



Plymouth City Council  
Review of Registration and Elections

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## Plymouth City Council - Review of Registration and Elections

### **1) Introduction**

1.1 During the course of preparing for and administering the General Election in June 2017 Plymouth experienced a number of failures in the processing of the registration, voting and the count declaration. Following the election Plymouth City Council commissioned me to undertake a full and independent review. This report sets out my assessment, findings and recommendations to the Council.

### **2) Terms of Reference**

2.1 The Council, in consultation with the Electoral Commission, established the following terms of reference to guide the review and investigation I agreed to undertake: -

To investigate how a significant number of people who had requested postal votes for the June 2017 General Election failed to receive their packs in good time, and the Council's response to this.

Also to consider:

- The issue of polling cards being dispatched to electors who were subsequently removed from the register.
- The circumstances in which the Declaration for the constituency of Sutton and Devonport did not include the 'mini count' totals for all eight wards.
- The events that led to some postal voters receiving a station poll card as well as their postal poll card

Specifically to consider:

- The processes and controls around election planning
- The factors that led to postal voting packs not being received
- The sequence of events and consequences at each stage
- An assessment of the overall numbers of voters affected
- The approach, effectiveness and timeliness of remedial action taken to rectify the issue, once the Council became aware of the scale of the problem
- The advice and guidance provided by the Electoral Commission regarding the Council's responsibilities, and their adopted method of resolving the issue
- The staffing and operation of the election call centre leading up to the day of the election, and on polling day itself
- The effectiveness of communications, and the way in which customer enquiries were dealt with

- Evidence of customer interactions including the outcomes and levels of satisfaction
- The general effectiveness of the elections and electoral registration function, including the capacity and capability of the team
- The robustness of systems and processes, with a particular focus on applications for, and distribution of postal votes
- Any other matters that might have influenced the elections process or response to the issues encountered

### **3) Methodology**

3.1 I have conducted this review by means of written evidence and a series of interviews. I have interviewed 24 people. These interviews have included staff and management of the registration and elections service, the acting returning officer (ARO), the deputy returning officer (DRO), the leader of the council, the leaders of the political groups within the council, political agents and the MP for Plymouth Sutton and Devonport. I have had the benefit of a public call for evidence. I have read and taken account of the 127 responses made in this public call. I have also read and taken account of over 70 pieces of written evidence provided by the council, the Electoral Commission and by others including policies and procedures, risk assessments, internal assessments and reviews, communications documentation, data spreadsheets, meeting notes, comments and complaints and other documentation. My review was conducted between mid-June 2017 and the end of July 2017.

3.2 I have had the full cooperation of the Council and its staff. All my requests for information have been responded to positively, fully and effectively. I have had the full cooperation of those I have interviewed, all of whom have approached this in an open manner.

### **4) Principal issues of concern – the facts**

#### **4.1 Introduction**

Overall, there were 217,186 people registered to vote in the 2017 General Election in Plymouth, split over three constituencies: Plymouth Moor View (69,342), Plymouth Sutton and Devonport (76,584) and South West Devon (71,260).

20% of voters (42,988) requested a postal vote, with similar splits across the three constituencies; Plymouth Moor View (21%), Plymouth Sutton and Devonport (19%) and South West Devon (20%).

Overall, there were 149,732 votes cast and verified; of that number 23.4% through postal votes and 76.6% polling stations.

#### 4.2 Postal Vote Electors receiving 2 polling cards – one for their postal vote and one for the polling station.

35,000 electors who were registered for a postal vote received both a postal vote polling card and a polling station card. These were issued on the 5<sup>th</sup> May, 2017. The problem was first reported to the Council on the 10<sup>th</sup> May.

#### 4.3 Poll Cards issued where the elector was subsequently removed from the register.

331 people who received a polling card issued on the 5<sup>th</sup> May were removed from the register through the rolling programme of reviewing and revising the register on the 23<sup>rd</sup> May. 38 of these people attended a polling station on polling day, the 8<sup>th</sup> June, and were reinstated on the register.

#### 4.4 Registered postal voters not receiving their postal vote packs

41,062 registered postal voters received their packs as normal. 1,926 registered postal voters did not receive their postal votes through the normal batch issues. Of these 1,926 voters, 1,839 were issued a postal vote pack. 87 registered voters were not issued a postal vote pack as delivery was not possible and as a consequence were unable to vote.

#### 4.5 Inaccurate Declaration of the count for the Plymouth Sutton and Devonport constituency

51,291 votes were cast in the Plymouth Sutton and Devonport constituency. These votes were verified and counted. The declaration omitted the 6,587 votes verified and counted for the Efford and Lipson ward. The declaration statement was subsequently corrected and posted on line

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### **5) Public Call for Evidence**

5.1 Of the 127 responses to the call for evidence I received, 59 of them were from people who stated they were unable to vote in the election. Of those, 54 complained that they were unable to vote as they did not receive a postal vote pack. 41 of those stated they were away from their Plymouth residency by polling day. 25 of this number stated that their postal vote pack was at their home when they arrived home in the period after the 8<sup>th</sup> June. This demonstrates that in addition to the 87 registered voters who were not issued

with a postal voting pack, there was a number of voters issued with a replacement postal pack who did not receive their pack in time for them to vote. Of the 54 who complained of not being able to vote, 4 people stated they lived abroad and did not receive their postal vote packs.

5.2 Of the remainder of the 59 respondents who stated they were unable to vote, 2 said they had received a polling card but were not on the register when they attended a polling station and were not allowed to vote and in 1 case they had expected a proxy vote to be issued and it wasn't.

5.3 Out of the 127 responses, 49 stated they were able to vote. 25 of these complained that they did not receive their original postal pack, but did receive a replacement either by collecting it from the Council House (17 cases) or received a replacement at home (8 cases). 13 respondents who had registered for a postal vote stated they had received 2 polling cards and 1 person received a polling card but at the polling station was not on the register and was reinstated and voted.

5.4 There were a number of common features amongst the respondents who were able to vote, those who were not able to vote and amongst the majority of the remainder of respondents who focussed on making more general points. Most complained of the difficulty in reaching the Council by phone, calls either not being answered, waiting a long time for calls to be answered, receiving assurances that they would be phoned back but not receiving a call back. Respondents commonly complained that advice and information changed rapidly, at best causing confusion and at worst contradicting earlier advice received. Common complaints cited by respondents included:

- Those who contacted the Council prior to the 2<sup>nd</sup> June (the date after which replacement postal packs could be issued) were asked to wait until after that date and phone again
- Electors told to wait for the royal mail system, then advised to attend the Council House and then advised to wait for a courier/home delivery
- People told they could have an emergency proxy and then they couldn't have an emergency proxy
- People told they could and couldn't take their completed postal vote to a polling station
- The times of the opening and closing of the Council House changing
- Difficult and unpleasant exchanges either over the phone or in person at the Council House

## **6) Analysis of the Events**

### **Introduction**

6.1 A significant number of people were disenfranchised as a consequence of the errors made on the issuing of postal vote packs and by the decision to complete the rolling review of the register after the issuing of poll cards. A far more substantial number of voters were confused, inconvenienced and had their confidence in the administration of the election undermined by the errors made and by their accumulation over the period of the election.

6.2 In addressing the specific points outlined in the terms of reference, this review has to address why and how each error occurred and why and how this number of significant errors occurred in the space of one election. This matters in determining what and why things went wrong and in minimising the risk of such failures occurring in the future.

### **Strategic issues of planning and resourcing registration and elections in Plymouth**

6.3 Plymouth City Council commissioned a review of its staffing needs for the elections and registration service from the Association of Electoral Administrators (AEA) in 2014. The AEA report was received at the beginning of January 2015. Amongst its recommendations, the AEA drew attention to the fact that the service was under-resourced and needed more permanent experienced staff in the core team. At that time the service had an establishment of an Electoral Services Manager and 3.6 full time equivalent staff; 2.6 FTE posts were actually filled at the time. The AEA recommended an establishment of 4.5 staff plus the Electoral Services Manager for the size of the electorate in Plymouth. Given this was the period in the lead up to the 2015 General Election and local elections, the AEA recommended short term steps to engage temporary additional staff and project management capacity.

6.4 The Council recruited to the existing permanent vacancy and filled this post in February 2015. The Council also employed additional temporary and project staff, which it continued to do throughout 2015, 2016 and 2017.

6.5 In May 2015 after the elections an internal service review of the service was undertaken. The report concluded that the current structure “is not fit for purpose...this was evident in the recent May 2015 election”. The report referred to the AEA report and recommendations.

6.6 The internal report recommended a two-stage process. The first stage was to be an initial increase in staffing from the current 2.6 to 4 full time equivalent posts, the recruitment of a service manager and an exercise to map the business processes with a view to deploying other council resources

to deliver non-specialist functions (e.g. customer contact requirements). The second stage would involve finalising the permanent structure based on the mapping exercise and the views of the service manager. The report suggested one option for a stage two structure which involved the addition of two assistant managers and an admin assistant in addition to the 4 FTE elections staff.

6.7 In response to this report and the earlier AEA report, the Council seconded a member of staff to run the postal votes process in 2015 and a second member of staff was seconded to manage the count process in 2016 and 2017. On the retirement of the Electoral Services Manager in January 2016, the Council employed an AEA Consultant to act as the Electoral Services Manager.

6.8 The Council continued to use temporary staff whilst seeking unsuccessfully to recruit permanently to the Electoral Services Manager role. The most experienced and senior remaining member of staff left the Council during the latter part of 2016 and at that stage and in the run up to the election in 2017 the elections and registration service was operating with

- 2.6 FTE core permanent staff,
- additional temporary and project staff,
- an AEA consultant acting as the Electoral Services Manager from January 2016
- a Council redeployed manager confirmed in role as the Electoral Services Planning and Performance Manager with effect from 1<sup>st</sup> February 2017.
- a team leader recruited from another Authority in April 2017

6.9 Whilst acknowledging that the Council brought in temporary and project staff, retained an AEA consultant and tried a number of times to recruit to the Electoral Services Manager post, the registration and elections service was acutely short of sufficient experienced registration and elections staff. The Council had been aware of this problem since January 2015. By the time of the 2017 General Election the registration and elections service was dealing with an additional 11,000 registered voters. The internal report produced in May 2015 had reinforced the need to address this acute shortage and had also recommended alleviating workload pressures on the team by analysing what non-specialist roles could be embedded amongst wider Council resources. The most obvious of these would have been the role of the contact centre in managing enquiries and information to and from the public. I understand that this exercise is now being addressed.

6.10 In my view, the failure over 2.5 years to successfully address the permanent resourcing needs of the core service and bring to bear other council resources for non-specialist roles and integrate the associated systems and processes had a direct bearing on both the errors which

occurred during the election period and the attempts to rectify and ameliorate those errors once they had occurred. There is no doubt that the Council took the matter seriously in its repeated attempts to recruit to the Electoral Services Manager and in the employment throughout this period of an AEA consultant and other temporary and project staff. This included the engagement of the previous Electoral Services Manager both through the period of the canvass in 2016/17 and the General Election.

6.11 However, the lack of sufficient, experienced staff in the core team not only meant that there were substantial gaps in working knowledge, it also meant that as a consequence of the lack of continuity and lack of integration of working practices, there was no current detailed operating manual for the service that could provide a detailed guide to staff operating parts of the system and process with which they were unfamiliar. Put simply, individuals could only operate effectively and safely that part of the system and process that they knew.

#### The Electoral Register

6.12 The Council had embraced the spirit as well as the letter of individual electoral registration. There is evidence of well thought through and successful promotional campaigns undertaken to promote registration in the transfer from household registration to individual registration. In common with other areas of the country registration numbers were boosted by the interest in the EU referendum. This more than offset the expected fall in registered numbers once the transition from household registration to individual registration was completed following the 2015 General Election.

6.13 However, the positive interest in registration and elections set alongside combined polls using different voting methods compounded the severe operating pressures felt within the registration and election service. This impacted on the canvass and rolling registration. As a consequence, the rolling update of the register was still dealing with electors transitioning from their previous household registration to having to register individually.

#### Poll Cards issued where the elector was subsequently removed from the register.

6.14 As part of the rolling registration process the Council was continuing to refresh the register. This is a requirement on the Electoral Registration Officer (ERO) to ensure that the register is complete and accurate. Where information on a registered voter is incomplete or anomalous the ERO has a detailed specific process to undertake to verify the information. This involves a series of notifications to the individual with requests for information. If the individual fails to respond to these notices or fails to provide the necessary



information then the person is removed from the register and are notified that this has been done.

6.15 This process is long and arduous for the registration team and it is made more difficult by the deeply held, but erroneous view, of longstanding electors that once you are on the register you stay on the register. Changes in circumstances unless reconciled with the register mean people will be removed. Outside the period of an election being called registered voters are less inclined to focus on notifications concerning the request for information from the registration service.

6.16 In the particular circumstances of Plymouth, there were 331 people who had been receiving various stage notifications as described above and who had not satisfied the ERO concerning their current eligibility to be on the register. At the time the election was called this rolling process had not been completed and as registered electors these individuals along with everyone else on the register at that point in time were issued with a poll card on the 5<sup>th</sup> May, 2017. On the 23<sup>rd</sup> May, 2017 the decision was taken within the registration and election service and without reference or consultation with the ERO or other senior managers to remove those 331 people from the register.

6.17 The basis for this decision was that the requirements for removal had been met and that to complete that process was required to meet the requirements for an accurate and complete register. However, given that the review process had been taking place over an extended period of time and had not been completed to that date, it was rather arbitrary to complete the review and action the outcome in the middle of an election process and after poll cards had been issued. At the very least it would have been appropriate to escalate the issue to the ERO/DRO and seek advice from the Electoral Commission.

6.18 Nevertheless, in making this decision and actioning it the registration and elections service did not inform the individuals that they have been removed. The decision was also taken the day after the deadline for registering so if such a notice had been issued it would not have been possible for an individual to complete the registration process.

6.19 As outlined above 38 of the 331 who complained at the polling station when they were advised they were not on the register were re-entered on the register on the grounds of a clerical error. In my opinion this decision was not compliant with the law and guidance. The decision to remove had been made and the individuals were no longer on the register. I also note from the public call for evidence that other individuals who were similarly affected were not put back on the register. The decision to put individuals back on the register was wrong and was not consistently applied. The matter was not escalated to

the ERO/DRO nor to the Electoral Commission prior to the decisions having been made and actioned.

Postal Vote Electors receiving 2 polling cards – one for their postal vote and one for the polling station.

6.20 The fact that 35,000 electors received 2 polling cards – one with respect to the polling station and one with respect to a postal vote – did not jeopardise the ability to vote nor did it compromise the integrity of the voting process. Polling cards have no legal status as a means of voting. However, this error was particularly significant in 2 respects: it caused confusion for some of the electorate and the cause of this error was indicative of the much more substantial problem which was to occur with the postal vote pack distribution.

6.21 The Elections and Registration service had procured a new electoral management software system to replace the existing software system. In effect this software generates and organises the information held on the electoral register and is essential to generate the required details for polling station voters, postal voters, proxy voters, overseas voters amongst other things. It is the critical source of data for the printers in printing the correct material and sending it to the right voters.

6.22 The need to address identified problems in the maintenance of the EMS system and its integration with Council systems was identified in reports commissioned by the Council and by internal reports in January 2015 and in May 2015. These reports recognised that as part of the strategy to improve the organisation and delivery of the service there was potential to use other Council resources and embed them in the registration and elections system. Some limited progress was made to improve technological interfaces and address technology updates. However, the fundamental business process issues were not pulled together until 2016, part of which was a decision to procure a new EMS system and recruit a team leader with experience of the new system. This procurement process was completed in early 2017 with a view to migrating systems during 2017 as an election free year for Plymouth. A team leader with a background in the new (but not the outgoing EMS system) was recruited. In the event the process of migrating from the old to the new system had started when the snap General Election was called. The new team leader had just started at the Council. The Council made the only decision it could at the time and reverted to the outgoing EMS system. However, this left the Council exposed as there were no staff with experience of operating the EMS system.

6.23 In order to offset this risk, the Council employed the retired former Electoral Services Manager to assist. His availability was severely limited and his knowledge of the system and process dated. The impact of this arrangement was limited opportunity to effectively communicate over data, data storage and data communication issues. The generation, storage and communication of data to the printer were carried out on an ad hoc basis according to availability. Communication between the participants was via written notes and phone calls. There was no documented, detailed operational procedure nor was there evidence of any one person having overall detailed operational control. This ad hoc arrangement was taking place in the context of an election called at short notice, with acute deadlines, multiple other tasks occurring at the same time and with insufficient staff and experience.

6.24 In the absence of these control mechanisms the service sent one file which included both postal voters and polling station voters. The Printer expected, as per the contractual agreement, 2 separate files (one for polling cards for postal voters and one for polling cards for polling station voters). The Printer read the file to be the polling station voters and asked for the second file, containing postal voters. The electoral and registration service sent a file with postal voters, thereby duplicating the data. The duplicated polls cards were issued on the 5<sup>th</sup> May and the Council began to receive queries and complaints on the 10<sup>th</sup> May. The matter was escalated to the Acting Returning Officer (ARO) once the matter became public and the scale of the problem understood. The Electoral Commission (EC) had not been contacted, but became aware through the media interest and sought information from the Council. The ARO in consultation with EC agreed a letter of explanation and clarification to be sent to affected voters.

6.25 The ARO ordered an immediate review which identified the lack of quality assurance and quality checking which if undertaken may have detected the source data issue and avoided the duplication. The ARO introduced a requirement that any data transfer to the printer required quality assuring and sign off through the chain of command and including the AEA consultant and Deputy Returning Officer.

### Preparations for the Election

#### The Elections Project Board – strategic preparations

6.26 There is an established Elections Project Board, chaired by the ARO and involving the DRO, Electoral Services Manager and others as required. It

provides a forum for strategic discussions in the planning for registration and elections processes. It meets all year round, but substantially increases the frequency of its meetings during the preparation for an election. The substance of its agenda in the run up to the 2017 General Election were high level project planning, the management of resources, risk and business continuity planning, security and allied preparations. This model of providing strategic oversight and leadership from the ARO I think represents an example of best practice in the returning officer fulfilling her responsibilities as the statutory officer for registration and elections.

6.27 There is evidence of the ARO holding her senior team to account for the preparations for the election, providing challenge and support to address and overcome problems and to improve the planning and ultimately in the engagement in the errors that occurred and their resolution.

### Operational Preparations

6.28 Notwithstanding the above, the evidence does not support the effective bridging required between the relatively high-level planning and assurance processes at the ARO level and the detailed operational implementation of those plans. The expectations of the ARO were that the Electoral Services Manager would act at the interface between the ARO and the operational requirements and that given the inexperience of the ESM in electoral matters that the DRO and the AEA consultant would manage down more closely, given management responsibilities.

6.29 There was little relationship between the level of organised and considered planning taking place at a strategic level and the ad hoc, disconnected and poorly coordinated activity at operational level. The ESM was preoccupied with preparing for and servicing the project board's needs. The rest of the registration and elections service were focussed on their individual roles and assigned tasks with little knowledge or understanding of what each was doing. There is no evidence of operational leadership, of anyone with a grasp and a grip of the whole project. This coupled with the resourcing and time pressures already referred to and the lack of detailed operational manual guidance made it highly likely that mistakes would be made. The additional complexity of the required decamping of the operational team from their headquarters office to the "bunker" at the Council House could only add to the risk.

### Registered postal voters not receiving their postal vote packs

6.30 The source of the error in failing to issue 1,926 postal vote packs is the same as that experienced in the issuing of two polling cards. Data was generated, stored and uploaded by different people, unaware of each other's actions and with little or no communication. As a consequence of the data transfer problem experienced over the poll card issue, there was a new quality assurance and sign off process (as referred to above). However, whilst there is evidence of the required signing off, there is no evidence of an active, detailed checking procedure.

6.31 The first batch of data of just short of 40,000 postal voters was uploaded to the contracted printer on the 11<sup>th</sup> May. These postal vote packs were printed and distributed to eligible voters who had requested postal votes by this stage.

6.32 On the 23<sup>rd</sup> May a member of the registration and elections service prepared a file of postal vote applicants received since the 11<sup>th</sup> May and up to and including the 23<sup>rd</sup> May. This data file of 1926 applications was electronically stored. A different member of the team prepared a file of voters during the evening and night of the 23<sup>rd</sup> and the morning of the 24<sup>th</sup>, unaware that a file store had already been created with applicants received since the 11<sup>th</sup> May up to the 23<sup>rd</sup>. This second store included 1,300 postal applications. This store was assumed to be the complete list of applicants since the 11<sup>th</sup> May and was uploaded as batch 2 to the printers on the 24<sup>th</sup> May, printed and distributed.

6.33 The service was under severe pressure with staff already working extremely long hours. The team did not have sufficient technical knowledge of the EMS system and did not have sufficient resource to process by the printer deadline the new postal vote applications received between 11<sup>th</sup> May and the closing date for applications on the 23<sup>rd</sup> May. Contracted printers with the skill, experience and capacity to handle elections are limited in number and therefore under heavy demand from a number of local authorities. As such they have an agreed schedule with each local authority and deadlines. Plymouth was required to submit its second batch by 4pm on the 23<sup>rd</sup> May. It could not meet this deadline and negotiated an extension. In the end, the incomplete batch was uploaded to the printer on the afternoon of the 24<sup>th</sup> May.

## Discovery

6.34 In the week commencing the 29<sup>th</sup> May the calls from concerned electors that they hadn't as yet received their postal vote began to be received in the registration and elections service. This is evidenced from the public call for evidence and from the service itself. Additional temporary staff were brought in to support the core team who had decamped to the Council House. However, most of these additional staff had no experience of elections administration and did not receive sufficient or indeed any training and there was little support available. The calls were handled by the staff in the team, including the temporary staff. Prior to Friday 2<sup>nd</sup> June people were advised to wait and contact the service if they hadn't received them by the 2<sup>nd</sup>, as this was the first date at which replacement for lost votes can be issued.

6.35 It is reasonable to expect some calls concerning postal packs not being received and in this context advice concerning the procedure for reissuing is also reasonable. However, the escalating numbers may have been picked up more quickly had calls been monitored by an experienced manager. The number of calls increased substantially on Friday 2<sup>nd</sup>. There is clear evidence that at times the electorate were being given wrong advice by inexperienced staff – the most obvious of which was concerning the ability to apply for emergency proxy votes. This is evidenced by the public call for evidence and within the service. Unanswered calls were increasing and at that point on the Friday the service began the process of issuing replacement postal packs, carrying out the required checks and processes. The reissuing process continued over the weekend and by close of play on Monday 5<sup>th</sup> June, 381 replacement packs were issued.

6.36 The ARO was notified on Friday evening as the calls and queries began to escalate. The service was focussing on the reissuing and had not at that point instituted any action to understand the source of the problem nor its scale and seriousness. There was an expectation that calls would drop off on the Monday. The ARO was appropriately alive to the possibility of the scale of the problem and instituted a number of checks to source the problem over the weekend and on Monday. However, an investigation into this was hampered by limited knowledge within the team, the focus on reissuing and a leading assumption that the problem lay with Royal Mail's distribution of the packs. The ARO persisted in her questioning and on Tuesday morning directed the enquiry to examine the data stores and uploads. By Tuesday afternoon the source of the problem and therefore its scale was understood.

6.37 The flow of clear, accurate and reliable information through the media, candidates and agents and one to one with the electorate was severely

impeded by the time and difficulty in understanding the nature of the problem and by the inexperience of the staff and management. Insufficient attention was given to a strategy for communicating consistently with key stakeholders, including the Electoral Commission, candidates and agents and with the media at this early point and remained largely reactive to comments and questions received.

### Remedial action

6.38 The ARO made the decision on Tuesday to deploy civil emergency procedures for the purposes of leading and project managing the issues. This appears to me to have been both appropriate and proportionate to the scale of the problem. The ARO appointed a senior and experienced manager to lead the process and senior and experienced manager to project manage. The clear and focussed stated goal was to maximise the number of people able to vote. There was no prospect of overseas voters who had requested a postal pack receiving them in time and these 78 packs were discounted along with a further 9 which were undeliverable. The command structure was established and working by 6pm on Tuesday 6<sup>th</sup> June. The immediate issue of concern was that the stock of spare postal vote packs had been exhausted in the reissuing over the weekend. As such, postal vote packs would need to be printed within the Council with very limited printing capability and capacity. This required a manual process of creating the individual elements of a postal vote pack, the printing of these individual elements, the manual collation of the printed elements into single packs and the various checks to ensure the eligibility of the voter, avoid duplication and protect the integrity of the register. Such a complex process undertaken manually, with very limited printing capability and under severe time constraints was in itself fraught with risk. This risk was further heightened by the limited availability of experienced staff to check the elements of the pack were legally compliant and that the intended recipient was an eligible registered postal voter.

6.39 Those packs being couriered to voters in the UK but outside Plymouth were despatched on the morning of Wednesday 7<sup>th</sup> June. Those packs to be couriered to addresses in Plymouth were despatched on the afternoon of Wednesday 7<sup>th</sup> June. For those voters who attended the Council House to collect their packs this took place on the Wednesday and Thursday.

6.40 In the circumstances, it was remarkable that in less than 24 hours over 1500 postal vote packs were created and issued on the Wednesday and Thursday before close of poll. However, it was achieved at a considerable cost. The most significant elements of this cost were not financial, though of course there were considerable but as yet uncollated costs. The costs came

in terms of the concern and inconvenience to many voters, the disenfranchisement of 87 documented undeliverable cases plus those who received their packs at home after they had left their homes and were unable to vote.

6.41 However, post-election analysis has found that the 374 postal vote packs generated directly by the Council for the Moor View constituency were not legally compliant in that they did not contain a signature box. Postal packs are required to contain a statement to confirm identity by way of a signature and date of birth. Whilst the Moor View batch did include the correct instructions to the elector to sign and enter their date of birth, the space, but not the actual signature box was present. Of those 374 packs issued, 124 were returned. 39 votes were rejected for want of a signature where there was no signature box. A system of quality checks existed for both the content of the packs and in terms of the integrity of the register. These checks failed to find this error at the time of production.

6.42 No fault has been found in the batches created for Plymouth Sutton and Devonport or South West Devon.

#### Communications during the Remedial action stage

6.43 At the instigation of the civil emergency procedures, the Council established a special contact centre arrangement using primarily headquarters policy and allied staff with a view to responding more efficiently and effectively to the high volume of calls from the public concerning postal votes. In addition, the communication/media leads were part of the emergency planning structure with a view to maintaining communication with the media, on social media, with candidates and agents and with elected members of the council. The ARO's stated objective was to ensure a candidness and clarity to enable stakeholders to be aware and further the objective of maximising the ability to vote. In their operation, these arrangements fell short of their intended impact on a number of counts.

6.44 There was poor and sporadic internal communication with the core registration and election team. As such professional and technical advice was not effectively deployed from the team, the team were not always aware of the position over postal vote replacements and were themselves receiving separate calls from the public and others. FAQ's to the special contact centre were being issued and revised up to three times a day which caused further confusion. Queries which required the attention of the core team were sent as emails from the special contact centre to the core team. The team were not



aware of this arrangement and these emails were not seen or responded to until after the election. There was poor communication between the decisions made in the civil emergency command and the core team and where they were involved – for example in checking the register against postal vote replacement applications – it was adding to their already over stretched resources. Resolution of requests, particularly for those who attended the Council House, was heavily delayed and the work backed up as a consequence.

6.45 Some agents and politicians complained that information was limited and sporadic. It appeared to them that some were finding out more than others and often the most direct source of information was social media with all the attendant risks over accuracy that this brings. Others felt there was good communication. There is evidence that once the nature of the postal votes issue was understood that communications improved in both quality and frequency and I note that the ARO met with Agents on the night of the election to provide an explanation and to answer questions.

6.46 The relationship with the local media was largely reactive leading up to the Tuesday morning when the remedial stage started. There is evidence that from then on there was an attempt to take a proactive approach. The print and broadcast media were supportive in publishing a number of public information statements from the Council to assist people with what to do and where to go.

### Polling Day and the Count

6.47 A major element of the elections preparation is the planning associated with the polling stations, staffing of these stations and the arrangements for the count. These preparations had to be handled in the same time horizon as the rest of the preparations. These arrangements worked well. I have not found any substantive issues of concern over the operation of polling stations. The preparations for the count itself is managed outside the core registration and elections team and works well. Notwithstanding there are always improvements which can be made, the venue, the organisation of the count arrangements, the organisation around attendees, the media and counting staff all work effectively. Building on the previous use of the count venue the efficiency of the count has improved, though some would like to see improvements in the speed of declarations.

6.48 The error in the declaration of the result for the Plymouth Sutton and Devonport constituency was out of keeping with the rest of the count organisation. The error occurred as a result of a faulty formula applied to an

excel spreadsheet collating the results from the ward based mini counts within that constituency. The Formula counted seven of the eight mini counts, omitting Efford and Lipson. The same faulty formula on the same spreadsheet was used to verify the count against the votes cast thereby balancing the numbers. At the point the figures were formally shared with candidates and agents no issues were raised. However, both before and after the declaration concerns over the numbers were raised by two Agents with count officials. Unfortunately, this did not prompt a detailed check of the figures. No action was taken until the Saturday when there was media speculation over the accuracy of the declaration. Further examination of the figures was undertaken. The fault was found and an amended declaration posted. There was no impact on the outcome of the election for the Plymouth, Sutton and Devonport constituency.

6.49 There should have been a number of opportunities to discover the mistake and rectify it in advance of the declaration. The spreadsheet formula should have been checked independently of the officer who generated the formula. The votes cast formula and spreadsheet should be prepared and calculated independently of the count spreadsheet, avoiding a faulty formula being replicated across the two calculations. At the count a parallel manual calculation of both the votes cast and the count numbers should be undertaken and compared with the excel spreadsheet calculation.

#### Post-election recovery stage

6.50 It is to the Council's credit that despite the intensity of the pressures felt during the election and the opportunity to step back, the Council immediately instituted a process to speak to electors who had been in contact with the Council, including those who had not received a response. This was clearly a difficult task but was undertaken professionally and with care. Equally, there were members of staff who had worked in very difficult and arduous circumstances for a prolonged period of time and for whom support was required and provided. The ARO was also quick to examine the issues and acknowledge the shortfalls, including the need for this independent investigation.

### **7) Summary of Key Issues and Recommendations**

7.1 The body of the report examines the details of the issues which arose during the administration of the 2017 General Election. Out of this examination there are a number of key points which underpin my recommendations which follow from the analysis.

## Key Issues

7.2 The Council has a long-standing problem with insufficient capacity and capability within its core registration and elections service. The nature of this deficit has been described to the line management of the service by both external and internal reports during January 2015 and in May 2015. These problems have been exacerbated by the retirement of a long standing and highly experienced Electoral Services Manager in January 2016 and by the loss of an experienced member of staff towards the end of 2016. These problems are made more difficult by the challenges in recruitment caused by the diminishing number of registration and elections specialists available regionally and nationally.

7.3 As a direct consequence of the shortfall in capacity and capability the registration and electoral operational system and process lacks integrity and robustness. The lack of a detailed operational procedure manual, the lack of experience and understanding of the current electoral management system, the lack of operational management grip, integration of tasks and the absence of effective quality controls, quality assurance and independent checking are critical points of failure in the system.

7.4 There has been insufficient progress in the implementation of the re-engineering of the business processes. The need for these changes were highlighted in 2015 and are detailed in the analysis undertaken in May 2016. The implementation of new business processes would streamline demands on the core team to those requiring their specialist input, engage other skills in the Council for non-specialist tasks and would improve the integrity and robustness of working practices.

7.5 There has been strong strategic leadership in the registration and elections requirements from the Acting Returning Officer. Strategic planning to fulfil responsibilities to maximise registration, promote an accurate and complete register and administer the elections are evident in the elections board arrangements. There is, however, a wide gap between effective strategic planning and the operational realities as outlined above. The ARO requires greater support from those with line management responsibility for the service to acknowledge and close that gap.

7.6 In seeking to rectify the postal vote pack distribution problem by a single objective of maximising the ability to vote, it is difficult to see how the Council could have been more effective given the constraints placed upon it, particularly that of time.

7.7 Despite attempts to take a proactive approach to communication with all stakeholders once the size and nature of the problem was recognised,

communications with the public, media, candidates and agents and the Electoral Commission and internally was not as effective as it needed to be.

7.8 Whilst it is impossible to be accurate about the number of registered electors who were unable to vote because of the administrative errors of the Council, I estimate this to be in the order of 150 to 200 people. There were clearly many more times that number caused inconvenience, concern and upset by the issues that arose.

### Recommendations

- 1) The Council needs to take urgent action to review its recruitment strategy to attract appropriately skilled and experienced registration and elections staff.
- 2) The Council needs to act without delay to recruit additional permanent and technically capable staff to the core team and achieve a compliment of staff and management consistent with the levels recommended by the AEA and by the Council's own analysis
- 3) Pending these appointments, the Council needs to recruit temporary staff who have the salient detailed operational experience to manage the team, build capacity, provide focus, direction and integration
- 4) Resources need to be sufficient and experienced to undertake the canvass and maintain the register, plan and prepare for the possibility of a General Election and plan for the local election in 2018. This needs to include properly documented operating procedures, systems and process to ensure continuity, robust quality assurance and checking procedures, effective communication and completion of tasks.
- 5) The Council should refresh and extend its business process analysis of the service activities with a view to improving their efficiency and effectiveness, including the full migration to the new EMS system and its embedding within operating procedures of the service. This should also address the implementation of proposals to embed non-specialist roles in other parts of the Council and particularly customer/elector contact.
- 6) Further and more detailed planning should be undertaken with regards to communications during an election period; including in the handling of communications when an error occurs. The development of such a plan should engage key stakeholders including the local media, politicians and their agents, the Electoral Commission and the Council's contact centre. This plan needs to be embedded within the

- operating procedures of the registration and elections service and in the civil emergency procedures.
- 7) The ARO should establish an improvement plan taking account of these recommendations and maintain sufficient frequency of the elections project board to hold line management to account for the delivery against the improvement plan
  - 8) The Council should hold the ARO to account for the overall delivery of planned improvements through a cross-party committee of the Council
  - 9) The ARO and the Electoral Commission should agree a process and a frequency of reporting to enable the commission to offer ongoing advice and to satisfy the commission that the necessary improvements are being delivered.
  - 10) The ARO should consider a further independent review in January 2018 to assess progress and preparedness for May 2018 elections.

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