

# Item 7

## Report of the Executive Director of Core Services

### AUDIT AND GOVERNANCE COMMITTEE – 16 NOVEMBER 2022 LEARNING FROM THE 2022 LOCAL ELECTIONS

#### **1 Purpose of this report**

- 1.1 To update the Committee on the review and learning from the Local Elections on 5 May 2022.

#### **2 Background Information**

- 2.1 Barnsley council managed local elections on 5 May 2022. Most areas of the election were well administered and met the standards we have come to expect and strive to achieve.
- 2.2 Some areas, most notably the counting of votes in one ward, were not delivered to an acceptable standard. We failed to count a box of postal ballot papers through simple human error. The postal votes were recounted, and the figures recalculated. While the result for that ward did not change, the process has significantly damaged trust in the electoral process.

#### **3 Reviewing our elections process**

- 3.1 Our Returning Officer met with the Electoral Commission to get their input and tell them about our reviews, lessons learned, and steps to improve the process. The Electoral Commission has informed the Returning Officer that she did not meet elements of the performance standards for Returning Officers in relation to performance standard 2. This standard requires that Candidates have confidence that the process is well-managed and have confidence in the results. However, they are satisfied that the Returning Officer has taken a positive and proactive approach and has taken steps to make sure that our count processes are designed and managed to secure an accurate result in the future.
- 3.2 The Returning Officer for Barnsley Council commissioned:
- the Association of Electoral Administrators to carry out an independent investigation into the Royston ward count and a separate end-to-end review of our election count processes
  - An engagement exercise with candidates and agents at the local elections and people who worked at polling stations.

The purpose of these was to ensure full transparency, a reflective look at the

count itself and to get independent expert advice on how to make sure our elections are safe, accurate, secure, and professional.

- 3.2 We received an independent report into the Royston ward count from Peter Stanyon, the Chief Executive of the Association of Electoral Administrators and the most senior electoral administrator in England.

The report has provided 14 recommendations to improve our processes and concludes that there was no evidence of actual or attempted electoral fraud and that the incident was human error. He states that there was no single point of failure, but several issues independently and collectively contributed. He summarised, *"We are confident from our discussions with the Returning Officer and her staff that they are committed to delivering safe, secure and professional elections and that appropriate steps will be taken to ensure similar situations do not occur at future elections."*

- 3.3 We have engaged with candidates and agents from the local elections in May 2022 and with people who worked at polling stations, postal vote openings and counting votes. We received 17 responses to our survey of candidates and election agents at the election and 136 responses from people who worked at the election. The feedback has identified areas for improvement, including:

- the location of some polling station
- the recruitment of people with relevant skills and experience
- the training of people, in particular, count staff
- the time it takes to open postal votes at the count
- the count room layout
- the use of the tannoy for announcements at the count
- checking processes to identify errors in results
- the process and location for sharing doubtful ballot papers and provisional results
- the availability of information, guidance notes and signage in various accessible formats to make the elections as accessible as possible.

#### **4.0 Areas of learning and our improvement plan**

- 4.1 The recommendations and feedback from the investigation, reviews and engagement exercise fed into an end-to-end review of how elections are delivered in Barnsley.
- 4.2 A task and finish group chaired by the Executive Director of Core Services is leading an improvement plan. This plan will be fully implemented by the end of 2022 so that all changes will be in place for the next scheduled local elections on 4 May 2023.
- 4.3 The improvement plan oversees the following workstreams:
- Election planning process.
  - Staff identification and recruitment.

- Location and equipment of polling stations.
- Communications and publicity.
- External contractors.
- Postal vote opening.
- Counting of the votes.

People are leading these workstreams from across the council who have expertise that can drive forward the delivery of our elections.

#### 4.4 The main areas of our improvement plan review the:

- training of the people who volunteer to work at polling stations and the counting of the votes
- way communications work between the Returning Officer, her staff, candidates, and agents at the elections.
- postal vote opening process, including a redesign of the way postal vote openings at the count operate to make sure these are done without delay
- count room layout to make sure that there is plenty of space for each ward
- additional checks on the result of each ward before it's shared with candidates.

#### 4.5 The timing of when the verification and counting of the votes take place has also been reviewed. The Association of Electoral Administrators' review of the Royston ward count suggested that the count taking place overnight might have contributed to the errors that occurred.

Candidates and election agents were asked about their preference for counting on the night of the election or the day after. There were concerns about counting in the day from people who worked in the daytime and their ability to be at the count to observe proceedings.

Our local elections in 2018 and 2021 were counted on the day following the election. In these elections, there were very few cases where a candidate could not observe the count in person or send a representative.

In response to this, and where circumstances allow, the verification and counting of the votes will now take place on the morning following the election. The Returning Officer and her staff will make sure that any candidates and election agents who cannot attend this in person due to work commitments will be able to appoint people to observe proceedings on their behalf.

#### 4.6 It is clear from both the feedback received from candidates and agents and from the independent report that the time it took to process postal votes received at polling stations, a task which took four and a half hours to fully complete, was a contributing factor to the errors that occurred. 1,284 postal votes were received close to the close of poll and had to be processed, this represented a 50% increase on the equivalent figures from 2021 and 2019. This increase in volume was partly responsible for the time taken to process these postal votes but does not fully explain the delays. An evaluation of the processes has concluded that the delays were also in part due to insufficient

resources in some aspects of the process and in part due to some antiquated procedures which can be enhanced to speed up this process. The review mentioned in point 2.2 will be carried out to ensure that these issues can be corrected.

## **5 Recommendations**

5.1 It's recommended that the Audit and Governance Committee:

- consider the assurances provided in this report to ensure the standards of delivery at future elections.
- recognises the reviews that have taken place and the implementation and delivery of the improvement plan.

## **6 Legal Implications**

6.1 The area of elections and elections law is complex and encompasses the entire process upon which our democratic systems are based. The consequences of process failings could result in potential criminal prosecution for the most egregious of offences and failures to improve the method by which elections are delivered, which was not the case at Barnsley Council.

## **7 Local Area Implications**

7.1 There are no implications.

## **8 Consultations**

8.1 Consultation was carried out with the following:

- The Electoral Commission
- The Association of Electoral Administrators
- Candidates and agents from the local elections in May 2022
- People who worked at polling stations, postal vote openings and counting votes.

## **9 Compatibility with European Convention on Human Rights**

9.1 All the steps undertaken are in line with the Representation of the People Act 1983 and the Local Elections (Principal Areas) (England and Wales) Rules 2006 and all connected legislation.

## **10 Reduction of Crime and Disorder**

10.1 There are no implications.

## **11 Risk Management Considerations**

11.1 There are no implications.

## **12    Employee Implications**

12.1    There are no employee implications arising from this report.

## **13    Financial Implications**

13.1    There are no employee implications arising from this report.

## **14.    Appendices**

None

## **15.    Background Papers**

None

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