

Written evidence from the Royal Mencap Society (TEB 17)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

About Royal Mencap Society and learning disability

1. Our vision is for the UK to be the best place in the world for people with a learning disability to live happy and healthy lives. We do this by supporting the 1.5 million people with a learning disability in the UK and their families, improving access to health and care services as well as education and employment. We directly support over 5,000 people with a learning disability to live their lives the way they want. A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always lifelong and affects intellectual and social development.
2. People with a learning disability have as much right to vote as anyone else. However, multiple barriers prevent people with a learning disability from being able to engage in politics, register to vote and vote itself. As a result, many people with a learning disability do not feel engaged in the democratic process.
3. The barriers many people with learning disabilities face when engaging with the voting system include:
 - A lack of understanding among some people with a learning disability of their right to vote, and belief among some in the general public that there is a 'mental capacity test' to be able to vote.
 - The way some politicians and political parties communicate can be inaccessible.
 - Voter registration forms are often complicated and not accompanied by an easy read guide. However, the online form does have an easy read guide which Mencap produced.
 - Many people with a learning disability don't get the support they need to learn about the policies of the different parties and candidates.
 - Polling stations can be inaccessible and confusing which may lead to a bad experience and therefore put people off voting.

Voter ID

4. The 2017 Conservative Party manifesto committed to "legislate to ensure that a form of identification must be presented before voting"¹. Following this in the 2018 and 2019 local elections, the Cabinet Office ran pilots for Voter ID with 5 local authorities taking part in 2018 and 10 in 2019. Each area tested a different set of acceptable ID ranging from simply presenting a polling card to producing a limited list of photo ID.

¹ <http://ucrel.lancs.ac.uk/wmatrix/ukmanifestos2017/localpdf/Conservatives.pdf>

5. Ahead of the pilots each volunteer local authority put out varying communications regarding the pilot and what ID would be accepted at Polling Stations. This included holding shop stalls, producing posters, and speaking with local Mencap groups. However, the timing of these communications varied with some taking place a few weeks ahead of the elections leaving many people with a learning disability unaware of the pilots and their requirements. This experience highlighted the importance of communication campaigns in the implementation of Voter ID and the long lead-in required for this.
6. Throughout the lead-up to both pilots, Mencap raised concerns about the lack of accessible communications to notify people about the pilot and what ID was required in their area. Some local Mencap groups were only approached by piloting local authorities at a late stage leaving little room for engagement.
7. Following the 2019 pilots, Mencap carried out a survey of Braintree Mencap, who were in one of the pilot areas, to understand the experience of their members. While this survey showed an overwhelming positive experience, it revealed two key issues which must be addressed:
 - The Electoral Services team had visited the group and supported them extensively to understand the new requirements.
 - The list of approved ID for this area was very broad and included travel passes which were used by almost all the survey's respondents.
8. But the experience of the pilots was not positive for everyone. In the 2018 pilots there were numerous reports of people being turned away from polling stations for failing to show acceptable ID. Subsequently, the BBC revealed that 340 people were turned away from casting their vote². During this pilot, Mencap stressed to Ministers and officials that it is difficult to assess the true impact of the policy due to the typically low turnout at local elections as well as the inability to understand the hidden impact of the policy, in respect to how many people did not vote due to the pilots themselves.
9. Worryingly, the Electoral Commission's evaluation of the 2019 pilots stated that they were unable to "draw definitive conclusions"³ and assess what impact it could have during a General Election. However, we were encouraged those one of the three key areas the Electoral Commission (EC) identified as requiring more work was accessibility.
10. Even more concerning is how the evaluation of the pilots has been interpreted by the Government:

"These pilots were conducted during Local Elections, and we have only been able to indicate the potential impact on other types of polls, notably UK Parliamentary General Elections (UKPGE),

² <http://www.bbc.co.uk/news/uk-england-44197338>

³ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/voter-identification-pilots/may-2019-voter-identification-pilot-schemes/our-findings>

*where a different electorate is eligible to vote, and a different group of electors may intend to vote.*⁴"

11. As mentioned above, it is difficult to form a comprehensive picture of the impact of the pilots due to a combination of low turnout at local elections and the difficulty in understanding who did not vote due to not having an acceptable form of ID. Given this, we believe that the actual number of voters affected were likely to be larger than that reported.

Voter ID in the Bill

12. The introduction of Voter ID will require all eligible voters to show an approved form of photographic ID before collecting their ballot paper when voting at a Polling Station. This will apply to UK General Elections, Local Elections in England, and Police and Crime Commissioner Elections in England and Wales.
13. While the Government's justification for introducing this measure includes securing the democratic process and tackling voter fraud, at the last General Election in 2019 the Electoral Commission (EC) investigated only 595 cases with only 4 cases leading to convictions⁵. While the Government's justification for introducing this measure includes securing the democratic process and tackling voter fraud, at the last General Election in 2019 the EC investigated only 595 cases with only 4 cases leading to convictions⁶.
14. Mencap is concerned that the introduction of voter ID could simply result in yet another barrier to people with a learning disability participating in elections. It is therefore crucial that all steps are taken to ensure that the entire Voter ID system is accessible and that a high-profile communications campaign is undertaken to let people know about the new requirements and how they can continue to participate in the democratic process.
15. We know anecdotally that people with a learning disability typically have lower levels of ownership of photo ID such as a passport or driving license, as few drive and/ or can afford to or are able to travel overseas.
16. We therefore welcome the wider list of acceptable ID listed in the Bill. In particular, the inclusion of travel passes⁷ is welcome as we believe a significant number of people with a learning disability have one of these forms of pass. But the reduced ownership of other forms of ID could lead to a situation where people with a learning disability are heavily reliant on either their travel pass or applying for an Elector Card, the latter of which provides its own set of concerns as set out below.
17. But the list of acceptable ID is not fixed with the Bill providing the Government with the ability to alter the list through secondary legislation. We acknowledge that this must be done in "accordance with a recommendation of the Electoral Commission"⁸, but are concerned

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819404/2019_Voter_ID_Pilots_Evaluation.pdf

⁵ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>

⁶ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>

⁷ <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/210138.pdf>

that this provision could allow the list of acceptable ID could be changed at short notice. In particular, we are concerned that travel passes might be seen in the future as not ‘secure’ enough compared to other forms of ID and therefore removed from the acceptable list of ID.

Elector Card

18. The introduction of an Elector Card is designed to provide a form of ID for those who do not own one of the acceptable IDs outlined in the Bill. While the inclusion of a free elector card is a welcome, there are several issues which need to be addressed by the Government to ensure that obtaining a card is accessible for people with a learning disability. We expect a significant number of people with a learning disability will require an elector card and this is backed up by the Government's own impact assessment of the Bill which shows that:

“Individuals with a severely limiting disability were less likely to hold photo identification than people overall (with 5% not holding accepted forms of photo identification). Furthermore, individuals with severely (12%) or somewhat (8%) limiting disabilities were more likely than those with no disabilities (4%) to report that the identification requirement would make it difficult or very difficult to vote”⁹

19. The impact assessment furthermore states that 3-12% the population could need a new electoral card, and that there is a clear requirement to ensure that the process for obtaining a card is accessible.

20. Firstly, the process to obtain an elector card must be accessible and well-advertised if the Government is to meet its intention to not place additional barriers to people with a learning disability voting. Currently, the Elections Bill simply states that while forms and provision of documents will be required, the details of these are left to further ‘regulations’¹⁰.

21. To ensure that the forms and processed for obtaining an elector card are accessible, they should be co-produced and co-developed with people with a learning disability. So, we welcome our recent engagement with officials on the development of the processed and application and hope that this work continues not only in the development phase but also with evaluation and regular reviews.

22. The Elector Card application process, as we understand it, still requires some forms of ID or proof of address to be shown. To ensure that the process is fully accessible we would like to see clarification from the Government on how people in ‘insecure’ housing, such as Assessment and Treatment Units or in between homes, will be able to obtain an elector card given they may lack documentation with a fixed address.

Communications of voter ID and support for Electoral Services Teams

⁸ <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/210138.pdf>

⁹ <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/2021-05-07ImpactAssessmentREV.pdf>

¹⁰ <https://publications.parliament.uk/pa/bills/cbill/58-02/0138/210138.pdf>

23. Unfortunately, many people still have the misconception that people with a learning disability cannot vote or there is a mental capacity test for voting. This has led to a situation where many people with learning disabilities do not understand their right to vote, however research, and our experience, shows that if families and professionals have the tools and knowledge to support people with a learning disability to make an informed decision and vote, they will in turn do so¹¹.
24. Inaccessible communication is one of the largest hurdles faced by people with a learning disability. Media communications, statements, manifestos and election materials are often jargon filled with complicated rhetoric. All of this means that people with a learning disability feel excluded and are therefore less likely to see the value of participating. Therefore, should voter ID be introduced, we want to see the Government commit to undertaking an intensive communications campaign to ensure that groups traditionally with lower levels of democratic engagement, such as people with a learning disability, are aware of these changes.
25. Alongside accessible processes and applications is the invaluable support that local Electoral Services teams provide to people with a learning disability. Many of these teams provide a vital outreach function helping people with a learning disability register to vote and understand the voting process. However, Electoral Service' teams are typically small, and we have concerns that the additional burdens of these new regulations could hinder their ability to carry out the much-valued outreach service. To ensure that these teams can continue to deliver their full range of services, the Government must provide extra support and funding to these teams to undertake more outreach services and support in the lead up to the introduction of voter ID.
26. Mencap is working with the Accessibility of Elections Work Group and contacts in the EC and the Association of Electoral Administrators to ensure this is the case, but we would like to see the Government take on the bulk of the campaign action to ensure equal participation in elections.
27. We would like to see assurances in the Bill to provide a well-resourced and accessible communications campaign to make people aware of these new requirements as well as a focus on reaching disadvantaged groups. This should also include a wider message about democratic engagement to raise awareness of people's right to vote and how they can take part in our democracy.

Reasonable Adjustments and Accessibility

28. Mencap welcomes the Government's measures to improve the electoral process for people with disabilities through the Elections Bill.
29. The expansion of the list of people who can act as a 'companion' to support voters with disabilities to cast their vote in the Polling Stations is a welcome step. Currently,

¹¹ <https://www.england.nhs.uk/wp-content/uploads/2015/10/service-model-291015.pdf>

‘companions’ must be eligible to vote in that election. This has historically caused issues with non-EU supporters being unable to support people to cast their ballot. The Bill proposes to amend the requirement to simply anyone over the age of 18 which should remove the difficulties that some have traditionally faced.

30. Mencap also welcomes the provision in the Bill to provide a broader range of support devices for voters with disabilities in polling stations. Current legislation is focused on specific ‘tactile’ devices to support people with visual impairments. These changes will be supported through EC guidance, and Mencap will be engaging in the development of this through the Cabinet Office’s Accessibility of Elections Working Group and directly with the EC. However, it is important that any changes do not weaken the current requirements, especially for those with visual impairments.

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