



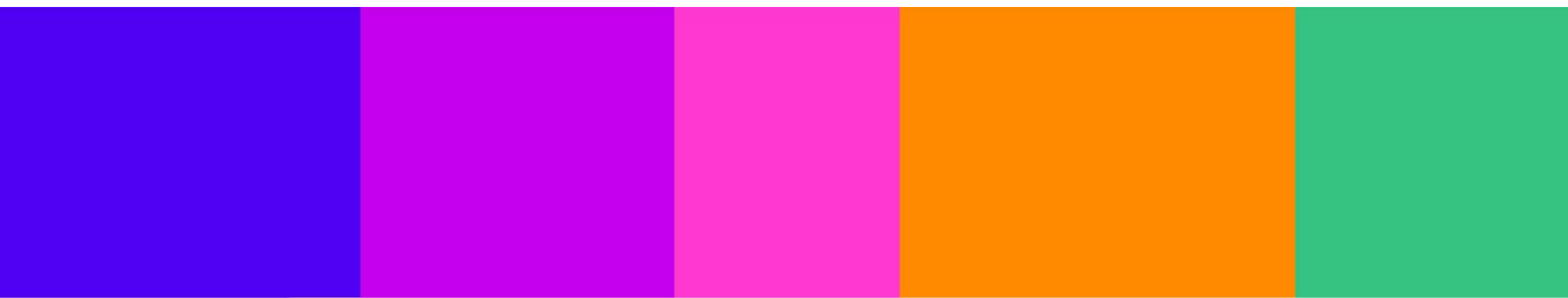
THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)

CALL FOR INPUT: THE FUTURE OF THE UNIVERSAL POSTAL SERVICE

3 April 2024

Malcolm Burr
Convener of the Electoral Management Board for Scotland
c/o City of Edinburgh Council Elections Office,
Edinburgh EH1 1YJ
0131 469 3126
chris.highcock@edinburgh.gov.uk

www.emb.scot



Consultation response form

Please complete this form in full and return to futurepostalUSO@ofcom.org.uk

Consultation title	The future of the universal postal service
Full name	Chris Highcock
Contact phone number	0131 469 3126
Representing (delete as appropriate)	Organisation
Organisation name	The Electoral Management Board for Scotland (EMB)
Email address	chris.highcock@edinburgh.gov.uk

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Nothing
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None of the responses from the Electoral Management Board for Scotland are to be kept confidential.
For confidential responses, can Ofcom publish a reference to the contents of your response?	N/A

Your response

Question	Your response
<p>Question 1: Do you agree that we have identified the correct aims, supporting principles and features of the USO? Do you consider that these should continue to be respected as far as possible when assessing potential changes to the USO?</p>	<p><i>None of the responses from the Electoral Management Boad for Scotland are to be kept confidential.</i></p> <p>In chapter 4 the consultation document clearly articulates the fundamental objective of the USO and the principles that lie behind it - promoting social cohesion, promoting economic growth and facilitating key interactions between the citizen and the state.</p> <p>The USO is plainly presented as a public good. The EMB is concerned with the effective conduct of elections delivering election with results in which the voter can have full confidence. As such the argument for the USO in terms of “democratic engagement, for example the receipt and return of postal votes” and the dispatch of poll cards is well expressed in the document.</p> <p>The poll card, which is the only piece of communication that by law goes to every elector is sent by post and needs reliably to arrive in time for the elector to be aware that the election is taking place and for them to understand where and when to vote. It also contains information that allows them to request alternative ways to vote – for example to request a postal vote or to appoint a proxy. There are deadlines ahead of an election for such requests to be made.</p> <p>Postal votes can only be dispatched once nominations close when it is clear who will be on the ballot paper. They then need to be completed and returned to the Returning Officer in time to be counted.</p> <p>Current election legislation defines a timetable for electoral events which makes assumptions about the speed of delivery of material -poll cards and postal votes. This obviously has implications for any adjustment to the USO particularly if it were to impact delivery speeds.</p> <p>Sound and effective elections are currently built on reliable postal services with expected delivery schedules across the whole of the UK. If there are changes to these services then the current electoral timetables would no longer be sufficient and there may be an argument for</p>

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	lengthening the timetable. Without the USO electoral law would need to change.
<p>Question 2: Do you agree with our assessment of the direction of change in postal needs of residential (including vulnerable) users and SMEs? Are there other factors relevant to their future demand which we have not considered?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>The assessment of the developing market conditions is accurate in general. However what is not clearly articulated is that electoral law currently requires the physical existence of paper poll cards – to every elector - and of paper postal votes. These are major bulk mailings affecting the whole of the UK, fundamental to democratic engagement which, as explained in the document, is a public good primarily for social cohesion. The market here can only change if electoral law changes.</p>
<p>Question 3: Do you agree with our assessment of the bulk mail market? Are there other factors relevant to its future evolution which we have not considered?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>The assessment of the bulk mail market is sound. However as noted throughout this document current electoral legislation requires paper poll cards and postal votes which are dispatched to current schedules and delivery speeds.</p> <p>There is a general shift to digital communications channels but these are not yet fully trusted with respect to their deployment nor are they yet permitted in electoral law.</p>
<p>Question 4: Are there specific events/changes that could trigger a significant change in demand for large mail users, including public services?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>There are several circumstances that could precipitate a significant change in demand for bulk mail around elections. The recent pandemic saw a huge growth in postal votes across the country growing from under 20% to over 25% of the electorate in Scotland.</p> <p>There is a stated assumption that there will be increased digital engagement with citizens in future with an expectation that there may be developments around digital or remote voting in future. However a major cyber security incident around electoral integrity, and these are high on many risk registers at present, may well erode confidence in digital solutions and force a return to paper</p>

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	based solutions delivered by post to which the current USO is a fundamental assumption.
<p>Question 5: Do you agree with our proposed approach to estimating the financial burden of the USO?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>The approach taken to estimate the financial burden of the USO appears valid. However there are assumptions within this model which are based on how Royal Mail may react to <i>hypothetical</i> developments in the market. While the model is valid, its conclusions need to be treated with caution and a major decision with huge implications for social and economic conditions in the UK cannot be taken solely on the basis of such a model.</p> <p>There are public goods – such as the USO - which a society may choose to fund irrespective of financial conditions.</p>
<p>Question 6: Do you agree with our considerations regarding the unfairness of the financial burden of the USO?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>Given the factors identified in the analysis there is a clear argument that the USO does represent an unfair financial burden to a commercial operator operating within a competitive and fluid market.</p> <p>This however is not an argument for the removal of the USO. If the USO is seen as a public good then the argument is for the financial burden to be addressed fairly, not for the USO to be removed.</p>
<p>Question 7: Do you agree with our considerations regarding the impact of the financial burden of the USO?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>As noted above while the consideration of the financial burden of the USO is important, conclusions are not necessarily arguments for the removal of modification of the USO. If the USO in its current form is an important public good – and it may be argued that that it is particularly to support democratic participation through postal voting and communications around elections – then a financial burden is not a reason to remove the USO or modify it in significant ways but a reason to address the financial element separately or for market intervention.</p>

Question	Your response
<p>Question 8: Do you agree with our analysis of the different options available to change the USO and the impact of those changes on residential (including vulnerable) users, SMEs and bulk mail users? If not, please explain why and set out any option(s) which we have not considered.</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>The options identified for changes to the USO ((i) a reduction in frequency of delivery for letters, (ii) changes to speed of delivery for most mail and (iii) amending the current QoS targets for existing services) are analysed in terms of the impact on residential (including vulnerable) users, SMEs and bulk mail users.</p> <p>However there is a fundamental element that is missing in the analysis in that the current electoral processes as governed by current electoral legislation across the UK is predicated on the current delivery speed for letters.</p> <p>The poll card, which is the only piece of communication that by law goes to every elector is sent by post and needs reliably to arrive in time for the elector to be aware that the election is taking place and to understand where and when to vote. It also contains information that allows them to request alternative ways to vote – for example to request a postal vote or to appoint a proxy.</p> <p>Postal votes can only be dispatched once nominations close and it is clear who will be on the ballot paper. They then need to be returned to the Returning Officer in time to be counted.</p> <p>The current election legislation defines a timetable for electoral events which makes assumptions about the speed of delivery of letters -poll cards and postal votes. This obviously has implications for any adjustment to the USO particularly if it were to impact delivery speeds.</p> <p>Sound and effective elections are currently built on reliable postal services to expected delivery schedules across the whole of the UK. If there are changes to these services then the current electoral timetables would no longer be sufficient and there may be an argument for lengthening timetable.</p>

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<p>Question 9: Which option(s) do you consider would be most appropriate to address the challenges we have identified, while also ensuring that users' needs are adequately met?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>As noted above, the pressures resulting from the USO from changing market conditions are not necessarily justification for removing or modifying the USO. Rather if the USO is seen as a fundamental public good especially around the support for social cohesion around democratic participation then the question should be how to address these pressures. That may be through funding changes or other market intervention.</p> <p>If there are changes to the USO that impact on delivery speed or schedule then the EMB would request that there is an analysis of how this would impact on the conduct of elections. Such changes might require revision to electoral legislation to lengthen timetables to ensure that they still include sufficient time for electors to be contacted and for postal votes to be sent and returned. It is understood that there may be an effort to prioritise reliability over speed but the electoral timetable as defined in statute relies on speed.</p>
<p>Question 10: Do you have any other views about how the USO should evolve to meet users' needs?</p>	<p><i>None of the responses from the Electoral Management Board for Scotland are to be kept confidential.</i></p> <p>The EMB leads on the delivery of elections in Scotland always looking to keep the interests of the voter at the centre of all planning, preparation and administration. For Scotland there are huge areas of the country that are rural and remote from cities, particularly in Highland and island communities. The arguments made throughout this paper with respect to the USO being a public good apply especially to citizens as voters in these communities who are otherwise at risk of exclusion from the regular activities of society. For them to participate in the democratic process on the same basis as urban voters they need to be served by the same schedule and speed of delivery. There must be no revision to postal services that would relatively disenfranchise voters in rural or island communities. Again, if the postal service is changed then there would need to be a change to the electoral timetable to recognise that the basis on which the election is to be operated has been fundamentally modified.</p>

Question	Your response
	<p>The Association of Electoral Administrators has submitted their own response to this consultation. The AEA is a valued adviser to the EMB and the EMB has noted its response and fully endorses the comments that they have made. Their conclusion is clear and explicit <i>“The UK’s electoral system relies on Royal Mail. It relies on timely deliveries of vital information. It relies on postal voters trusting their vote to the universal postal service.”</i></p> <p>No further comments are made.</p>

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The Electoral Management Board for Scotland
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1. The EMB was established by the Local Electoral Administration (Scotland) Act 2011. This Act gives the Board “the general function of co-ordinating the administration of local government elections in Scotland.” The Scottish Elections (Reform) Act 2020 extended the Board’s remit to cover elections to the Scottish Parliament.
2. The Board is independent of both Scottish and UK Governments and of political parties, but accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers (ROs), their Deputies (DROs) and Electoral Registration Officers (EROs).
3. Advisors include professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.
4. The EMB’s “general function of co-ordinating the administration of local government and Scottish Parliament elections” involves two specific roles:
 - (a) assisting local authorities and other persons in carrying out their functions in relation to local government elections; and
 - (b) promoting best practice in local government elections by providing information, advice or training (or otherwise).
5. The EMB’s primary focus is ensuring that the interests of the voter are kept at the centre of election planning, preparation and delivery. The work of the EMB supports and is supported by the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue Directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections, and this power has been exercised in all recent elections, with the consent of the electoral community, to provide consistency across Scotland in the key voter facing elements and to ensure adequate contingency planning.
6. The EMB has coordinated the work of ROs and EROs in their delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections and UK and Scottish Referendums. Where the Convener did not have a legal power of direction the Board made Recommendations to maintain the usual expected standards of consistency and contingency planning across the country.
7. Since its creation, the EMB has had an increasingly important role in promoting a consistent approach, acting as a single point of contact for stakeholders and providing a source of professional expertise, advice and support to the electoral community. The Board is now a valued part of the electoral landscape in Scotland and the UK, recognised for strengthening and developing the professional and operational capacity of the sector in service to the electorate.
8. This response sets out the EMB’s views regarding the proposals. The EMB welcomes the opportunity to submit this response.