

A. EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

Background

The Programme for Government was published on 17 June 2021 setting out ambitious commitments to be delivered between 2021 and 2026 to improve the lives of people across Wales. It is important that the Senedd and local government closely represent the communities they serve, and the Programme for Government includes a commitment to reform local government to reduce the democratic deficit. Our vision is for Wales to be a place where it is easy for every citizen to get involved in our democracy, have a say in elections and vote.

In June 2021 the Welsh Government announced an ambitious programme of electoral reform to build on work delivered in the fifth Senedd including extending the franchise to 16 and 17 year-olds through the Local Government Elections (Wales) Act 2021 and Senedd Elections Wales Act 2021. On 29 July 2021 the Counsel General and Minister for the Constitution published a written statement setting out a set of priorities to enable more newly enfranchised voters and existing voters to register and vote in the local government elections in 2022. We are successfully:

- worked with local authorities and the electoral community to increase registration, especially through working with schools.
- built on existing channels to increase overall democratic engagement including helping young people understand the impact that local government has on their lives.
- supported four principal councils to deliver a selection of [flexible voting pilots](#) to test different forms of advanced voting including giving young people the opportunity to vote at school and college.

Consultation

In October 2022 we published a White Paper on Electoral administration and Reform which consulted on a wide set of proposals to reform Welsh elections. Youth Friendly, Easy Read and British Sign Language versions of the consultation were published alongside the main document. We received 39 responses to the youth friendly version and seven responses to the easy read version of which the majority

were broadly supportive of the provisions. No responses were received to the British Sign Language format.

A summary of consultation responses is published on the Welsh Government's website. [Electoral administration and reform White Paper | GOV.WALES](#)

Elections and Elected Bodies (Wales) Bill

The Bill makes provision for simplifying and strengthening administration of Welsh elections, improve participation by voters and candidates and introduce broader improvements to the operation of local democracy.

The Equalities Act 2010 places a General Equality Duty on Welsh public authorities to have 'due regard' to the need to eliminate unlawful discrimination, harassment, and victimisation, as well as to advance equality of opportunity and to foster good relations between people who share a protected characteristic and those who do not. The Bill applies equally to all people in Wales who will benefit from the measures being taken forward. It will improve participation in democracy by a wider range of people including people with protected characteristics. A key part of the work programme of the Electoral Management Board established in Chapter 1 of the Bill will be to ensure greater accessibility of elections including people with protected characteristics. It will also host the Welsh Elections Information Platform which will contain information about candidates and political parties to help electors make informed decisions at elections. The provisions in Chapter 4 of the Bill to improve accessibility and diversity at Welsh elections will particularly benefit people with protected characteristics. We have not identified any negative impacts on people with protected characteristics.

Assistance for disabled voters

It has long been recognised that disabled people can find it particularly difficult to access the electoral process facing physical barriers when trying to vote independently and in secret¹.

The Welsh Government is committed to using the Social Model of Disability in all aspects of its work and remove barriers so that disabled people are able to participate fully. Prior to the launch of the White Paper consultation, we met with Third Sector organisations representing disabled people including Disability Wales, RNIB, Mencap, and Learning Disability Wales and engaged with the Disability Equality Forum and the Disability Rights Taskforce. The White Paper demonstrated

¹ Electoral Commission, Elections for Everyone (<https://www.electoralcommission.org.uk/report-elections-everyone>)

UK Government. Access to Elections: Call for Evidence (<https://www.gov.uk/government/consultations/access-to-elections-call-for-evidence>)

how the Welsh Government aims to remove barriers to participation by disabled people in the electoral process. Our proposals included using secondary legislation to place a duty on returning officers at Welsh elections to provide such equipment as it is reasonable to provide for the purposes of making it easier for disabled people to vote. The majority of respondents were supportive of these proposals, but two Third Sector organisations were concerned it did not go far enough. The RNIB were concerned that the proposal offered no guarantee that audio support would be available even if it was requested by blind or partially sighted voters. We will take this view into account as part of our wider package of electoral reforms.

It is clear that the existing provisions outlined in regulations to provide a tactile voting device do not go far enough in ensuring that disabled people are able to vote entirely independently and secretly. This is illustrated by the high court case² where it was ruled that the Tactile Voting Device provisions do not provide for a disabled voter to be able to vote completely independently and in secret as there was no indication of the order of candidates on the ballot paper. Stakeholders had mixed views on whether the equipment should be specified in law. The flexibility of the proposed secondary legislative provisions, which will be made to the Senedd and local government elections rules in Wales - for example not being specific in terms of the minimum equipment to provide - will ensure a degree of flexibility as new technologies are developed. It also allows for the Returning Officer's judgement as to what assistance and equipment is required in specific polling stations. In addition, a number of key stakeholders did not support this due to challenges arising from the increasing divergence between Welsh and reserved elections.

Two respondents to the White Paper consultation also pointed out the potential challenges associated with meeting the needs of a wide range of disabled voters across a large number of polling stations. There were related clear themes in response to the consultation question of what support should be put in place to ensure Returning Officers are able to effectively discharge their role, which fell within guidance, funding and training. It is also recognised that the non-specific nature of the provisions could result in a great level of inconsistency across Polling stations.

As part of the changes stemming from the Elections Act 2022 relating to reserved elections, the Electoral Commission consulted on draft guidance for Returning Officers on assistance with voting for disabled people in December 2022 and the opinions of the respondents³ were reflected in the final guidance as far as possible (with the view that it would be a living document). During the consultation period, the RNIB published its 'Turned Out Report'⁴ which explored some of the barriers blind and partially sighted voters faced and steps that could be taken to improve voter

² R (Andrews) v Minister for the Cabinet Office [2019]

³ [Response to statutory consultation on guidance for Returning Officers on assistance with voting for disabled people | Electoral Commission](#)

⁴ [Turned Out 2022 \(rnib.org.uk\)](#)

experience. The Electoral Commission published the final guidance for Returning Officers with regards to providing assistance with voting for disabled voters in early 2023⁵.

As part of the wider package of reforms, the Bill provides for a duty on the Electoral Commission that its election reports must include a description of the steps taken by returning officers to assist disabled people to cast their vote. This will sit alongside changes in secondary legislation which will place a duty on returning officers to provide such equipment as is reasonable to assist disabled people to vote; taking account of Electoral Commission guidance. These changes, applying to all Welsh devolved elections, demonstrate the Welsh Government's commitment to have due regard the Public Sector Equality Duty to eliminate unlawful discrimination.

This will ensure consistency between Welsh and reserved elections, making it simpler for disabled voters to understand their rights and for administrators to provide support. The duty on the EC to report on the steps taken will add a degree of accountability on Returning Officers in their duty to adhere to the guidance provided.

We will also make it easier for companions to assist disabled voters in Senedd elections. We will amend the criteria for companions in the National Assembly for Wales (Representation of the People) Order to replicate the local election rules. As such, the criteria for a companions will be extended to a person over the age of 16.

In addition to the legislative steps to remove physical barriers at polling stations, the Welsh Government will continue to engage closely with stakeholders and explore non legislative solutions to ensure that the needs of disabled people, to be able to vote independently and in secret, are met. Measures of the success of the legislative proposals and future non legislative proposals could include increase in voter turnout and an increase in confidence around the voting process.

Welsh elections information platform

Organisations representing disabled people say that it is hard to find a reliable and accessible source of information about the electoral process and that some disabled people, particularly those with a learning disability are not aware they are able to vote. The Bill places a duty on the Welsh Ministers to provide a website hosting candidate and voter information for Senedd and local elections.

Diversity in persons seeking access to elected office

The Welsh Government is committed to increasing the diversity amongst candidates standing for elected office by tackling the barriers which prevent people with protected characteristics from standing for office. 2021 census data showed that

⁵ [Ensuring that voting is accessible | Electoral Commission](#)

22.3% of females and 19.8% of males identified as disabled in Wales. Disabled people are likely to face more barriers when standing for elected office.

The Access to Elected Office Fund was a pilot programme aimed at providing support to disabled people standing for election. The pilot fund was available for candidates seeking election in the May 2021 Senedd elections and the May 2022 local government elections. The fund received a total of 21 applications from candidates standing in Senedd, principal council and town and community council elections. Six of the individuals in receipt of support were successfully elected, all to community councils.

The pilot consisted of:

- An advice service to encourage and support disabled people to seek election.
- Financial support to assist candidates to meet the additional support costs necessary to take part in the election.
- Administration of the fund and management of allocations made available to support disabled candidates.

An independent evaluation of the pilot Fund arrangements has been undertaken, with the report supporting the continuation of the fund.

The White Paper proposed this fund be placed on a legislative basis, with a duty on the Welsh Ministers to maintain an 'Access to Elected Office Fund' which is available for all Welsh ordinary and by elections. There was broad support for this proposal and the Counsel General, in a statement made in the Senedd on 16 May 2023 confirmed the Welsh Ministers' intention to legislate to ensure that a fund is available for future elections.

The Programme for Government includes a commitment that proposes an extension to the arrangements of the pilot fund that applied to disabled people, to cover individuals from all protected characteristic groups within the one fund. Information collated from research undertaken, feedback from the pilot (Access to Elected Office Fund) and the diversity events held in December 2022 and January 2023 suggested this approach may not deliver the desired policy outcome. On this basis the Bill includes an alternative approach which places a duty on Welsh Ministers to put in place arrangements to encourage and support individuals from diverse backgrounds to stand for election in Senedd and local government elections. These arrangements may include financial and non-financial measures and may be established for different periods of time depending on the nature of the individual support package provided. As part of the arrangements the Welsh Ministers must put in place a scheme of financial support for disabled candidates to reduce or remove the barriers

they face when standing for election. The Bill will also put in place measures to safeguard the independence of the arrangements and ensure political neutrality.

Record of Impacts by protected characteristic:

The Bill will have a positive impact on people with protected characteristic and no negative impacts have been identified. We will continue to assess the impacts as we develop the secondary legislation.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
<p>Age, gender reassignment (the act of transitioning and transgender people), pregnancy and maternity, race (include different ethnic minorities, gypsies and travellers and migrants, asylum seekers and refugees), religion, belief and non-belief, sex / gender, sexual orientation (lesbian, gay and bisexual), marriage and civil partnership, children and young people up to the age of 18, low-income households</p>	<p>Positive Impact - The Bill will make provision to make it easier for people to register to vote. It will help voters find information about the electoral process by placing a duty on the Welsh Ministers to provide an online voter information platform. It will improve diversity of representation in Senedd and Local Government democratic structures by placing a duty on Welsh Ministers to remove barriers to standing for election for under-represented groups.</p> <p>Negative Impact – none identified.</p>	<p>Evidence used is summarised in the body of this Impact Assessment.</p>	<p>No negative impacts identified.</p>

<p>Disability (consider the social model of disability⁶ and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments)</p>	<p>Positive impact - The Bill (in conjunction with secondary legislation) will provide assistance to make it easier for disabled people to vote. It will also place a legal duty on Welsh Ministers to establish and maintain a fund to support disabled candidates stand for elected office.</p> <p>Negative Impact – none identified.</p>	<p>Evidence used is summarised in the body of this Impact Assessment.</p>	<p>No negative impacts identified.</p>
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Human Rights and UN Conventions

Human Rights

What are the positive or negative impacts of the proposal?
 How will you mitigate negative impacts?

Article 8 ECHR – right to a private and family life

Potential engagement with respect to electoral registration without application. However, any possible impacts are proportionate and sufficient measures are in place to mitigate any risks. These include, communication duties placed upon ERO’s, the extended waiting periods before a person is added to the electoral register, additional restrictions on those who hold for public inspection copies of the full register and the abolition of the edited register in relation to local government elections in Wales. This mitigates any risks that might arise with respect to those persons potentially eligible for anonymous registration.

Article 10 rights (freedom of expression)

The introduction of certain restrictions on third-party expenditure has the potential to engage Article 10 of the ECHR. However, the measures in the Bill are considered necessary and proportionate, and are designed to further protect the Article 3,

⁶ Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search ‘social model’.

Protocol 1 right to free elections and are therefore considered to be compatible with Convention rights.

Article 14: Protection from discrimination

No specific negative impacts have been identified.

Article 3, Protocol 1: Right to free elections

The measures in the Bill promote the right to free elections, for example by providing greater information about elections and candidates, ensuring transparency in third-party expenditure during an election campaign, and providing for greater co-ordination and a mechanism to pilot future electoral innovations. The changes to the offence of undue influence ensure the integrity of the democratic electoral process by protecting citizens to allow the free exercise of the franchise.