

Your ref:

Our ref:

Mr David Jackson
Chief Executive
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
BT52 1EY

16 November 2016

Dear Mr Jackson

**FUTURE DELIVERY OF ELECTORAL SERVICES
NIPSA RESPONSE TO PUBLIC CONSULTATION**

Further to the above public consultation, I attach a copy of the NIPSA Response calling for the retention of rural electoral services.

I would ask if a copy of this document could be forwarded to all elected councillors and would encourage your Council to submit its own response to this important consultation.

Yours sincerely



DOOLEY HARTE
Higher Executive Officer

Enc



**NIPSA Response to
NIO Public Consultation**

***Future Delivery of
Electoral Services in Northern Ireland***

16 November 2016

**NIPSA Response to
NIO Public Consultation**

Future Delivery of Electoral Services in Northern Ireland

1. I am writing on behalf of the Northern Ireland Public Service Alliance (NIPSA) in response to the Northern Ireland Office (NIO) public consultation paper on future delivery of electoral services for Northern Ireland.
2. NIPSA represents over 41,000 civil and public servants across all areas of the public sector in Northern Ireland including NICS, Health, Education and local government. NIPSA is also the recognised trade union for members in Electoral Office for Northern Ireland.
3. NIPSA is not opposed to considering change regarding delivery of electoral services but we feel this consultation is poorly prepared and poorly timed. To implement such significant change while new online registration and administrative systems have not had a chance to bed in and be properly assessed is a mistake.
4. Also given the real possibility of a snap election, and the fact we will have a new Chief Electoral Officer in post shortly and the loss of experienced staff under the voluntary exit scheme, these uncertainties should not be compounded with major decisions on office estate and service delivery. This consultation should be withdrawn.
5. NIPSA is also concerned that this public consultation is biased and supports the Minister's preferred option for electoral services, clearly referenced in the foreword of the consultation paper. The language of the report and the style of the questions listed clearly support a transfer of all elections to local councils, the closure of regional electoral offices and centralisation of staff and remaining functions to Belfast.
6. NIPSA rejects any notion that this consultation is in any way fair or reasonable. Insufficient information, especially regarding finances, has been provided in the paper. We believe the consultation should provide more options and that these should be properly researched, thus allowing the electorate the opportunity to properly consider and comment on what electoral services they want and need and how these services should be paid for.
7. NIPSA believes that this consultation neither meets the Wolfe-Gunning principles nor those set out in HM Government's Code of Practice on Consultations. NIPSA demands that this consultation be withdrawn and further research into all options be provided to the NI public to ensure a full and apposite process.

8. In the absence of such a decision, NIPSA will set out a detailed response as part of the consultation but will not respond directly to the questions, given concerns raised above.

Political Engagement

9. Neither the NIO nor the CEO has carried out the necessary political engagement to inform this consultation. Meetings with all local councils and councillors have not taken place. And no active engagement with NI Assembly or the Executive Office as the office of the First & Deputy First Minister, has taken place. Political parties within Northern Ireland have likewise not been engaged individually or collectively in this process.
10. NIPSA has engaged local political representatives and all parties support the retention of regional electoral offices. In June 2016, the following motion was passed by all members of NI Assembly –

“That this Assembly notes with concern the proposals from the Electoral Office for Northern Ireland to close regional electoral offices in Ballymena, Banbridge, Londonderry, Newtownabbey, Newtownards and Omagh; believes that this will damage democracy in Northern Ireland, lead to fewer people on the electoral register and to a diminished role for the Electoral Office for Northern Ireland in local schools and communities; and calls on the Secretary of State, the Northern Ireland Office and the Electoral Office for Northern Ireland to retain and fund adequately all regional offices currently under threat of closure.”

Similar motions of support have been passed by local councils.

11. NIPSA believes that there has been a failure on the part of both NIO and Chief Electoral Officer in not engaging local political representatives to gauge their opinions on what electoral services their constituents both need and deserve.

Staff

12. NIPSA has engaged its members employed in EONI who reject any proposals to close regional offices. This will not only impact on their jobs, but they also resoundingly believe these plans will adversely impact on services to the public leading to a reduced electoral register and lower voter participation in elections.
13. The retention of staff skills and experience should be a priority for NIO and the transfer of services to local councils poses a serious risk to future fair and impartial elections.

Financial Information

14. Para 1.1.4 states that reform is needed to ensure EONI can “operate on a sustainable financial footing”. Table 1 on Page 12 provides information on the EONI budget forecasts showing an operating budget of £1,881k and a deficit of £521k by 2020.

15. However, this information fails to explain the reasons for the deficit. In 2010, EONI had an operating budget of £2,750k and this has been systematically reduced by NIO. Operating costs have increased in this time- rent, salaries, utilities, etc. – but the operating budget has been cut by over 30%.
16. It is the NIO that has caused the deficit by cutting the EONI budget and the exclusion of this information is both deliberate and shameful.
17. We also note that no breakdown of operating costs is provided. There is no information on salaries, utilities or rent. No information on what savings will be made by closing offices and transferring elections to councils.
18. There is also no information on what the transfer of functions to councils will cost. Para 2.3.1 sets out roles for councils as registration, electoral ID cards and document verification while Q3 asks about councils providing advice. These are core functions, not funded by either the UK or NI consolidation fund and so would come out of EONI core annual operating budget. This is neither costed nor explained.
19. Given elections and other core EONI functions are proposed to transfer from EONI to local councils, NIPSA would raise the Transfer of Undertakings (Protection of Employment) Regulations. NIPSA believes that TUPE Regulations would apply and as staff would have to transfer with services, additional costs would apply and these are not referenced in the paper.
20. Even if TUPE regulations did not apply, it is likely that Cabinet Office guidelines for transferring functions between public sector bodies would. This would mean that staff would have to be transferred with the work. Again, the additional costs of meeting these guidelines are not referenced in the paper.
21. Costs to transfer staff from EONI to councils would be significant as terms and conditions would have to be harmonised. While they issues of grading pay and protection of terms and conditions would need significant work, it is on the issue of pensions that the greatest costs would be borne.
22. Staff in EONI are members of NICS Pension Scheme and council staff are members of NILGOSC. As NILGOSC is a fully funded scheme, government would have to provide full costs to the scheme up front. This figure, even for a small number of staff would run into many millions, especially given the long service of most EONI staff.
23. NIPSA believes this consultation has failed in not providing all necessary financial information. We believe a fully costed business case setting out actual costs for local councils and what additional costs will impact on EONI as a result of the transfer of elections and other functions, should have been included in this paper for consideration and comment.

24. Par 3.3 of the HM Government code of Practice on Consultations states:-

“Estimates of the costs and benefits of the policy options under consideration should normally form an integral part of consultation exercises, setting out the Government’s current understanding of these costs and benefits.”

25. The financial information at Table 1 is wholly inadequate and fails to meet these standards, renders this process in breach of government guidance.

District Councils

26. NIPSA is not opposed to the transfer of elections to local councils. However we do have some significant concerns that this consultation paper fails to address.

27. EONI was established to provide the NI electorate with fair and impartial electoral services by staff with no affiliations or links to local political representatives. While NI society has moved on, divisions still exist within communities. It is also the case that council staff have to work directly with their local political representatives.

28. We feel that confidence in the political process could be lost if elections were transferred to local councils. If a councillor, MLA or MP was elected on a slim majority and they were a member of the majority party in the council conducting the count, it would put the integrity of the electoral process at risk of allegations of interference even where no interference occurred.

29. NIPSA is also concerned regarding the Power of Direction that would be afforded to Chief Electoral Officer over council Chief Executives. While reference is made to this at Para 2.5.6, there is no specific detail of what powers would be given to CEO or how this would impact on the relationship between Chief Executives and local councillors, especially if CEO directions removed Chief Executives from their council responsibilities.

30. NIPSA would be concerned about retention of necessary skills and experience for delivery of elections. Currently EONI has fully trained, experienced and qualified electoral staff. Many of these staff have been in post for many years, showing high levels of staff retention within EONI.

31. Councils would not be able to provide the same levels of consistency regarding delivery of advice or service. Council staff will have other responsibilities between elections. Not having staff dedicated to electoral services all year would place future elections at risk. Given councils rely heavily on EONI staff for council elections and we currently have a period of over two years between elections, how would the Minister ensure that lessons learnt and experiences gained from the last election could be retained for the next, if councils held responsibility?

Office Closures

32. NIPSA rejects the argument put forward by CEO and NIO regarding the decision to close Ballymena and Newtownards regional electoral offices and to close the rest by July/August 2017. We understand that this decision has not been made by CEO for operational reasons but rather one enforced by NIO.
33. These decisions clearly show a pre-determination regarding the public consultation. As we understand it, Mid & East Antrim Council offered a number of accommodation alternatives to CEO that would have retained electoral services in Ballymena, all at little or no cost to EONI. To refuse such an offer is tantamount to a misuse of public funds.
34. Closure of regional electoral offices and centralisation to Belfast will impact on the electoral register and the percentage of persons voting. Outreach services to schools that explain the need to vote and encourage participation in the electoral processes will be lost to areas outside of Belfast. No reference is made in the consultation paper to show how the loss of this will be mitigated.
35. The consultation makes no comment on current NI Assembly and Executive policies. No rural proofing has been carried out on any decision to transfer functions to Belfast and we consider rural communities will be adversely affected by the withdrawal of services. Also centralisation of jobs and services to Belfast would not meet the NI Executive objectives to transfer public sector jobs out of Belfast.

Voter Participation

36. A NI Assembly briefing report dated 04 February 2014 reviews the 2011 NI Assembly elections. 55.7% of the 1,210k electorate voted in the elections, down from 70% in 1998. Of those eligible to vote, around 66% of those aged over 65 voted. However it was around 52% for those aged 18-22.
37. Young people are under-represented and the closure of regional offices and the withdrawal of the schools programme and capacity for local clinics will leave young people less likely to engage in the electoral process.
38. At a recent hearing of NI Affairs Committee, the CEO confirmed that Northern Ireland has 81% of its population on the electoral register. That is some 250k people not eligible to vote. In the most recent election in May this year only 54% of the 1,281k eligible voted. Even in the referendum in June, only 62% of the electorate voted.
39. Online registration without a local presence to promote and encourage voter registration and voter participation will mean less people on the register and less people taking part in elections. Local people, especially those in rural areas need support and any plan to close offices and centralise functions to Belfast will only add to the current downward trend.

Election Boundaries

40. Currently local councils are responsible for local council elections. Under plans set out in the consultation, it is proposed that councils will take on responsibility for all elections. However no reference is made to how this will be managed given different boundaries for NI Assembly and Westminster elections.
41. No reference is made to recent proposed changes by the Boundary commission and how this may or may not impact on this consultation.
42. For example, if changes recently announced by Boundary Commission are enacted, Mid Ulster council will span 4 parliamentary election constituencies. How will they engage other councils to organise counts, allocate staff and action duties required if the electoral area overlaps boundaries and possibly other council's responsibility.

Section 75

43. Para 3.3 states that an equality screening has been carried out but a copy of this screening has not been provided. NIPSA considers this a failure of the consultation.
44. A policy that forces members of the public to access online services, while simultaneously removing face to face services will adversely impact on rural service users. In particular, older people who do not have access to online services, racial groups, especially foreign nationals who require face to face engagement to answer questions and assist with form-filling.
45. A recent OECD survey stated that "*around 13% of 16-19 year olds in Northern Ireland had low literacy skills*" and other age groups fared little better.
46. NIPSA believes that both older people in relation to online, younger people who are already disenfranchised from elections and foreign nationals will be adversely affected by proposals set out in this paper and considers a full equality impact assessment is essential in considering appropriate solutions to mitigating the impact of these plans to close regional offices.

Voluntary Exit Scheme

47. While not specific to this consultation, NIPSA must record its disappointment that neither the Secretary of State nor the NIO provided the CEO with the necessary flexibility to protect services rather than introduce a voluntary exit scheme to staff during this consultation.
48. One of the two criteria for the selection panel under this process is business continuity. But we would ask how can services be protected and staff make informed decisions before you make a decision on future service delivery.

49. Uncertainty is prevalent and staff morale at an all-time low given the way these processes have been managed and the disdain shown to staff and service users.

Options

Co-Location of EONI Staff with Councils

50. This is NIPSA preferred option. The current provision of dedicated electoral office staff is shown to work and provides excellent service to political parties without fear or favour and is considered by the electorate as independent. NI Assembly parties have already passed a motion on 20 June 2016 calling for the retention of regional services.
51. Some local councils have already passed motions calling for retention of regional electoral offices and the consultation paper does not indicate what will happen if some councils refuse to take on any transferred responsibilities.
52. NIPSA believes that a full accommodation review should be carried out to ensure value for money for delivery of service. NIPSA wrote to Chief Electoral Officer in January 2016 requesting proper engagement with councils to consider co-location of electoral services on council property. Not only would this, in our opinion, be more cost-effective, it would also allow council property and staff to be 'used' for elections but retaining the independence and skills of EONI staff to deliver elections locally.
53. While funding is a concern, significant savings to EONI budget have been made in last six years. NI democracy is still finding its feet and it is important that the electoral process is properly funded by central government. NIPSA would state that a review of current funding projections, the provision of a small amount of additional funding coupled with savings to be found under voluntary exit process and with reduced accommodation costs would allow for retention of regional electoral services based on the current locations.

Reduce the number of regional offices

54. This is the preferred option of the Chief Electoral Officer but again no detailed information is available for proper scrutiny of this as an option. We would not reject this as an option but believe more work is needed to consider the full impact of closing some of the regional offices.
55. NIPSA acknowledges that this option would still retain the independence of the EONI in delivering elections and may save money in how services are delivered, especially with regards accommodation and the current voluntary exit scheme.
56. However electoral functions have been reduced over many years and the confidence of staff and electorate would be reduced as this option could be seen as a further step towards centralisation to Belfast.

57. We have seen a reduction in voter registration and voter participation and any decision to close offices would adversely impact on this. It is the role of Chief Electoral Officer to maintain and promote electoral participation and this would be at odds with that.
58. We are aware that the Chief Electoral Officer has championed a three regional office structure with offices in Ballymena, Derry/Londonderry and Dungannon. However such a plan may not service the south and south-east and therefore consider more than three offices needed.

Transfer functions to Councils and close regional offices

59. We have already raised concerns previously on this option. While this might provide the best financial option for Northern Ireland Office, it provides the worse option for staff, the electorate and local democracy.
60. Transferring functions to councils will require the transfer of EONI staff under TUPE significantly increasing costs and rendering the proposal unviable.
61. Councils are resistant to current plans and there is not enough detail in the paper to allay those fears.
62. And a local EONI presence, especially with current voter participation work, will be lost, impacting on those registered for elections and those taking part.
63. Given electoral office staff are specialist in this area, transferring functions to councils will lose that expertise and make it more difficult in future to recruit, train and retain staff with election expertise.

Conclusions

64. NIPSA rejects this consultation as it is constructed to favour a pre-determined outcome. This is reflected in the Minister's comments in the foreword, the clear bias in the questions, the lack of properly researched financial information but in particular the naked promotion of one outcome, namely that of the Minister.
65. NIPSA is not opposed to transferring elections to councils but all options, such as co-location with councils must be investigated and a fully costed business case presented for each, including the status quo.
66. NIPSA is not opposed to online registration but this must be complemented with local face-to-face services that can advise and guide as well as promote voter participation, especially with young people.
67. NIPSA calls for a properly funded regional electoral office that can support an electoral service for all the people of Northern Ireland, not just those in Belfast.

68. NIPSA calls on the Minister to review the current consultation as not meeting the requirements of a fair and reasonable process, to withdraw this consultation paper and provide the NI electorate with a document that gives them all the information, having properly engaged staff, trade unions, political representatives and local councils on any plans.

Thank you

A handwritten signature in black ink, appearing to read 'Dooley Harte', written in a cursive style.

Dooley Harte
HEO
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