

Equality of Opportunity Committee

EOC(3)-06-07(p1): 22 November 2007

Accessibility of Polling Stations in Wales

Purpose

1. To provide the Committee with details of the Welsh Assembly Government contribution to making polling stations accessible in Wales.

Background

2. The major primary legislation governing the conduct of elections is the Representation of the People Act 1983, the Political Parties Elections and Referendums Act 2000 and Electoral Administration Act 2006.

3. The primary legislation governing accessibility issues in the provision of services is the Disability Discrimination Act 1995 and 2005

4. The National Assembly for Wales passed the National Assembly for Wales (Returning Officers' Charges) Order 2006 which is secondary legislation governing the fees and charges that may be reimbursed to Returning Officers for the elections to the National Assembly for Wales in May 2007.

Welsh Assembly Government Policy

5. The National Assembly for Wales (Returning Officers' Charges) Order 2006 makes provision for:

Reimbursement of 50% of the cost of temporary ramps (*)

Reimbursement of 100% of the cost of tactile voting devices

Reimbursement of 100% of the cost of large-print ballot papers

Reimbursement of 100% of the cost of polling station furniture, including low level voting booths

Reimbursement of 100% of the costs (subject to a maximum limit) of training poll clerks and presiding officers.

6. For the Assembly elections held in May 2007, Returning Officers were able to recover the costs as detailed above. The above provisions in the Order were designed to improve accessibility in polling stations and ensure they were staffed by people aware of their duty to facilitate voting.

7. In the absence of powers to make election law, the Elections Planning Group is the Welsh Assembly Governments' main vehicle for working with others in the electoral community and promoting best practice. It has recently considered how to address the recommendations made in the Local Government and Public Services Committee of the Second Assembly - "Electoral Arrangements in Wales" report which fall to the group to implement. The report did not differentiate as clearly as it might have done between the responsibilities of Returning Officers, the Electoral Commission and the Elections Planning Group. At its meeting in June 2007, the Welsh Assembly Government made the proposal to the group that an independent consultant should be recruited to review the recommendations in the report and produce an action plan which would provide a clear pathway forward and a timeframe for implementation. This proposal was accepted. 4 firms have been invited to tender and the intention is to make an appointment by mid December with the consultant starting at the beginning of January 2008.

8. At the Elections Planning Group meeting in September, the group considered the SCOPE report "Polls Apart Cymru 2007". The view was expressed that if SCOPE was prepared to name the polling stations that failed the five accessibility tests, that would be useful. It was agreed that the recommendations made in the SCOPE report should be included in the briefing for the independent consultant to consider and report on.

9. At the same meeting the group resolved that the new Commission for Equalities and Human Rights, which came into being on 1st October, should be invited to join the Elections Planning Group.

10. The Electoral Administration Act 2006 placed a new duty on local authorities to review polling stations within 12 months of the Act becoming law, and regularly thereafter. This review must have regard to the accessibility of polling stations. The Elections Planning Group will work with others, notable the Electoral Commission, to disseminate best practice once all the reviews have been completed. One point to note about polling stations is that many were based in buildings not owned by local authorities.

11. The Disability Discrimination Act 1995 introduced new laws and measures aimed at ending discrimination faced by disabled people in the areas of employment and access to goods, facilities and services.

Part 3 of the Act, which was phased in over a period of time, relates to the accessibility of goods, facilities and services:

In 1996, the DDA made it unlawful to refuse to serve a disabled person or offer a lower standard of service for a reason relating to a person's disability.

Since 1999, service providers had to provide alternative methods of service delivery where physical features make it unreasonably difficult for disabled people to use a service.

Since 2004, service providers have had to make 'reasonable adjustments' to their services and premises to give equal access to disabled and non-disabled people. Options include removing the physical feature, changing it or finding ways of avoiding it.

Service providers must therefore make 'reasonable adjustments' to enable disabled people to access their services. This includes ensuring that there is physical access to a building where a service such as casting a vote is provided.

12 The Welsh Assembly Government cannot require service providers to make specific adjustments so that their service is accessible to disabled people. Responsibility for disability legislation lies with the Department of Work and Pensions. Funding has not been provided by the UK Government to assist service providers to make adjustments because they only have to do what is 'reasonable'. What is 'reasonable' for one organisation will be different for another and will depend among other factors upon what financial resources are available to make improvements.

Next Steps

13, Through the Elections Planning Group, the Welsh Assembly Government will continue to encourage the promotion and sharing of best practice in the area of accessibility to provide equal access for all.

Dr Brian Gibbons
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End note

* The other 50% can be claimed from the Ministry of Justice under the secondary legislation governing the fees and charges that can be reimbursed for parliamentary elections