

Equality of Opportunity Committee

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Scoping paper for the Committee's inquiry into the accessibility of polling stations in Wales

Purpose

1. To discuss the scoping paper for the Committee's first scrutiny inquiry into the accessibility of polling stations in Wales.

Background

2. Members of the Equality of Opportunity Committee have indicated that they would like to undertake a focussed inquiry into the accessibility of polling stations, issuing recommendations by the beginning of the Christmas recess so that they might have maximum impact before the Local Elections in May 2008.

3. The scoping paper at Annex 1 sets out the proposed scope of the inquiry.

Action

4. Members are invited to agree the terms of reference and suggested witnesses for the inquiry.

Committee Service

September 2007

Equality of Opportunity Committee

The Accessibility of Welsh Polling Stations - Scoping Paper

Members of the Equality of Opportunity Committee have indicated that they would like to undertake a focussed inquiry into the accessibility of polling stations, issuing recommendations by the beginning of the Christmas recess so that they might have maximum impact before the Local Elections in May 2008.

In order to assist Members, this paper provides an overview of the accessibility of polling stations in Wales at the last Assembly elections in 2007, according to Scope Cymru's 2007 Polls Apart survey. Relevant recommendations from that report and those included in a scrutiny report on electoral arrangements published by the Local Government and Public Services Committee of the Second Assembly are highlighted. Suggestions are made for terms of reference for a scrutiny inquiry into the enduring problems and actions which are being, or might be taken to improve the situation by the next Local Elections in May 2008.

Contents

1. Assessing the problem – the Polls Apart campaign
2. Local Government and Public Services Committee of the Second Assembly – policy review on electoral arrangements in Wales
3. Scope for law making
4. Suggested terms of reference
5. Provisional list of witnesses for oral evidence gathering sessions

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1. Assessing the problem – the Polls Apart campaign

The disability organisation Scope launched the 'Polls Apart' campaign in **1992** in response to complaints by disabled people about the inaccessibility of local polling stations. The campaign involves the gathering of survey evidence by disabled people on the [mainly physical] accessibility of polling stations. At that time, Scope concluded that over **90%** of the polling stations surveyed in the UK were inaccessible in some way.

The first All Wales Polls Apart evaluation¹, which was funded by the Assembly Government, took place on 1 May 2003 for the National Assembly for Wales elections. Previously, disabled people in Wales did contribute to Polls Apart but in smaller numbers which didn't cover every constituency in Wales. During the 2003 '**Polls Apart Cymru**' evaluation 363 disabled people completed an accessibility survey based on experiences in 322 polling stations covering every constituency in Wales. The findings indicated that **77%** of all the polling stations surveyed failed a basic accessibility test. At that time, Scope estimated that there were, on average, **13,000** disabled people in each constituency, many of whom would find it 'difficult or impossible to vote'². The Welsh results for the 2005 Polls Apart General Election survey were based on surveys completed by disabled people in **297** polling stations and indicated that **70%** were inaccessible. The findings of the second Polls Apart Cymru survey in 2007, based on **133** survey responses covering **25 constituencies**, indicate that **70% remain inaccessible**³.

Polling stations are considered by the Polls Apart team to be accessible if survey respondents answer yes to the following 5 questions.

- Is there level access into the polling station?
- If there is a ramp to improve access, is it appropriately designed?
- Is there level access inside the polling station and is there enough room for a disabled person to move around?
- Is there a low-level polling booth?
- Is there a large print version of the ballot paper on display?

In the Polls Apart Cymru 2007 report, Scope Cymru congratulate local authorities on their work in ensuring that polling stations are more physically accessible and acknowledge that the latest findings do not fully reflect the step change in key areas around accessibility at the 2007 election. They explain the findings as follows:

¹ Morris, G., Roddy, G. and Barnett. E. *Polls Apart Cymru: elections*. 2003. Scope Cymru: <http://www.pollsapartcymru.org.uk/docs/polls%20apart%2003%20english.pdf>

² Ibid, Page 4.

³ E. Barnett. R. Scott, G. Morris. *Polls Apart Cymru 2007: A reassessment of the accessibility of Welsh polling stations during the 2007 National Assembly for Wales election*. May 2007. Scope Cymru: http://www.pollsapartcymru.org.uk/2007/docs/Polls_Apart_Cymru_2007.pdf

"The reason that the overall figure is sticking obstinately at around the 70% level is, we believe, because access improvements have taken place in isolation. Physical access to many polling stations has improved but proper consideration was not given to the overall voting environment and the way polling stations were set up created unnecessary and avoidable access barriers". (page 7)

The following respondent quote illustrates this point:

"Good ramp to near entrance but then an outside doormat was in the way." (page 13)

Polls Apart Cymru 2007 includes a number of recommendations including these for the Assembly Government:

- Fund a training programme for electoral administrators to enable them to better meet the access needs of disabled voters, especially deaf and visually impaired voters and those with multiple impairments.
- Create an award for the most accessible polling station and the most improved polling station in Wales. Run this as part of the four-yearly review of polling stations required by the *Electoral Administration Act 2006*.
- Run an e-voting pilot in Wales to trial new, fully accessible systems of voting and promote this to disabled voters.

2. Local Government and Public Services Committee of the Second Assembly – Electoral Arrangements in Wales scrutiny project

The Local Government and Public Services Committee of the Second Assembly published their final report of a scrutiny project into Electoral Arrangements in Wales in December 2006⁴. The Committee made a number of recommendations relating to the accessibility of the voting process. The Assembly Government published a response to the recommendations in March 2007⁵. The recommendations, and Assembly Government responses, which relate specifically to the accessibility of polling stations were as follows:

12. We recommend that the Elections Planning Group⁶ takes steps to ensure that guidelines on access to polling stations are consistent and obligations under the *Disability Discrimination Act 1995* are made explicit in all guidance.

Response – The Elections Planning Group will work with the Electoral Commission to ensure that guidance to returning officers contain provisions which are consistent with

⁴ Local Government and Public Services Committee *Electoral Arrangements in Wales scrutiny project*. December 2006:
<http://www.assemblywales.org/elect-arrange-e.pdf>

⁵ You can access the written statement from the former Minister for Finance, Local Government and Public Services, Sue Essex, here:
<http://new.wales.gov.uk/about/cabinet/cabinetstatements/cabinetstates2007/1366686/?lang=en>

⁶ The Elections Planning Group was established by the Assembly Government in September 2005 in response to a recommendation from the Electoral Commission based on its report of the 2004 Local Elections in Wales. It serves as a forum for discussion on electoral procedures, a vehicle for addressing potential problems and a strategic avenue in the preparation of elections and the sharing of best practice. Membership of the group comprises officials from the Welsh Assembly Government, Department of Constitutional Affairs (DCA), Wales Office, Bryn Parry Jones, Chief Executive of Pembrokeshire County Council, representing Returning Officers, Association of Electoral Administrators (AEA) Wales, Electoral Commission and representatives from Political Parties. For more information see report on the work of the EPG presented by the Minister to the Local Government and Public Services Committee on 6 December 2006 for more details:
<http://www.assemblywales.org/43fedba3fd74cf25e298948c00808edf.pdf>

Section 16 of the Electoral Administration Act 2006, which places a duty on local authorities to regularly review polling places. This includes the need to have regard to accessibility to the disabled.

The Elections Planning Group will also have cognisance to reports from SCOPE and others on access issues

13. We recommend that any guidance for polling station staff should take account of the needs of voters with learning disabilities.

Response – This is a matter for returning officers and the Electoral Commission.

14. We recommend that the Elections Planning Group commissions an assessment of training needs for polling station staff across Wales on issues regarding access and identifies appropriate organisations and mechanisms for delivering training.

Response – The EPG will request a report on this matter from the Electoral Commission.

15. We recommend that targets are set for local authorities for the percentage of polling stations that are fully accessible to all abilities.

Response – Support in principle. The EPG will consider this recommendation and its practicality.

3. Scope for law making

The framework around polling station accessibility is essentially provided by primary legislation, for example, the *Electoral Administration Act 2006*⁷, the *Disability Discrimination Acts 1995 and 2005*⁸, the *Representation of the People Act 1983* as amended and the *Political Parties, Elections and Referendums Act 2000*⁹. Additionally, the National Assembly for Wales has previously passed secondary legislation providing for the reimbursement of costs associated with temporary ramps through the *National Assembly for Wales (Returning Officers' Charges) Order 2002* which has been amended by the *National Assembly for Wales (Returning Officers' Charges) Order 2006*¹⁰.

Schedule 7 of the *Government of Wales Act 2006*¹¹ (Acts of the Assembly) refers to electoral matters under Field 12 (Local Government), so measure-making powers could be sought. However, there are exceptions set out in Field 12, including electoral registration and administration, so careful consideration would have to be given to any recommendation that such powers be sought.

⁷ *Electoral Administration Act 2006*: http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060022_en.pdf

⁸ *Disability Discrimination Act 1995* <http://www.opsi.gov.uk/acts/acts1995/1995050.htm>

Disability Discrimination Act 2005 <http://www.opsi.gov.uk/acts/acts2005/20050013.htm>

⁹ *Political Parties, Elections and Referendums Act 2000*

http://www.uk-legislation.hmso.gov.uk/acts/acts2000/pdf/ukpga_20000041_en.pdf

¹⁰ *National Assembly for Wales (Returning Officers' Charges) Order 2006*

<http://www.opsi.gov.uk/legislation/wales/wsi2006/20063268e.htm>

¹¹ *Government of Wales Act 2006*: <http://www.opsi.gov.uk/ACTS/acts2006/20060032.htm>

4. Possible terms of reference for an inquiry into the accessibility of polling stations in Wales

Members have indicated that they would like to undertake a focussed inquiry into the accessibility of polling stations, issuing recommendations by the beginning of the Christmas recess so that they might have maximum impact before the Local Elections in May 2008.

There is a broad range of access issues in addition to those which relate to the accessibility of polling stations referred to above, such as those relating to voter registration, postal voting, the format of information about voting and elections, and the problems faced by some learning disabled people in registering and voting. Given the time scale and complexity of the issue, the Committee may wish to focus, initially, on the accessibility of polling stations so as to ensure that they are able to report by Christmas.

Suggested terms of reference are:

- to scrutinise the Assembly Government on its contribution to making polling stations in Wales more accessible; and
- to make recommendations on the action that needs to be taken in order to improve the accessibility of polling stations by the Local Elections in May 2008

with reference to Scope Cymru's report Polls Apart 2007; the Local Government and Public Services Committee Review of Electoral Arrangements in Wales and any examples of good practice.

5. Provisional list of witnesses for oral evidence gathering sessions

The Committee may wish to invite the following organisations to provide oral and written evidence:

- Scope Cymru / the Pollen Shop
- Disability Rights Commission (Commission for Equality and Human Rights)
- Electoral Commission
- WLGA
- Returning Officers
- Association of Electoral Administrators
- Welsh Assembly Government