

UPDATE - COVID 19 GUIDANCE FOR THE 2022 SCOTTISH COUNCIL ELECTIONS ISSUED 7 APRIL 2022

Background

COVID-19 remains a public health risk that needs to be considered in the planning, preparation and delivery of the Council Elections across Scotland on 5/6 May 2022. For the Scottish Parliament Election in May 2021 the EMB issued supplementary guidance for Returning Officers outlining a series of measures to promote safety in polling, postal vote opening and at the count.

As we approach our Council Elections in 4 weeks' time the EMB has continued to engage with Public Health Scotland (PHS) to ensure that Returning Officers are taking appropriate and proportionate measures in the light of current public health conditions, legislation and guidance. This email outlines the EMB advice to Returning Officers following discussions with PHS in the last few days.

Baseline measures continue to be recommended

The general suite of measures that were applied at polling and the Count in May 2021 now constitute guidance only and are recommended for consideration only. Such measures include:

- Enhanced ventilation of venues;
- Good hand hygiene with regular hand washing and the use of hand sanitiser;
- The use of a face-covering in indoor public spaces;
- Regular cleaning of facilities, with regular wipe downs of touchpoints;
- One-way systems in polling places;
- Limited capacity in venues allow some distancing to be maintained;
- Perspex screens in front of staff

In addition, in general anyone experiencing Covid-19 symptoms will be advised to stay at home and emergency proxy votes are available. As in May 2021 however we do not want to discourage people from voting and *any* registered voter attending the polling place must be allowed to vote.

The approach outlined in the EMB Supplementary Guidance <https://www.emb.scot/downloads/file/864/updated-guidance-on-delivering-elections-under-covid-conditions-january-2022> continues to reflect good practice, informed by the experience of May 2021, the advice of PHS and input from Health and Safety colleagues. There is also a range of guidance on the PHS website looking at [non-healthcare settings](#) which should help our planning.

A transition from legislation to guidance

However, the country is in a different position from May 2021. The legal requirements mandating many of these measures - such as physical distancing – have been removed and we are in a position where there is guidance to be followed rather than legislation to obey. Increasingly it is recognised that there are personal decisions to be taken which reflect individuals awareness of and appetite for risk. As we approach the May 2022 elections Returning Officers will therefore need to consider what is appropriate and proportionate locally, recognising a range of factors. These factors are developed below.

“Strongly encouraged”

While the position is now one of guidance rather than legislation, we continue in a situation where many measures remain as *strongly encouraged*. In practice enhanced ventilation, hand hygiene, regular cleansing, face coverings and some degree of physical distancing all persist as the basic expectation and *strong encouragement* even if they are no longer strictly required or mandated.

A recognition of the attitude of the voter

The interest of the voter must always be kept at the centre of all planning and delivery of elections. There should be no barriers to any voter taking part in the election. Recognising that there are now varying attitudes to Covid19 measures and differing awareness and calculation of personal risk, the Returning Officer will want to ensure that those who perceive a greater degree of personal risk are not discouraged from attending the polling place. Proportionate measures should be in place to ensure that all voters are reassured as to their safety.

Duty of care to staff

Returning Officer staff will still need to be given safe environments in which to work at both polling and the count. The Returning Officer has a duty of care for their staff. Again while legal conditions may have changed the Returning Officer will wish to consult with Health and Safety colleagues to ensure that appropriate measures are being taken in the workplace. These may vary from location to location.

Selection from a suite of measures

There are a suite of measures that were applied at postal vote opening, polling and count operations in May 2021. These included Perspex screens, face coverings, physical distancing enforced by barriers and floor markings, one way systems, enhanced ventilation and limited occupancy of rooms. In the current conditions it may be that the need for some of these measures may be reduced where others are in place. For example where there is good ventilation and limited occupancy it may be judged that Perspex screens are not necessary. There is in effect a menu of options which support each other all of which may not be needed in particular circumstances.

Local advice

Returning Officers should continue to take the advice of their local experts who are familiar with the current local circumstances, venues and practice. These would include professionals in Environmental Health, Health and Safety and the local Director of Public Health.

Summary

Scotland, as far as possible, is moving to rely much less on legal requirements and much more on people and organisations making and sustaining the adaptations to behaviours and physical environments that will improve our resilience to the virus and help keep it in check. There is a shift towards guidance and awareness of personal risk rather than direction and legislation. The general guidance from the EMB and PHS issued previously remains valid. Returning Officers will wish to ensure that nothing discourages participation and that workplaces are appropriately safe. However what is actually deployed in the various venues may be different from last year and vary from place to place. Returning Officers will need to reflect on local conditions, other measures that are applied

and advice from their own expert advisers. Returning Officers have a responsibility to deliver safe elections but how that is achieved may now take a different shape in each area.

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