and the Commission both communicates with administrators directly and facilitates communication between electoral administrators.

9. Since the Committee's previous report, the Commission has undertaken a variety of new projects to raise public awareness. For the London Assembly elections of 2008, the Commission carried out a specific outreach project to inform hard to reach groups of the forthcoming elections. This work on communication with such groups has been well received although the evaluation the Commission has on the London Assembly elections did not directly consider diversity issues.

10. Also in 2008, the Commission issued comprehensive new guidance to Electoral Registration Officers which included specific help on measures they could take to improve public awareness. However, in April 2009, 61 per cent of Electoral Registration Officers did not meet the Performance Standard of having a public awareness strategy. To help the public with more information on elections, the Commission has also improved the quality of its website and sought to make it more user-friendly.

Electoral registration

11. Electoral registration is a statutory responsibility for Electoral Registration Officers in local authorities and the Committee's 2007-08 report reviewed the Commission's work in supporting the system of electoral registration. The Commission has identified a number of methodologies to generate

reliable estimates for the completeness and accuracy of electoral registers as part of a programme of work to be undertaken over the next five years. The Commission believes that under-registration lies between seven and 10 per cent of the population. The Commission has commissioned surveys and examined existing academic research on this issue and plans to report on its overall findings in February 2010. The work completed to date has confirmed the difficulty of increasing levels of registration. Available evidence suggests that registration is lowest in London and amongst young people.

12. The Commission has also employed CIPFA to carry out a financial assessment of the cost of electoral registration. Preliminary findings suggest the total cost of registration across Great Britain in 2007-08 was £78.6 million. The cost per elector is higher in Scotland than in England and Wales. The Commission is awaiting final data on costs for the first year of its Performance Standards before considering whether it is possible to establish benchmarks for electoral administrators on the expected cost of local registration activities and for their performance in managing electoral registration.

13. In April 2009, the Commission published the first set of Performance Standards which assess the performance of Electoral Registration Officers in each local authority in Great Britain. The Standards are well-designed and have been broadly welcomed by electoral administrators. Overall, 84 per cent of Electoral Registration Officers met or exceeded the three key Standards on the maintenance of full and accurate electoral registers.

Compliance with regulations on funding Political Parties

14. The Political Parties, Elections and Referendums Act, 2000, gave the Commission the function of monitoring compliance with controls on political party funding and spending. In its 2008-09, report the Committee considered the effectiveness of the Commission in regulating party finances. As part of its programme of work and consistent with the Committee's recommendation, the Commission has issued a draft strategy on its proposals for enforcement and compliance which is currently out for consultation. The draft strategy is transparent and comprehensive. We found that the Commission could do more to use its investigative powers to identify reasons for parties' non-compliance with its reporting requirements, introduce some random audits, and do more to publicise its enforcement actions. It could also introduce performance measures for its enforcement and compliance work. The Commission has accepted these suggestions. It has now publicised a revised disclosure policy for its enforcement actions on its website. It has introduced performance measures for its enforcement work and met with parties who had failed to comply with reporting requirements to identify the reasons for their non-compliance. The Commission has also appointed a Head of Audit Service and envisages that random audits will be introduced as part of its risk-based audit strategy.

Recommendations

15. We make the following recommendations:

Training electoral Staff

1. In planning the guidance and support it provides for future elections, the Commission should use the model of the Elections and Electoral Registration Working Group established for the 2009 European Parliamentary Elections to ensure that it makes best use of the accumulated knowledge of Returning Officers in producing guidance and support materials. This could work alongside and draw its membership from the Electoral Management Boards coming into being.
2. The Commission should consult with electoral staff to establish in advance their planning timetables and ensure it develops and delivers its products to meet them. The Commission should include this requirement in its corporate performance targets for the delivery of guidance and support materials. The Commission should also use consistent and clear forms to obtain feedback on its training seminars.

3. As recommended in the Committee's 2005-06 report, the Commission should also develop performance targets for its guidance and briefings using as the basis the Performance Standards used for electoral officers.

Public awareness of democracy

4. Starting with the work it undertook in London in 2008 to engage hard-to-reach groups in elections, the Commission should establish whether the targeting of specific under-represented groups is the best way to reach these groups.

5. The Commission needs to work with the 61 per cent of Electoral Registration Officers who did not have a public awareness strategy designed to help improve the public's awareness and understanding of elections to remedy this.

6. The Commission has made a number of improvements to its website which allow for further incremental improvements. The Commission should consult with its key stakeholders to further determine their needs.

Electoral Registration

7. The Commission needs to continue to test the methodologies it has identified to establish the level of under registration of electors at the national level and the causes of the inaccuracy and incompleteness of electoral registers.

8. The Commission needs to undertake more work with Electoral Registration Officers to tackle the problems where under registration is lowest most notably in London.

9. The Commission needs to develop a series of benchmarks and Key Performance Indicators for local authorities to use to compare the costs of their electoral registration work and their performance with those of other authorities.

Compliance with regulations on funding political parties

10. To complement its new risk based strategy for enforcement and compliance the Commission should include in its strategy the use of:

- a small number of random audits of low risk groups; and
- investigations to establish the reasons for non-compliance with the regulations.

Part 1: Training Electoral Staff

Overview of changes to Training since 2004

1.1 Under the Political Parties, Elections and Referendums Act, 2000, (the 2000 Act), the Commission may provide relevant organisations with advice and assistance on any matter in which the Commission have skill and experience including training. The Commission may also provide advice and assistance to electoral officers, political parties and certain third parties². The Committee's third report of 2005-06 reviewed the training provided by the Commission for electoral administrators for the 2004 European Parliamentary Elections. For those elections the Commission let a contract for the development and delivery of training to a private consortium led by Solace Enterprises.

² Section 10 of the Political Parties, Election and Referendums Act 2000

1.2 After those elections the Commission re-assessed its approach to training and decided to bring its assessment of needs and the provision of guidance and support in-house. To support this move the Commission developed a strengthened core team and an integral Practice Network, which is a communication network of staff with practice responsibilities to exchange information and knowledge. The Commission has also developed its own expertise and a network of expert stakeholders who provide support in planning and delivering guidance and support materials. Figure 2 shows a summary of changes that occurred between the 2004 and 2009 European Parliamentary Elections.

Figure 2: Changes to Commission training provision

Year	EPE 2004	EPE 2009
Planning resources	<ul style="list-style-type: none"> ○ Needs analysis by the Solace Enterprises consortium 	<ul style="list-style-type: none"> ○ Co-ordination by the Electoral Practice Team, and input from the Commission's offices across the United Kingdom through the Practice Network
	<ul style="list-style-type: none"> ○ Training Strategy Advisory Group with representatives from electoral regions 	<ul style="list-style-type: none"> ○ Working Group with Regional Returning Officer representatives
		<ul style="list-style-type: none"> ○ Commission horizon scanning and call log analysis
		<ul style="list-style-type: none"> ○ Commission learning from previous training
Training sessions	<ul style="list-style-type: none"> ○ Seminars run by the Solace Enterprises consortium 	<ul style="list-style-type: none"> ○ Seminars, briefings and discussion groups led by Commission staff
Training materials	<ul style="list-style-type: none"> ○ Training session materials by the Solace Enterprises consortium ○ 7 guidance handbooks designed by Commission staff and the consortium 	<ul style="list-style-type: none"> ○ Seminar materials produced by Commission staff ○ Over 100 pieces of guidance and support materials produced by Commission staff
Evaluation methods	<ul style="list-style-type: none"> ○ Training session feedback evaluation by the Solace Enterprises consortium ○ Deloitte evaluation of training 	<ul style="list-style-type: none"> ○ Guidance and support feedback evaluated by Commission staff ○ Report by the Commission's Evaluation Team ○ Performance Standards for Returning Officers

Source: National Audit Office

Planning Training

Recommendations 1–4

Perform a Training Needs Analysis prior to the letting of the contract for any future training projects.

The Training Needs Analysis could be improved by being better designed and easier to complete, and carried out earlier.

Fully evaluate the results of the Training Needs Analysis.

Analyse the results of the Training Needs Analysis regionally.

- 1.3 **These recommendations have been superseded but implemented in spirit.** Rather than producing a single, large scale Training Needs Analysis for each election the Commission now continually gathers information from a variety of sources to shape its provision of guidance and support. The Commission prepares for changes in electoral legislation, scans the horizon for risks and analyses enquiries it receives which is helpful in establishing regional and national training needs.

The Working Group

Recommendation 5

Involve the Training Strategy Advisory Group at the planning and development stage of future training as an expert panel that can provide strategic input.

- 1.4 **This recommendation has been implemented.** The Commission's Training Strategy Advisory Group stopped meeting in 2006. However, in April 2008, for the 2009 European Parliamentary Elections in England and Wales, the Commission set up the Elections and Electoral Registration Working Group which included members nominated by Regional Returning Officers and representatives from the Association of Electoral Administrators, the Ministry of Justice and the Commission. The Working Group was helpful in providing feedback to the Commission on new guidance and support materials although it faced some problems in dealing with the volume of new guidance and support materials particularly in early 2009 when material was provided to the Working Group only shortly before publication.

The Delivery and Evaluation of Training

2005-06 Recommendation 6

Run pilot training sessions (based on a full Training Needs Analysis) for a sample of electoral staff prior to the main training programme.

- 1.5 **The Commission has implemented this recommendation.** For the 2009 European Parliamentary Elections the Commission took an iterative approach. Lessons learnt from each delivery of the seminars to the regions were incorporated into the development of future seminars.

2005-06 Recommendation 7

Ensure delivery of training materials on time, have penalty clauses in the contract to cover late delivery, and use them if necessary.

- 1.6 **This recommendation has been superseded** as the Commission no longer contracts out the production of training materials. However, the timely delivery of guidance and support materials is still a key performance measure for the Commission and is included in the relevant staff's personal performance criteria. Several administrators commented on the late release by the Commission of some publications for the 2009 European Parliamentary Elections.

2005-06 Recommendation 8

Implement a fully modular approach to future training materials to address individual training needs.

- 1.7 **The Commission has implemented this recommendation.** Since the 2004 elections, the Commission has increased its guidance and support products from seven to over 100. The materials are comprehensive and cater for the training needs of a range of electoral administrators. Feedback from election officials found that nine products were not used by over 70 per cent of respondents although the findings of the Performance Standards for Electoral Registration Officers indicate that some electoral officials would benefit from using the Commission's products more.
- 1.8 The Commission does not have feedback from all the seminars run because some of them were delivered by Regional Returning Officers. The feedback the Commission did receive was sometimes inconsistently formatted and a number of forms were filled in incorrectly. The feedback that could be used identified that the majority of attendees found the seminars informative and useful with only five per cent³ of respondents considering that the seminars were not pitched at right level.

2005-06 Recommendation 9

In conjunction with local authorities, build up a performance database on the management and control of electoral processes, to allow the Commission to set measurable performance targets for future electoral staff training projects.

- 1.9 **The Commission has taken a major step towards implementing this recommendation** by producing the first set of Performance Standards published in April 2009 (paragraphs 3.12 – 3.14). Over time these Performance Standards will be used to create an ongoing performance database for the management and control of the electoral processes.

Procurement

2005-06 Recommendation 10

Prepare an Electoral Commission procurement handbook that sets out internal policy and guidance on purchasing

- 1.10 **The Commission has implemented this recommendation.** The Commission has issued a procurement handbook which sets policies consistent with good practice and European Union regulations. In February 2009, the Commission's internal auditors concluded that adequate assurance could be taken from the controls in place although they had concerns over the value for money obtained from some suppliers and the impartiality of the supplier selection process in some cases.

2005-06 Recommendation 11

Consider consulting with potential suppliers, including small and medium enterprises, at the pre-tender stage.

- 1.11 **This has been implemented.** While the Commission's procurement handbook does not require consultation of potential suppliers, including with small and medium size enterprises (SMEs), at the pre-tender stage the Commission tries to be sensitive to the difficulties faced by

³ As some of the forms were filled in incorrectly, the figure of 5 per cent is an estimate.

SMEs in seeking public sector work. When possible it advertises its contracts on the Government's "supplyto.gov.uk" website which is targeted at SMEs.

2005-06 Recommendation 12

Perform a detailed assessment of the financial viability of potential suppliers before awarding future contracts.

1.12 **This has been partly implemented:** internal audit found that a financial analysis of potential suppliers was performed for all contracts over £1,000. The Commission considers that to undertake such assessments for contract below £1,000 does not provide good value for money. Internal Audit also found, that analyses performed at the tender evaluation stage needed to be strengthened to avoid having to seek further clarification at a later stage of the procurement process. The Commission has issued further guidance on this issue.

Part 2: Public Awareness of Democracy

Introduction

2.1 During the period under consideration the Commission had a statutory duty to promote public awareness of electoral systems in the United Kingdom; systems of local and national government; and the institutions of the European Union⁴. The Political Parties and Elections Act 2009 has now removed this duty in respect of systems of government and the European Union institutions. The Commission may carry out education and information programmes of its own, or make grants to other bodies. The Committee's 2006-07 report examined the level of public awareness of the electoral system. This included an examination of programmes and activities run by stakeholders such as Electoral Registration Officers (EROs) and by the Commission.

Communication with stakeholders

2006-7 Recommendation 1

The Commission should introduce a more formal mechanism to inform interested parties of planned events/campaigns. The Commission should build on informal networks already created.

2.2 **The Commission has implemented this recommendation.** It sends circulars to Electoral Registration Officers prior to major electoral campaigns, informing them of its planned activities. In addition, before the 2009 European Parliamentary Elections the Commission helped to establish groups of electoral administrators and other interested parties in each region, to share information and to gather feedback on public awareness work. These groups also provided the opportunity for electoral administrators to discuss their own plans for enhancing public awareness ahead of those elections. This was more effective in some regions than in others.

2.3 For the 2008 London Assembly elections, the Commission undertook outreach work designed to reach a variety of specific under-registered ethnic and socio-economic groups to enhance awareness of the forthcoming election. These communication efforts have been well received although the evaluation the Commission has on the London Assembly elections did not directly consider diversity issues.

⁴ Section 13(1) of the Political Parties, Elections and Referendums Act 2000

2006-7 Recommendation 2

The Commission should continue to build up its relationships with electoral administrators in local authorities to increase awareness locally. There is currently no consistency in the approach of local authorities in terms of raising public awareness and therefore scope for the Commission to increase its impact. The introduction of performance standards could be an opportunity to do this.

2.4 **The Commission has implemented this recommendation.** In 2008, to improve the consistency of approach adopted by Electoral Registration Officers the Commission issued comprehensive new guidance⁵ which included a section on public awareness activities including the legal basis for Electoral Registration Officers to pursue registration awareness activities.

Public outreach

2006-7 Recommendation 3

Using the opportunity of closer working with local authorities, the Commission should develop more outcome measures to assess the effectiveness of its campaigns. This would include obtaining more complete and timely electoral registration data.

In addition it could perhaps include smaller scale targeted surveys, carried out regionally or amongst specific groups.

2.5 **The Commission has partly implemented this recommendation.** The Performance Standards have for the first time provided the Commission with an overview of the extent to which electoral administrators can influence public awareness of and participation in the registration process. Performance Standard 6 requires the publication of a public awareness strategy but is the area in which the overall performance of Electoral Registration Officers is the weakest. Sixty one per cent of EROs did not meet this Standard.

2.6 The Commission considers it will be able to produce an estimate for the completeness and accuracy of the electoral register by 2011 (see Part 3). The extent to which the Commission's overall communications work affects registration completeness and accuracy is difficult to measure owing to the uncertainty of the estimates.

2.7 On the latter part of the Committee's recommendation, the Commission carried out a small-scale targeted survey following the 2008 Home Movers publicity campaign; an annual campaign run by local authorities designed to ensure that people who move house remain or are captured on the electoral register. From the findings of the 269 local authorities who responded, the Commission established that over 96,000 electors registered as a result of that campaign of which over 55,000 were new registrations. Extrapolated across all 406 local authorities in Great Britain, the number of new registrations would have been approximately 84,500. The cost of the Home Movers campaign in 2008 was £522,000; a cost of just over £6 per new registration from this campaign. This is a good result in comparison with most government publicity campaigns and the best cost per active response of all campaigns that had been analysed by the Central Office of Information at the time.

2006-7 Recommendation 4

The Commission should do more to provide information on local and European elections and institutions.

2.8 **The Commission has partly implemented this recommendation.** The Commission considers that their publicity campaign for the 2008 local elections was effective and helped to encourage registration. Their approach included using new methods such as 'ambient targeting' (advertising in

⁵ Managing electoral registration in Great Britain: guidance for Electoral Registration Officers

unusual locations such as public houses). According to the Central Office of Information report on this publicity campaign, there was a correlation between particular campaign events for example, particular television advertisements, and an increase in the number of hits on the Commission's website, including the number of downloads. The Central Office of Information report also identified that the Commission's expenditure per registration form ordered before the 2008 local elections was £16. This is a good result in comparison with most government publicity campaigns and the best cost per active response of all campaigns that had been analysed by the Central Office of Information at the time.

The Commission's Websites

2006-7 Recommendation 5

The Commission should improve its website and the information provided there, to make it easier to use and to become a one stop shop for electoral data, including, for example, turnout and outcome at previous elections.

2.9 **The Commission has implemented this recommendation.** The new version of the main corporate website structures content in a user-friendly way, and the site labelling is broadly in line with the Commission's corporate aims and objectives. Having a stable platform for the site should mean that development of the website will be simpler, and the technical infrastructure means it is better for internal users.

Figure 3 the Electoral Commission's websites

Website	Purpose
Main corporate website http://www.electoralcommission.org.uk/	A general overview of the Commission and its activities; information on the electoral system and boundary reviews
DoPolitics website http://www.dopolitics.org.uk/	Information for electoral administrators & others interested in getting involved.
About My Vote website http://www.aboutmyvote.co.uk/	Information for electors.
The Boundary Committee for England website http://www.electoralcommission.org.uk/boundary-reviews	The Boundary Committee is a statutory committee of the Electoral Commission.

Source: National Audit Office

2.10 Both the DoPolitics website and the Boundary Commission's website have been integrated into the new main Electoral Commission website. The DoPolitics website received mixed reviews from the sample of electoral administrators that we spoke to during this study. The About My Vote website, re-launched as part of the overall reworking of the corporate website, has experienced a strong increase in the number of visits and the number of downloads since it was re-launched (Figure 4). The increase in time spent on the site may indicate higher satisfaction levels as has been indicated by favourable user feedback.

Figure 4: Visits, downloads and average time spent on the About my Vote website

	Old site 1/9/06 – 31/1/07	Old site 1/9/07- 31/1/08	New site 1/9/08- 31/1/09
Number of site visits	87,222	156,393	188,781

Registration form downloads	3,266	33,203	70,521
Average time spent on site	3 min 33 sec	3 min 36 sec	4 min 53 sec

Source: Electoral Commission

Part 3: Electoral Registration

Introduction

3.1 The Electoral Administration Act, 2006, introduced the duty of electoral officials to encourage participation by the public in the electoral process. The Act also empowered the Commission to set performance standards for election officers and to publish a report on the level of performance attained.⁶ The Committee's 2007-08 report reviewed the Commission's work in supporting the system of electoral registration. Electoral Registration Officers (EROs) at local authorities have prime responsibility for the completeness and accuracy of the electoral registers.

Data gathering

2007-08 Recommendation 1

- a) The Commission should use its new powers to request information from EROs on costs of activities to promote registration, numbers joining/ leaving the register as a result of each activity, and details of ERO actions to establish completeness & accuracy of register
- b) The Commission should then use these data to confirm successful (cost-effective) methods for improving completeness & accuracy of registers.

3.2 **The Commission has partly implemented this recommendation.** In 2007-08, in response to the first part of this recommendation the Commission employed CIPFA to carry out a financial information survey. CIPFA are currently preparing their final report. Initial findings show that the estimated total expenditure on electoral registration across Great Britain in 2007-08 was £78.6 million. Expenditure per elector across Great Britain was £1.80, with expenditure higher in Scotland (£2.58) than in England (£1.74) and Wales (£1.64).

3.3 The Commission has not yet been able to respond to the second part of the recommendation as financial information on the first year of the Performance Standards was not available. Consequently there is as yet no demonstrable links between funding and performance. The Commission considers that this will be possible after it has analysed the second year of financial data and hopes to report by the end of 2009.

2007-08 Recommendation 2

- a) The Commission should gather examples of ERO initiatives to improve registration response rates, together with other information, such as the demographic profile of the authority, and use the data to review the effectiveness and comparative VFM, of different canvassing methods.
- b) The Commission should share this information with EROs.

⁶ Section 67 of the Electoral Administration Act 2006

3.4 **The Commission has implemented this recommendation.** The most effective method of spreading best practice is by networking within the community of electoral administrators. The Commission encourages EROs to share best practice through regular seminars. The Commission's guidance to EROs (paragraph 2.4) also included a model of registration best practice. This included advice on managing house-to-house canvassing, a weakness in some areas, and the value of benchmarking the work of canvassers against previous or comparable experience. This guidance has been favourably received by EROs.

2007-08 Recommendation 3

The Commission should reinforce guidance to EROs on data matching to validate registers for completeness & accuracy. Some EROs have cited data protection as a reason for not data matching despite clear guidance from the Commission. The Commission will produce a single comprehensive guide for EROs by late 2007 to cover data matching, data sharing and the intersection of electoral law and data protection

3.5 **The Commission has implemented this recommendation.** Some electoral administrators were concerned about data confidentiality requirements which they considered prevented them from using data matching to validate the completeness and accuracy of their election registers. To clarify this issue, the Commission's guidance (paragraph 3.4) included extensive advice on the use of data for assessing the completeness and accuracy of the register. The guidance confirmed that

'The Electoral Registration Officer is authorised to inspect, for the purposes of their registration duties, records kept in whatever form by: (a) the council which appointed them and any registrar of births and deaths or (b) any person, including a company or organisation, providing services to, or authorised to exercise any function of, any such authority as defined in (a) above'.

The Guidance therefore provides the systematic clarification needed on the legal position of data matching. EROs have welcomed the guidance and are applying it.

3.6 The Commission also recommended that Electoral Registration Officers liaise with the Data Protection Officer within their local authority to ensure any inspection they carry out is compliant with the Data Protection Act on the security of personal data.

3.7 The provision for data matching pilots has been introduced by the Political Parties and Election Act, 2009. Such pilots offer the promise of further improvements to the accuracy of electoral registers. Responsibility for taking these forward lies with the Ministry of Justice. The Act includes provisions for EROs to apply to the Secretary of State to undertake pilot schemes, whereby they can obtain access to information to help improve the completeness and accuracy of the register. Once the Ministry of Justice has sent out a prospectus for the pilot schemes and identified which local authorities will be participating in the proposed pilots the Commission's role will be to evaluate and publish a report of each scheme, including an assessment of its efficacy.

Completeness and accuracy of the electoral register

2007-08 Recommendation 4

The Commission should finalise the methodology for establishing the extent and causes of inaccuracy in the register and to identify necessary changes to systems to strengthen controls.

3.8 **The Commission has partly implemented this recommendation.** The Commission has a significant ongoing work programme exploring the issues affecting the accuracy and completeness of the registers. The Commission is due to issue an interim report on this issue in November 2009 and a

final report in February 2010. The Commission revised its definitions of what 'completeness' and 'accuracy' in 2008.

3.9 The existing academic research literature on electoral registration, which has accumulated over several decades in response to episodic concerns over specific aspects of registration, is patchy. Specific concerns about the accuracy of registers only emerged following some recent fraud cases. On the basis of current work, it is not possible to determine the prevalence of fraud, and a major research project would be needed to investigate the subject adequately. However, the findings of the existing work are consistent with the Commission's estimates of under-registration. The Commission believes that under-registration runs between seven and 10 per cent and is most probably eight to nine per cent. There is no estimate for the rate of over-registration; that is, entries arising from the duplication of entries or through fraud.

3.10 Registration rates are driven by numerous factors. Some are under the direct control of electoral administrators such as the canvass of households but many are less under their control such as the level of public engagement with democracy. Registration rates vary by geographical region and are affected by a range of socioeconomic factors. Central London has the biggest concentration of under-registration, as it has high levels of young people, a more transient population and a higher population of people from ethnic minorities who may be less likely to register.

3.11 The Commission has reviewed the reliable and cost effective methodologies that can be used to determine the completeness and accuracy of the register. An ideal approach would be to match Census data to the registers. However, there are practical problems with this. Census data is imperfect and ages rapidly, being undertaken only a once a decade. Those people missed by the Census tend to be those missing from the registers. The Commission has worked with the Office of National Statistics to address the problem of the aging of data. Other estimations suffer from even worse problems of uncertainty. The surveys carried out hitherto have produced no better results and have been very expensive.

Performance management

2007-08 Recommendation 5

In finalising its performance management strategy, the Commission should consult with existing networks of electoral administrators (both formal, such as the Association of Electoral Administrators and the Scottish Assessors Association, and informal). This will enable it to identify performance measures that are compliant with the principles of effective performance standards.

3.12 **The Commission has implemented this recommendation.** In 2007, it consulted with EROs on eight proposed draft Performance Standards that would apply to all EROs. The result was a reformulation of the draft Standards from eight to ten. The Performance Standards (Appendix 3) meet key criteria in the NAO's FABRIC toolkit for the assessment of such measures which requires they are:

- *focused on the organisation's aims and objectives:* the Standards reflect the Commission's goals to for example, promote house-to-house enquiries;
- *appropriate to, and useful for, the users:* After some opposition EROs have acknowledged the value of the Standards, and accepted the process.
- *balanced, giving a picture of what the organisation is doing, covering all significant areas of work:* the Standards cover registration, the integrity of electoral processes, public awareness and planning and training. The Commission's role is to provide oversight of all these key responsibilities.
- *cost-effective:* EROs have now accepted that the process, including necessary improvements can be managed within existing budgets.

3.13 In 2008, ERO's undertook their first self-assessment against the Performance Standards. Responses were received from all 404 EROs in Great Britain and validated by the Commission on a sample basis. The findings established that most EROs met or were above most of the Standards. Overall, 84 per cent of EROs met or exceeded the first three Standards on the maintenance of full and accurate electoral registers, and no ERO failed to meet all three. However, 58 EROs failed to meet one or more of these key Standards. The Commission is engaging with these weaker-performing authorities to discuss their plans for improvement.

3.14 Further examination of the Standards show that there is a common pattern of weakness in areas where the Standards require a formal written plan, such as under Standard 3 on house-to-house enquiries and Standard 4 on maintaining the integrity of registration and absent vote applications. Information about the performance of EROs is available on the Commission's website, where interested parties can review performance and compare ERO performance across local authorities.

2007-08 Recommendation 6

The Commission should liaise with the Audit Commission and the relevant bodies in Scotland and Wales so that the eventual PM regime is aligned with changes to the Comprehensive Performance Assessment (CPA).

3.15 The Commission's Internal Audit reported in May 2009 that **this was the only recommendation in this report where no progress had been made.** The Commission considers it has developed links with the Audit Commission and with the devolved administrations' auditors with a strong relationship with the Welsh Assembly Government. Relationships including with the Audit Commission have been harder to develop, in part because electoral registration forms a small part of its remit and work.

2007-08 Recommendation 7

The Commission should develop benchmarks for levels of election registration expenditure along with KPIs, to identify where resources may be a factor in performance issues. These benchmarks could include:

- the cost of the provision of electoral services and if possible registration
- the percentage of the adult population on the register
- the percentage of 16 and 17 year olds (attainers) registered as a percentage of expected population of the age group
- percentage and number of registered entries over 12 months old
- percentage of canvass forms returned (split between initial response and after follow up)
- data on activities to encourage hard to reach groups to register, along with the costs and impact of the work.

3.16 **The Commission has partly implemented this recommendation.** The Commission is waiting an analysis of the results of the financial information survey (paragraph 3.2).

2007-08 Recommendation 8

- a) The EC should use peer review for work on performance management, to encourage EROs to buy into standards as a way to raise performance.
- b) The EC should also explore the potential for the relevant local government audit body to contribute to this work, as part of the work of these bodies on local authorities' performance measures.

3.17 **The Commission has partly implemented this recommendation.** In June 2008, it led an exercise which resulted in an agreement among the EROs involved to use best practice, for example, in adopting anti-fraud measures. The Commission's regional offices carried out a basic validation of the ERO's self-assessment but did not use peer review. The Commission is carrying out validation work on these self-assessment returns. More generally the Audit Commission finds it difficult to contribute to assessing the quality of electoral administration as this is a negligible part of its work.

Part 4: Compliance with regulations on funding Political Parties

4.1 The Political Parties, Elections and Referendums Act, 2000, gave the Commission the function of monitoring compliance with controls on political party funding and spending. To help enforce these controls the Commission was given a limited range of supervisory and sanctioning powers. The Electoral Administration Act, 2006 aimed to improve the openness and transparency of party financing. The reporting of loans was brought into line with the pre-existing party donations regulations.

4.2 In its 2008-09, report the Committee considered the effectiveness of the Commission in regulating party finances. The Commission's implementation of the Committee's recommendations was dependant upon the publication of the Political Parties and Elections Act which received Royal Assent in July 2009. The Act provides the Commission with new powers to investigate breaches of the law on party and election finance, and it will be able to impose various civil sanctions, such as fines and compliance notices, rather than referring cases for criminal investigation. This will allow the Commission to take proportionate action in cases which do not merit criminal investigation. New sanctions will not apply to any breaches in the law prior to final Parliamentary approval expected in 2010.

2008-09 Recommendation 1:

The Commission does not yet have a fully risk based strategy for enforcement and compliance as best regulatory practice suggests. The Commission recognises the lack of such a strategy and is in the process of developing one.

4.3 **The Commission now has a draft strategy** for enforcement and compliance which includes extensive proposals for a risk based approach. The strategy includes most elements of the Hampton vision although there is one omission. The Hampton guidance suggests that the targeting of resources towards high risk cases should not be to the exclusion of random inspection of low risk cases but the Commission's strategy does not currently include provision for the random inspection of low risk cases. The Commission has recently appointed a Head of Audit Services who envisages that such random audits will form part of the Commission's risk based strategy in the future.

2008-09 Recommendation 2:

The Commission does not yet have a comprehensive and transparent enforcement and sanctions policy. Work is well underway on indicative draft policies and guidance to coincide with Parliament's consideration of the Political Parties and Elections Bill. The Commission should develop and promulgate their guidance, based on a risk based strategy, through all available means (electronic and other) as an aid to compliance.

4.4 **The Commission has partly implemented this recommendation.** We found the draft to be largely comprehensive and transparent. The accompanying guidance which has been published on its website is now being reviewed by the Commission for completeness.

2008-09 Recommendation 3:

The Commission does not have a performance measurement framework with performance measures linked to outcomes as recommended in the Hampton report as best practice for regulators. We have provided separate guidance to the Commission on developing performance measures and once the risk based strategy recommended above is in place, it would be timely to develop performance measures.

4.5 **The Commission has partly implemented this recommendation.** In the Commission's Corporate Plan for 2009-10 the measures are better quantified, more extensive and better linked to outcomes than in the 2008-09 plan. The performance measures do not cover all of its planned activities as part of its strategy. Targets should be clear with any complex areas explained in detail. This helps to ensure that there is no ambiguity in the meaning of the target and how it is to be measured. Targets should also be stretching. The Commission is now working to improve the performance measures which will appear in its 2010-11 strategy.

2008-09 Recommendation 4:

The Commission is actively working towards compliance with the principles of effective regulation. The Commission needs to demonstrate its compliance with these principles in order to make effective use of a more flexible sanctions regime.

4.6 **The Commission has partly implemented this recommendation.** The Commission does not explicitly make reference to the principles required to demonstrate its compliance but in practice the draft strategy demonstrates the principles of good regulation practice. By putting its draft policy out to consultation the Commission is also complying with one of the key principles of effective regulation. The strategy is also intended to be proportionate by placing the regulatory burden upon high risk cases.

4.7 The Commission has begun to use its supervisory powers to be more proactive in identifying reasons for non-compliance with the statutory reporting requirements. For example, it has met with parties who have failed to report donations received during the relevant period covered by a statutory return to assess why the reporting failures occurred. The Commission has also published its revised disclosure policy of enforcement actions on its website. The Commission is also working towards publishing its proposed actions on enforcement as soon as possible.

Appendix 1: Methodology

Our methodology focussed on identifying and validating actions taken by the Commission which related to the implementation of the recommendations in our previous reports during the lifetime of the current Parliament. We took a broad approach in terms of identifying actions that were relevant, as we did not demand that the Commission demonstrate that actions were taken solely and necessarily as a result of our recommendations.

Method	Purpose
Review of legislation	To understand the Commission's roles, powers and responsibilities
Review of Commission website	To assess implementation of recommendations regarding communication with stakeholders
Review of Commission policies, draft policies and plans	To assess implementation of recommendations in Commission's approach and strategy
Interviews with Commission staff	To understand the Commission's constraints and review the working of the Commission in delivery of its strategy
Review of operational documents and evaluation reports commissioned by EC	To confirm Commission actions taken in implementing recommendations
Visits to Commission regional offices	To review the working of the Commission in the regions in delivery of its strategy
Stakeholder interviews	To gain a wider view of the Commission and the impacts of implementation of our recommendations

We were not able to carry out the observations of meetings originally planned due to time constraints.

Appendix 2: Summary of previous recommendations

Ref.	Detail	Status
2005/1	The Commission should perform a Training Needs Analysis (TNA) prior to the letting of the contract for any future training projects.	Superseded but implemented in spirit
2005/2	The Training Needs Analysis could be improved by being better designed and easier to complete, and carried out earlier	Superseded but implemented in spirit
2005/3	Fully evaluate the results of the Training Needs Analysis against planned programmes	Superseded but implemented in spirit
2005/4	Analyse the results of the Training Needs Analysis regionally	Superseded but implemented in spirit
2005/5	Involve the Training Strategy Advisory Group at the planning and development stage of future training as an expert panel that can provide strategic input.	✓ ✓
2005/6	Run pilot training sessions (based on a full Training Needs Analysis) for a sample of electoral staff prior to the main training programme.	✓ ✓
2005/7	Ensure delivery of training materials on time, have penalty clauses in the contract to cover late delivery, and use them if necessary.	Superseded
2005/8	Implement a fully modular approach to future training materials to address individual training needs.	✓ ✓
2005/9	In conjunction with local authorities, build up a performance database on the management and control of electoral processes, to allow the Commission to set measurable performance targets for future electoral staff training projects.	✓
2005/10	Prepare an Electoral Commission procurement handbook that sets out internal policy and guidance on purchasing.	✓ ✓
2005/11	Consider consulting with potential suppliers, including small and medium enterprises, at the pre-tender stage. This allows potential suppliers to gain an insight into the requirements of the contract and so help formulate a final and more flexible invitation to tender document.	✓ ✓
2005/12	Perform a detailed assessment of the financial viability of potential suppliers before awarding future contracts. In particular, the Commission should carry out an overall review of the potential supplier's audited financial statements and annual reports.	✓
2006/1	The Commission should introduce a more formal mechanism to	✓ ✓

	inform interested parties of planned events/campaigns. The Commission should build on informal networks already created.	
2006/2	The Commission should continue to build up its relationships with electoral administrators in local authorities to increase awareness locally. There is currently no consistency in the approach of local authorities in terms of raising public awareness and therefore scope for the Commission to increase its impact. The introduction of performance standards could be an opportunity to do this.	✓ ✓
2006/3	Using the opportunity of closer working with local authorities, the Commission should develop more outcome measures to assess the effectiveness of its campaigns. This would include obtaining more complete and timely electoral registration data. In addition it could perhaps include smaller scale targeted surveys, carried out regionally or amongst specific groups.	✓
2006/4	The Commission should do more to provide information on local and European elections and institutions.	✓
2006/5	The Commission should improve its website and the information provided there, to make it easier to use and to become a one stop shop for electoral data, including, for example, turnout and outcome at previous elections.	✓ ✓
2007/1	a) The Commission should use its new powers to request information from EROs on costs of activities to promote registration, numbers joining/ leaving the register as a result of each activity, and details of ERO actions to establish completeness & accuracy of register. b) The Commission should then use these data to confirm successful (cost-effective) methods for improving completeness & accuracy of registers.	✓
2007/2	a) The Commission should gather examples of ERO initiatives to improve registration response rates, together with other information, such as the demographic profile of the authority, and use the data to review the effectiveness and comparative VFM, of different canvassing methods (could use work already done by EC in 2002 with the report 'Making an Impact'). b) The Commission should share this information with EROs.	✓ ✓
2007/3	The Commission should reinforce guidance to EROs on data matching to validate registers for completeness & accuracy. Some EROs have cited data protection as a reason for not data matching despite clear guidance from the EC. EC will produce a single comprehensive guide for EROs by late 2007 to cover data matching, data sharing and the intersection of electoral law and data protection.	✓ ✓
2007/4	The Commission should finalise the methodology for establishing the extent and causes of inaccuracy in the register and to identify necessary changes to systems to strengthen controls.	✓
2007/5	In finalising its PM strategy, the Commission should consult with	✓ ✓

	existing networks of EROs (both formal, such as the Association of Electoral Administrators and the Scottish Assessors Association, and informal). This will enable it to identify performance measures that are FABRIC compliant.	
2007/6	The Commission should liaise with the Audit Commission and the relevant bodies in Scotland and Wales so that the eventual performance management regime is aligned with changes to the Comprehensive Performance Assessment.	x
2007/7	The Commission should develop benchmarks for levels of election registration expenditure along with KPIs, to identify where resources may be a factor in performance issues. These benchmarks could include: the cost of the provision of electoral services and if possible registration; the percentage of the adult population on the register; the percentage of 16 and 17 year olds (attainers) registered as a percentage of expected population of the age group; percentage and number of registered entries over 12 months old; percentage of canvass forms returned (split between initial response and after follow up); and data on activities to encourage hard to reach groups to register, along with the costs and impact of the work.	✓
2007/8	a) The Commission should use peer review for work on PM, to encourage EROs to buy into standards as a way to raise performance. b) The Commission should also explore the potential for the relevant local government audit body to contribute to this work, as part of the work of these bodies on LAs' performance measures.	✓
2009/1	The Commission does not yet have a fully risk based strategy for enforcement and compliance as best regulatory practice suggests. The Commission recognises the lack of such a strategy and is in the process of developing one.	✓ ✓
2009/2	The Commission does not yet have a comprehensive and transparent enforcement and sanctions policy. Work is well underway on indicative draft policies and guidance to coincide with Parliament's consideration of the Political Parties and Elections Bill. The Commission should develop and promulgate their guidance, based on a risk based strategy, through all available means (electronic and other) as an aid to compliance.	✓
2009/3	The Commission does not have a performance measurement framework with performance measures linked to outcomes as recommended in the Hampton report as best practice for regulators. We have provided separate guidance to the Commission on developing performance measures and once the risk based strategy recommended above is in place, it would be timely to develop performance measures.	✓

2009/4	The Commission is actively working towards compliance with the principles of effective regulation. The Commission needs to demonstrate its compliance with these principles in order to make effective use of a more flexible sanctions regime.	✓
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Key: ✓ ✓ Fully implemented
 ✓ Partly implemented
 x Not implemented

Appendix 3: Performance Standards

Subject area	Standard	Not meeting	Meeting	Exceeding
Completeness and accuracy of electoral registration records	1 Using information sources to verify entries on the register of electors and identify potential new electors	Limited or no verification	Rolling use of locally available information	Use of all relevant information on verification
	2 Maintaining the property database	Limited or no updating of database	Rolling use of locally available information	Use of all relevant information
	3 House-to-house enquiries	No plan or objectives unmet	Written plan with monitoring	Comprehensive plan and strategy
Integrity of the registration process	4 Maintaining the integrity of registration and absent vote applications	Informal or no checks	Comprehensive plan backed by appropriate enforcement	Plan backed by rolling risk assessment
	5 Supply and security of the register and absent voter lists	Lists not supplied	Lists supplied; staff receive necessary training	Lists supplied; all transactions and complaints recorded
Encouraging participation in the registration process	6 Public awareness strategy	No written strategy	Documented strategy with evaluation plan	As left, with budget and lessons learned
	7 Working with partners	No joint working	Consultation within the local authority	Consultation both within and outside local authority
	8 Accessibility and communication of information	Inadequate range of formats and channels	Accessible information	Pro-active research into formats/ languages needed
Planning and organisation	9 Planning for rolling registration and the annual canvass	No plan	Plan with risk register	As left with budget and business continuity plan
	10 Training	Basic or no training	Relevant training to all staff	As left backed by plan and evaluation