

# Business and Regulatory Impact Assessment

## **Title of Proposal**

The Representation of the People (Annual Canvass) (Miscellaneous Amendments) (Scotland) Regulations 2020

## **Purpose and intended effect**

### **Background**

1. The canvass gathers information on potential additions, changes and deletions to the electoral register. 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, inefficient, and often confusing for electors when faced with both the annual canvass and Individual Electoral Registration (IER). Intervention is necessary to amend the canvass by amending the legislation.

### **Objectives**

2. The objectives of canvass reform are:
- to make the process simpler and clearer for citizens;
  - for Electoral Registration Officers (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.

### **Rationale for Government intervention**

3. The one size fits all approach that currently exists incorporates numerous prescribed steps and takes little account of differences within and between registration areas. It is heavily paper based, expensive and complex to administer and can lead to confusion for the citizen.

4. This is evidenced by the evaluation of UK Government pilot schemes which took place over the 2016 and 2017 canvass across 27 local authorities in England, Scotland and Wales as part of a randomised control trial (RCT). Each of the four models that were piloted had strengths and delivered cost savings when compared to the current annual canvass. One key point to emerge was that the majority of households reported no change in their composition. This is the key reason for streamlining the process and creating a more targeted canvass process.

5. Electoral administrators also reported that the piloted models were

considerably less resource intensive which allowed them to re-focus their resources on targeting citizens who were not currently registered, particularly those from under-registered groups.

6. There is a need for the 3 Governments (Scottish, UK and Welsh) to work together to legislate to ensure that any changes apply to all electoral registers, which will provide the greatest benefit to EROs and reduce the burden on the elector. If SG does not take action, canvass processes for the maintenance of different registers will be substantially different creating complexity for EROs and electors.

7. Based on the evidence from the 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 model will have a data step at the start of the canvass. The new model will not require every householder to respond when the ERO can be confident there has been no change in composition, whilst ensuring safeguards are in place to protect the completeness and accuracy of the electoral registers.

8. Where the ERO believes there is a change in the composition of the household they will contact the householder with a variety of communication methods available to the ERO, such as by post, email and telephone. The model provides greater discretion for EROs to shape the canvass activities which best suit their local circumstances and enabling them to target the properties they believe need to have their electoral details updates.

9. The reforms to the annual canvass fit with the Scottish Government's aim of modernising and improving electoral registration. These reforms will contribute towards a system which is modern and digitally enabled. The reforms should also reduce prescriptive regulation which will empower EROs to tailor their services to their local electorate, maximise electoral registration, and, ultimately, reduce if not fully offset the additional costs generated by the Individual Electoral Registration (IER).

- **National Outcome:** We respect, protect and fulfil human rights and live free from discrimination.
- **UN Sustainable Development Goal:** Peace, justice and strong institutions.

## Consultation

10. On 5 October 2018, the Scottish Government, Cabinet Office and Welsh Government jointly published a 'Consultation on Reform of the Annual Canvass', which closed on 30 November 2018.

11. 83 responses were received from Electoral Registration Officers (EROs), interested individuals and key stakeholders, including the Association of Electoral Administrators (AEA), Scottish Assessors Association (SAA) and the Electoral

Commission.

12. Drawing on the experiences of the canvass reform pilots in 2016 and 2017, over the summer of 2018 a series of workshops were held across the UK to introduce EROs and their staff to the new proposals and seeking their views on the options available. As a result of these discussions, the draft policy had already been 'user tested' to a degree prior to consultation.

13. The consultation responses were overwhelmingly positive, reflecting the high level of stakeholder engagement undertaken during the development of the initial policy proposals.

## **Options**

### **Option 1 Do Nothing. Continue the current canvass.**

14. Under current legislation an ERO has a duty to maintain the electoral register for their area. They are required to conduct an annual canvass of all residential properties in their area, usually between July and December each year, in order to identify everyone who should be on the electoral register. This means identifying citizens who should be registered but are currently not, as well as identifying electors who are no longer at a property and should therefore be removed from the register. A revised version of the electoral register must be published each year by 1 December, following the conclusion of the annual canvass.

15. EROs must send every household an annual canvass form (currently known as a Household Enquiry Form (HEF)). The HEF requires a response, regardless of whether there have been any changes in the household to report. Failure to respond is an offence and magistrates have the power to impose a fine of up to £1,000. EROs must follow up any non-responses with a further two reminders and carry out a household visit, if required.

16. The annual canvass is only one of the many ways an ERO is able to find information to update their electoral register. It sits alongside year round activities such as mining other datasets (for example, council tax records) to identify residents who are not currently registered to vote, and specific targeted work for certain groups.

### **Option 2 Canvass Reform (preferred option)**

17. Pilots of alternative models for conducting the annual canvass were undertaken in 2016 and 2017. Evaluation of the pilots indicated there is merit in enabling EROs to more effectively target their resources towards those properties where the occupiers have changed and the electoral register needs to be updated.

18. The new canvass will incorporate a 'data match 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 and, where relevant, locally held data sources. Where the data the ERO holds on registered electors matches data in another reliable and accurate dataset, the ERO can have some confidence that the details they hold on their register remain accurate. The ERO will then follow one of two routes for each property.

19. **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.

20. 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 effectively and efficiently obtain information on residents using an alternative approach, where they are able to identify a 'responsible person' to provide the information in respect of all residents. Examples of these property types are registered residential care homes, student halls of residence, homes of multiple occupancy (HMOs) registered with the local authority and hostels.

### **Sectors and groups affected**

21. This SSI proposes changes to election law that will impact upon Electoral Registration Officers (EROs) and the electoral community. The changes will also have an effect on citizens in terms of their interaction with the annual canvass process.

### **Benefits**

22. Expected benefits of option 2 include:

- A simpler and clearer process for citizens;
- EROs have greater discretion to run a tailored canvass which better suits their local area;
- the administrative burden on EROs and the financial burden on taxpayers is reduced;
- the completeness and accuracy of the registers is safeguarded;
- the security and integrity of the registers is maintained;
- the model is less prescriptive and adaptable to future change.

### **Costs**

23. The UK Government has compared the costs of the reformed annual canvass with the existing process. There are two types of costs involved: outward correspondence and inward processing.

24. Comparing these costs the UK Government estimate savings of between £10,900,000 and £30,900,000 between 2020/21 – 2029/30. This is on a macro,

Great Britain level. The financial modelling behind these assumptions can be found in Impact Assessment:

[http://www.legislation.gov.uk/ukia/2019/154/pdfs/ukia\\_20190154\\_en.pdf](http://www.legislation.gov.uk/ukia/2019/154/pdfs/ukia_20190154_en.pdf)

#### Other Costs

25. UK Government (Cabinet Office) has agreed to absorb the costs of data matching on behalf of local authorities and valuation joint boards. This decision is driven by two main factors. Were the Cabinet Office not to do this then individual authorities would have to build their own data matching service, resulting in hundreds of different services. As the Cabinet Office own the platform which the data match step will be processed through, the Individual Electoral Registration Digital Service (IERDS), the most sensible option is for Cabinet Office to manage this process. This also presents the advantage of economies of scale when procuring and managing this service. The cost of this additional factor, beyond the costs incurred by Cabinet Office currently is estimated to be less than £350,000 per year in the worst case scenario.

#### **Scottish Firms Impact Test**

NA

#### **Competition Assessment**

26. The SSI's proposals are not expected to impact on the private or voluntary sectors and therefore is not expected to impact on competition.

#### **Consumer Assessment**

27. The SSI's proposals should have no impact on consumers.

#### **Test run of business forms**

28. The SSI does not propose to bring in any new forms for business to complete.

#### **Digital Impact Test**

29. The Canvass Reform proposals work towards a system which is modern and digitally enabled. It provides EROs with discretion to make an e-communication to electors where the data matching suggests there has been no change at the address.

30. E-communication is meant in the broadest sense, so covers (but is not limited to) email, SMS or any other form of electronic or digital communication. The proposed canvass model is less prescriptive and adaptable to future change with the capacity for innovation and improvement.

#### **Legal Aid Impact Test**

31. The SSI has no implications for changes to legal aid.

### **Enforcement, sanctions and monitoring**

32. Elections are statutorily managed by Scottish local authorities and overseen by the Electoral Commission, the independent body which oversees and regulates political activity in the UK. The Scottish Government will work closely with the Commission, electoral administrators and the UK and Welsh Governments to monitor implementation if these reforms.

### **Implementation and delivery plan**

33. Testing of the new data matching step is being conducted, between July 2019 and February 2020. The UK Cabinet Office has issued guidance to support electoral administrators through the data testing process. More information on this can be found in the [Scottish, UK and Welsh Government's joint policy statement](#) (p24).

34. Following the testing the intention is to work with stakeholders and the devolved administrations to implement these proposals ahead of the 2020 canvass across Scotland, England and Wales. We will be working closely with EROs throughout implementation to ensure they have the capability and tools required to successfully carry out the reformed canvass process.

35. The Scottish, UK and Welsh Governments and the electoral community will review the conduct of the 2020 Annual Canvass.

### **Summary and recommendation**

36. The Scottish Government's preferred option is to implement canvass reform to achieve the following outcomes:

- A simpler and clearer registration process for citizens;
- EROs have greater discretion to run a tailored canvass which better suits their local area;
- the administrative burden on EROs and the financial burden on taxpayers are reduced;
- the completeness and accuracy of the registers are maintained;
- the security and integrity of the registers are maintained; and
- the registration model is adaptable to future change and there with capacity for innovation and improvement.

337. The UK Government have produced a set of cost saving assumptions on a macro, Great Britain-level. A high-level summary of their estimates across four saving scenarios, ranging from a lowest to highest estimate, can be found in the table below. The financial modelling behind these assumptions can be found in

Impact Assessment:

[http://www.legislation.gov.uk/ukia/2019/154/pdfs/ukia\\_20190154\\_en.pdf](http://www.legislation.gov.uk/ukia/2019/154/pdfs/ukia_20190154_en.pdf)

Financial years 2020/21 – 2029/30	Low saving scenario	Central low saving scenario	Central high saving scenario	High saving scenario
Cost saving (current canvass average annual – reformed canvass average annual)	£10,900,000	£20,300,000	£20,600,000	£30,900,000

### Declaration and publication

The Cabinet Secretary or Minister responsible for the policy (or the Chief Executive of non departmental public bodies and other agencies if appropriate) is required to sign off all BRIAs prior to publication. Use appropriate text from choices below:

- **Sign-off for Partial BRIAs:**

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

- **Sign-off for Final BRIAs:**

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed: Michael Russell**

**Date: 14/01/2020**

**Minister's name: Mr Michael Russell MSP**

**Minister's title: Cabinet Secretary for Government Business & Constitutional Relations**

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