

[REDACTED]

From: FOI
Sent: 16 May 2023 08:51
To: [REDACTED]
Subject: FOI 037-23 - Response
Attachments: EDI EQIAScreeningform - Voter ID_Redacted.pdf

Dear [REDACTED],

Our Ref: FOI-037-23

Thank you for your email to the Electoral Commission dated 14 April 2023.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

This is a freedom of information request for the Electoral Commission and the central government department(s) responsible for elections policy.

The first request is for any Public Sector Equality Duty (PSED) assessments undertaken for the new rules on Voter ID.

The PSED requires Ministers to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;*
- advance equality of opportunity between people who share a protected characteristic and those who do not; and*
- foster good relations between people who share a protected characteristic and those who do not.*

The second request is for any information on Voter ID which outlines how the electoral commission and the central government department(s) responsible for elections policy advanced equality of opportunity between people who share a protected characteristic where the protected characteristic is age.

The third request is for any submissions, emails, minutes or briefings between officials and officials and ministers that relate to the decision to not include the Oyster 18+ card or Student ID cards as valid forms of Voter ID.

A fourth request is for any information, such as submissions, emails, minutes, or briefings to and from ministers which set out the options and subsequent decisions made by ministers in relation to different forms of potential Voter ID

Our response is as follows:

We hold some of the information you have requested.

The new requirement for voters to show identification before they can be issued with a ballot paper at polling stations is set out in the Elections Act 2022. The Elections Act is legislation that the UK Government developed and introduced into Parliament in July 2021. Parliament approved the legislation in April 2022.

The Electoral Commission has not carried out an equality impact assessment of the new requirement because the UK Government was responsible for developing this policy and the legislation that has now been approved by Parliament. That means we do not hold any information that is relevant to the first, third or fourth parts of your request.

However, you may be aware that the UK Government has published a number of documents that set out their assessment of the impact of the Elections Act. These refer to the Elections Bill because they were published before Parliament had approved the legislation.

- Elections Bill Impact Assessment (available at <https://bills.parliament.uk/publications/44886/documents/1304>)
- The Elections Bill Equality Impact Assessment (available at <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/2021-07-01ElectoralIntegrityBillEqualityImpactAssessment.pdf>)
- Voter Identification Regulations 2022 Impact Assessment (available at https://www.legislation.gov.uk/ukia/2022/105/pdfs/ukia_20220105_en.pdf)

Providing you with the weblinks to this information is in line with the section 21 exemption of the Freedom of Information Act (FOIA), in that the Commission does not need to repeat information that is reasonably accessible to you by other means. In this instance, the information is accessible online.

In relation to the second part of your request, the Electoral Commission is responsible for helping to raise public awareness of the new requirement, and for providing guidance to support Returning Officers and electoral administrators to understand and implement the new requirement. We completed an equality impact screening for these functions in December 2022; please see the attached. We are carrying out research and analysis to assess the impact of this work following the May 2023 elections, and we intend to revisit this assessment as appropriate.

You will notice that certain personal details have been redacted from the document we are releasing. Section 40(2) of the FOIA provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the document falls within the description of personal data as defined by the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances. The individuals in some cases are junior staff members and they would not reasonably expect their information to be released.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority but in some circumstances we cannot responsibly release certain information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: <https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request>.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>.

Yours sincerely

Information Officer

FOI@electoralcommission.org.uk

The Electoral Commission

electoralcommission.org.uk

Equality assessment: screening form

This form should be used to carry out a screening of new or revised policies to help you decide whether a full Equality Impact Assessment (EQIA) is required. You should look at the related guidance for advice on when this form is needed and how to complete it.

Introduction

Why do we assess policies for equalities?

To ensure that we fulfil our duties as a public body. Screening and, where required, Equality Impact Assessments are policy development tools which assist policy makers/decision makers to take equalities into account. The process helps assess the effects of a particular policy on people within the nine protected characteristics as defined in the Equality Act 2010 and the equality groups as defined in Section 75 of the 1998 Northern Ireland Act, and the requirements placed on the Commission with regard to Welsh language. The purpose is to ensure that decisions are taken in a way which promotes equality of opportunity.

What is the purpose of screening and when is it required?

Screening is designed to help identify where there may be impacts on protected groups which may require changes to the policy and/or a full EQIA. Screening should be carried out for any new policy or revision to an existing policy. The accompanying guidance gives guidelines on what constitutes a policy in the context of the Commission's work. There is no statutory definition and you are encouraged to seek advice from the EDI lead.

Who screens a policy?

The lead officer for the proposed policy change should carry out a screening. They should do so in consultation with their line management, the Commission's EDI lead, the Commission's Welsh language advisor and colleagues in Northern Ireland and Scotland. The EDI group should be alerted so that they can contribute if appropriate. Sign-off both for the screening form and for the full assessment lies with the EDI lead and the relevant Director.

Screening process

There are six steps to the screening process:

1. **Policy scoping.** This stage describes the policy and the proposed change. What is the background and what are the aims and objectives of the change? What data is available to inform the decision? Who are the key stakeholders? Who are the responsible officers?
2. **Answering the screening questions.** You will need to consider the potential impact for each of the protected characteristics defined in the 2010 Equalities Act and the 1998 Northern Ireland Act and the Commission's statutory duties under the Welsh Language Act. You will need to consider what quantitative and qualitative data to use, and record sources and key findings. You will also need to consider whether there are particular impacts for those with multiple protected characteristics and where relevant the potential for promoting good relationships between communities.
3. **Deciding on the impact of the proposed change.** There are three potential outcomes:
 - a. The policy has no relevance to equality of opportunity or good relations. This is likely where the policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories. This means that the policy may be screened out and there is no need to carry out an EQIA. This might be because all its effects are positive; because none of the impacts are relevant to the need to promote equality and, in NI, good relations and/or because it is a purely technical change. You will also want to consider whether opportunities have been taken to promote good relationships between communities in Northern Ireland.
 - b. It may be reasonable to conclude that a policy has a minor impact where one or more of the following factors exist:
 - i. There is no unlawful discrimination and any potential adverse impacts are likely to be negligible;
 - ii. Any likely discriminatory impacts can be eliminated by making a change to the policy or can be easily mitigated against;
 - iii. Any impacts are intentional because they are designed to promote equality of opportunity
 - iv. A change to the policy would give better opportunities to promote equality of opportunity and good relations

This means that you should consider mitigations as appropriate. Provided appropriate mitigations can and are made, the policy is screened out and there may be no need to carry out an EQIA.
 - c. It may be reasonable to conclude that a policy has a major impact where the following factors exist:
 - i. The policy has a significant strategic impact

- ii. The impacts on equality are not clear without further work
- iii. There are potential impacts which are likely to be adverse for some
- iv. Further assessment offers a way of examining the evidence and developing recommendations
- v. There is a risk of challenge through judicial review
- vi. There is significant expenditure

If you conclude that there is a major impact, we will normally proceed to a full EQIA.

4. **Monitoring:** how might the impact of the change on equalities be tracked? You will want to think about existing data sources both within and outside the Commission, and to consider whether additional data sources might be required
5. **Approval and authorisation:** You will need to seek a view from the EDI lead. The screening form must be authorised by the relevant Director. Very rarely the outcome may need to be raised with the Executive Team.
6. **Publication:** all screening forms will be stored on Skynet and a register of screenings made available on the Commission's website. In Northern Ireland a quarterly summary of screening reports must be made available to stakeholders.

The Electoral Commission

Screening template

The UK Government is introducing changes to require voters at polling stations to show photo ID before they receive their ballot paper. This new requirement will apply at: UK Parliamentary elections in Great Britain, local elections in England and Police and Crime Commissioner elections in England and Wales. The new requirement will also apply to proxy voters (someone voting in person on behalf of someone else). The changes are being introduced through section 1 of, and Schedule 1 to, the Elections Act 2022 (as well as through implementing secondary legislation). Anyone who does not have one of the required forms of photo ID will be able to get a free voter identification document from their local council.

There is already a requirement for voters in Northern Ireland to show photo ID before voting although the Elections Act 2022 introduces non-substantive changes to those requirements.

The EC's role is to support electoral administrators with preparing for and delivering the changes; to develop the free voter identification documents and a suitable application process; and to raise awareness of electoral systems and so help voters understand the new requirements. **This screening covers only the EC's role in implementing the changes. It does not cover the wider policy and legislative implementation programme, which is the UK Government's responsibility and on which the Government has published an EIA. Neither does it cover the practical implementation decisions which are for local authorities and Returning Officers.**

The Commission's activity in implementing the changes has taken into account the impact that the UK Government's voter ID policy might have on the different protected characteristics under the Equality Act 2010.

1. Scoping

<p>What is the name of the requirement being implemented and what is the change proposed?</p>	<p>The Government has legislated to require voters to show photographic ID at polling stations before they receive their ballot paper. The first elections when this requirement will be applicable will be the English local government elections - May 2023.</p> <p>This new requirement will apply to UK Parliamentary elections in Great Britain (by-elections from May 2023; general elections from October 2023), local elections in England and Police and Crime Commissioner elections in England and Wales (all from May 2023).</p>
<p>What is the background? Is it a new or revised approach?</p>	<p>This change is being introduced by the Elections Act 2022 (and related secondary legislation) and is a new policy being introduced by the UK Government for the elections described above. Voter ID is already a requirement in Northern Ireland and the Elections Act 2022 makes only minor adjustments to the voter ID arrangements in Northern Ireland.</p>
<p>Does the implementation of any other policies or changes have a bearing on the proposed change?</p>	<p>No real impact. The Commission is also working with stakeholders on the implementation of other changes being introduced by the UK Government through the Elections Act which could also affect the voters identified in this document. These other changes include changes to absent vote applications (which will include online applications and the introduction of identification checks) and changes to the requirements about the equipment to be provided at polling stations for disabled people (as well as expanding who can act as a 'companion' for a disabled voter).</p>
<p>How far are there legal and/or financial constraints on the proposed change?</p>	<p>The Commission must work within DLUHC's legislative framework and timetable and within the funding envelope considered and approved by the Speaker's</p>

Committee. Similarly local authorities and Returning Officers must work within the legislative framework, timetable and funding decided by DLUHC.

What are the objectives of the change?

The intention behind the UK Government introducing voter ID is to prevent personation (the crime of pretending to be someone else when you vote) and so reduce electoral fraud, and the perception of electoral fraud, at polling stations.

What are the key sources of data to inform your analysis of impacts on equalities?¹²³

- Public opinion surveys undertaken by the EC
 - Public opinion surveys undertaken by DLUHC
 - Voter ID pilot evaluation
 - Accessibility of Elections Working Group
 - Engagement with stakeholders who share particular protected characteristics
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¹ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-identification-pilots>

² <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/public-attitudes-2022>

³ <https://www.gov.uk/government/publications/voter-identification-photographic-id-ownership-in-great-britain>

Who are the main stakeholders?

- Voters
 - Electoral administrators
 - Political parties, campaigners, candidates and agents
 - Organisations representing people who are least likely to hold any of the accepted ID
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Who is the lead officer?

Katy Knock

Who will implement the change?

The EC will support implementation through providing guidance to electoral administrators; running public awareness campaigns (including targeted campaigns for those voters who are least likely to hold accepted ID); partnership work and support to local authorities to help them engage with residents (including those least likely to have accepted photo ID about the changes); producing the necessary forms (including alternative formats); and explaining the change to political parties and campaigners. The wider responsibilities of the UK government and local authorities for implementation are outlined above.

Who is the lead Director responsible for signing off this screening?

Ailsa Irvine

2. The screening questions

You will want to think about equalities impacts for the Commission's key stakeholder groups:

- Voters' access to registration, information and the electoral process

- Political parties, campaigners and candidates
- Local authorities delivering services
- Other public sector organisations
- Suppliers
- The voluntary and community sector
- The Commission's own workforce
- Welsh language speakers in line with the Welsh Language Act 1993 and the Welsh Language Measures 2011; and the Welsh language standards, particularly 84, 85 and 86

Bear in mind that individuals may have multiple protected characteristics.

Characteristic	Data sources used	Summary of key findings and evidence, and information about needs, experiences and priorities	Likely level of impact: none/minor/major	Opportunities to promote equalities
1. Age	<p>EC public opinion data</p> <p>DLUHC survey</p> <p>Evaluation of pilot schemes</p>	<p>Elderly people</p> <p>Research (see above) shows that elderly people are less likely to have any form of accepted and recognisable ID and might have difficulties obtaining a voter identification document (because of limited digital access and limited access to public transport to visit places where you can apply for a voter identification document).</p> <p>18-21 year olds</p> <p>Research shows that there is a risk that this group of voters might be less likely to hold forms of accepted ID.</p>	Minor	<p>We have looked at the evidence and the EC is:</p> <ul style="list-style-type: none"> - working with a number of stakeholders who work with elderly voters, such as Age Concern, to tell them about the new requirement as well as how to apply for the Voter Authority Certificate - working with organisations that represent young people, including those in school and at university to ensure the new requirements are known and understood.

- ensuring that voter information will be available in alternative formats including larger print and Easy Read
- ensuring that the voter ID webpages will, as with all of our website, be compliant with the [Web Content Accessibility Guidelines](#) (WACG)
- ensuring that voter information will explain that applications for the Voter Authority Certificate can be made by in person as well as in writing and online and that forms are available in a variety of formats such as Easy Read and large print.

2. Disability	<p>EC public opinion data</p> <p>DLUHC survey</p> <p>Evaluation of pilot schemes</p> <p>Accessibility of elections working group</p>	<p>Evidence suggests disabled people are less likely to have accepted forms of ID and disabled people might have problems accessing a voter identification document - such as completing the application form and understanding the new changes.</p> <p>Individuals who share this protected characteristic are therefore more likely to be at risk of being disenfranchised as</p>	Minor	<p>We have looked at the evidence and the EC is:</p> <ul style="list-style-type: none"> - working with a number of stakeholders such as RNIB, Mencap, RNID, who work with disabled voters to explain the new requirement as well as how to apply for the Voter Authority Certificate, to the stakeholders they represent. This will enable
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a consequence of the Voter ID requirement.

us to target our voter ID messaging.

- ensuring that voter information will be available in alternative formats including Braille, BSL, audio, and Easy Read
- ensuring the voter ID webpages will, as with all of our website, be compliant with the [Web Content Accessibility Guidelines](#) (WACG)
- ensuring that voter information will explain that applications for the VAC can be made in person as well as in writing and online; and that forms are available in a variety of formats such as Easy Read and large print.

3. Gender reassignment	EC public opinion data DLUHC survey Evaluation of pilot schemes	Research shows that transgender people might have difficulties when showing their ID or Voter Authority Certificate when voting as the photo may not show a resemblance. They are therefore at higher risk of being refused a ballot paper.	Minor	We have looked at the evidence and the EC is: <ul style="list-style-type: none">- working with a number of stakeholders, such as LGBT Foundation and Trans Scotland, who work with trans and non-binary people to tell them about the new requirement as well as how to apply for
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				the Voter Authority Certificate.
				- The guidance and template training materials that we are producing for Returning Officers will focus on the importance of everyone being treated with respect and courtesy.
4. Marriage and civil partnership (marital status in NI)		For individuals who share his protected characteristic, there is possibly an increased risk that names given at polling stations may not match identity documents	None	We are ensuring that our guidance and template training materials make clear what should happen when an individual's given name does not match their identity document because of marriage or civil partnership, to mitigate the risk that such individuals are not adversely impacted by the voter ID requirements.
5. Pregnancy and maternity		n/a	None	n/a
6. Race	EC public opinion data DLUHC survey Evaluation of pilot schemes	Evidence suggests people from some BAME communities are less likely to have accepted forms of ID. These individuals are more likely to be disenfranchised because of this provision. Individuals with English as a second language may have greater difficulty understanding the communications about voter ID. They might also		We have looked at the evidence and the EC is: - working with a number of stakeholders such as Friends, Families and Travellers, and Roma Support Group to support Gypsy, Roma and Traveller groups to tell them about the new requirement as well as

encounter more difficulty completing the application form for the Voter Authority Certificate.

- how to apply for the Voter Authority Certificate.
- ensuring voter information will be available in alternative formats including different languages.
- ensuring that voter information will make clear that applications for the VAC can be made in person as well as in writing and online and that forms are available in a variety of formats.
- ensuring that all our materials are available in Welsh – voter information as well as guidance for electoral administrators.

7. Religion or belief	EC public opinion data DLUHC survey Evaluation of pilot schemes	Showing ID in polling stations – removing their face covering in public might be unacceptable for women of the Muslim faith.	Voter information will be available in alternative formats including different languages. Our guidance for polling station staff will address what should be available in polling stations to assist people with voting such as privacy screens and mirrors.
8. Sex	n/a	N/a	None
9. Sexual orientation	n/a	n/a	None

Implications for Welsh language in compliance with the Welsh Language Act 1993 and the Welsh Language Measures 2011

The Commission will ensure material is provided in both Welsh and English in line with its normal practice.

Implications for Northern Ireland

There will be no substantive changes in Northern Ireland:

Photographic voter ID has been in place in Northern Ireland since 2002. The Commission therefore has no equivalent implementation work planned in Northern Ireland, and so no activities to assess the impact of.

Characteristic	Data sources used	Summary of key findings, evidence and information about needs, experiences and priorities	Likely level of impact: none/minor/major	Opportunities to promote equality and/or good relations
Political opinions				
Those with dependents and those without				
Impact on good relations between people of different religious belief, political opinion and racial group				

3. Impact of the proposed change/new policy and screening decision

- i) If you conclude that the change has no implications for equality, briefly explain your reasons in the box below. You will need to seek the view of the EDI lead. This means that the change is screened out.
- ii) If you conclude that the change has minor implications, you should consider whether it can be changed to ensure there are no adverse implications: can mitigations and/or alternative policies be put in place? You will need to seek the view of the EDI lead as to whether these are sufficient. If not, you will want to consider whether to carry out a full EQIA. Set out your conclusions on these points in the box below. If you conclude that there is no need to proceed to a full EQIA having made the proposed mitigations, this means that the change is screened out with mitigations/alternative policies.
- iii) If you conclude that the change has major implications, we will normally carry out a full EQIA. Set out the reasons briefly below. This means that the change has been screened in for a full EQIA.

What do we know?

Research shows that various groups of eligible voters may be negatively affected by the statutory requirement to bring an accepted form of photo ID in order to be able to vote. Elderly people, for example, are less likely to have any form of accepted and recognisable ID and might have difficulty applying for a Voter Authority Certificate (because of limited digital access and limited access to public transport to visit places where you can apply for a voter identification document). Evidence suggests that people from some BAME communities are less likely to have accepted forms of ID. Those who do not identify as a man or woman or with the sex ascribed to them at birth might encounter difficulties showing their ID or Voter Authority Certificate when voting as the photo may not show a resemblance. Finally, people who are unemployed, with low incomes or with few qualifications and homeless people are less likely to have an acceptable form of ID. These groups might also not have access to information about how to apply for a voter identification document. Socio economic disadvantage is recognised as a disadvantage in Wales that should be addressed through the socio-economic duty.

All of these groups of voters are therefore potentially more likely than others to be impacted by the voter ID requirements being introduced by the Elections Act.

The EC is not responsible for the policy. Our role is to support implementation by designing the voter identification documents and application process and providing guidance for electoral administrators. Our broader role and functions are to make sure that elections are well run and people have the information they need. Our aim is therefore to ensure that electoral administrators can deliver the changes and that voters are aware of the changes and options available to them. We also have a power and in some cases a duty to report on the administration of polls. For example, our election report after the May 2023, the first set of polls where photo ID will be required for the local government elections in England, will provide an assessment on the implementation of voter ID including any recommendations for delivery at future polls.

The EC has sought to ensure that our implementation activities are carried out in such a way that they seek to mitigate any negative impacts on groups of individuals who share protected characteristics. This work has included the following:

- Supporting resources for organisations representing under-represented groups to engage with them
 - o The booklet for disabled voters will be produced in Braille, BSL, audio, and Easy Read
 - o The booklet for Gypsy, Roma and Traveller groups will be translated into the five languages most commonly used by Roma people – Polish, Romanian, Slovak, Czech and Bulgarian.
- Supporting resources for local authorities to use to engage with under-represented groups – these will be translated into the four most common ‘first’ languages other than English, which the 2021 census tells us are Polish, Romanian, Panjabi, and Urdu.

Working with the accessibility of elections working group to promote resources and help them to get clear and helpful messaging to their target audiences.

- Public awareness campaign to explain to voters that they will need to take photographic ID when they go to vote in polling stations, including information about the forms of ID that are accepted and the option of applying for a free Voter Authority Certificate if they do not have accepted ID

- Partnership work. The voter ID webpages, as with all of our website, be compliant with the [Web Content Accessibility Guidelines \(WACG\)](#)

4. Monitoring

Explain how the impact of the policy on equalities and where relevant on promoting good relations will be monitored.

Following the implementation of Voter ID at the May 2023 elections we will report on its administration and the impact on voters.

To do this we will use a variety of data sources including

- Public opinion surveys
- Data collected in polling stations – numbers turned away because they did not have the correct form of ID, voters who turned up without any ID, etc.
- Feedback from disabled voters as part of our accessibility survey as well as via the Accessibility of Elections Working Group
- Evaluation of our public awareness campaign
- Survey with candidates and agents
- Survey with electoral administrators
- Working with partners to get their feedback, and where possible feedback from their service users, on the utility of the support we've made available.

In addition, we are working with partnership groups to understand how we can collect data to help us understand the impact of the policy on each of the groups we've identified in turn (i.e. older people; trans and

non-binary people; disabled people; Gypsy, Roma and Traveller communities). We are also looking at ways we might be able use the post poll public opinion survey to get feedback through boosted samples.

We will additionally use our engagement and reporting to highlight examples of good practice that emerge, which we can then share with other local authorities to help inform their local arrangements. We will explore further how we can use existing networks to share experiences and helpful examples more widely.

Approval and authorisation

This form should be given to the EDI Lead, with whom the screening should have been discussed. The EDI group should be alerted.

If the EDI lead agrees with the outcome, the screening form should be passed to the relevant Director (or exceptionally Directors) for sign-off.

If there is a disagreement with the EDI Lead which cannot be resolved, this should be discussed with the relevant Director. The presumption is that, if in doubt, a full EQIA should be carried out. If the way forward remains unclear it may be necessary to take the issue to the Commission's Executive Team: in practice this should be very rare.

Officer	Signed off	Date
Officer responsible for policy/proposed change	Katy Knock	20/12/2022
EDI lead	Carol Sweetenham (acting temporarily for [REDACTED])	
Director(s)	Ailsa Irvine	19/12/2022
ET (if appropriate)		

5. Publication

All screenings, whether or not they recommend a full EQIA, should be stored on Skynet for reporting and future reference and made available on request. The Equality Commission of Northern Ireland requires that a quarterly report of the numbers of screenings should be made available on the website and that stakeholders should be alerted.