

<p style="text-align: center;">Parliamentary Voting System and Constituencies Bill Equality Impact Assessment</p>
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Description of the proposed legislation being assessed

1. The Parliamentary Voting System and Constituencies Bill provides for a referendum on the Alternative Vote ('AV') system to take place on 5 May 2011, and for the introduction of AV for future Westminster elections in the event of a 'yes' vote. The Bill also provides for the creation of fewer and more equally sized constituencies - requiring the four Parliamentary Boundary Commissions to create new constituencies that contain a number of electors that is within 5% either side of the "electoral quota" (broadly speaking, the mean UK electorate) – and a reduction in the size of the House of Commons to a set number of 600 MPs.

What is your assessment of the equality impact of your proposals, including an assessment of the available evidence?

2. The effect on particular groups of holding a referendum, introducing AV in the event of a "yes" vote, reducing the size of the Commons and creating more equally sized constituencies cannot be predicted with any certainty, not least because they depend both on decisions which are yet to be taken and on factors which are beyond the Government's control (e.g. the electorate's reaction to a new voting system, or the decisions of the Boundary Commissions as to where the boundaries should fall).
3. Nonetheless, we have considered the arguments for and against any potential equality impacts resulting from the proposals in the PVSC Bill according to the best available evidence. We have concluded that there is no authoritative evidence to suggest that the proposals in the Bill would have adverse equality impacts; and that where there might be impacts, mitigating measures are available.

Referendum on the alternative vote

4. We are not aware of any evidence that holding a referendum will have an adverse impact on certain groups. In many areas the referendum will be held alongside local elections, devolved legislature or other polls, and the manner in which the poll is conducted will need to comply with the requirements which already apply to elections, for example in terms of accessibility of polling stations for disabled people. Although studies such as Scope's 'Polls Apart 2010' Report have highlighted that there is room for improvement here, there is no evidence to suggest that the referendum will *in itself* have a detrimental effect on accessibility.

Implementing the alternative vote system

5. The Alternative Vote would involve a shift from a voting system where voters make one mark on a ballot paper to a system that would involve voters having the opportunity to mark one or more numbered preferences on a ballot paper. We are not aware of any detailed empirical evidence that a change in the voting system to the Alternative Vote – in the event of a "yes" vote in the referendum – would have an adverse impact on particular groups. The *Review of Voting Systems* published by the previous Government in 2008

considered the evidence on how easily different systems could be understood and operated by electors. It concluded that

“there does not appear to be any conclusive evidence that any one particular voting system is more confusing for the voter, in terms of casting their votes correctly, than any other system”¹.

The Review did not reach conclusions as to whether different voting systems could be more or less difficult to operate for particular groups.

6. Relatively recent experience already exists within the United Kingdom on which to draw about how the transition to a new system could be approached, if there were a “yes” vote in the referendum, given that new voting systems were adopted for the Scottish Parliament, Welsh Assembly and London Mayor and GLA in 1998. In the event that AV is introduced, the Government and the Electoral Commission – which has responsibility for voter awareness – will be in a position to undertake activity to ensure that the operation of the potential new system takes account of these issues: so mitigating activity can be undertaken if any issues are identified in the future.

Reduction in the number of MPs and equalisation of constituencies

7. The proposal that constituencies must be more equal in size is designed to ensure that votes have more equal weight throughout the United Kingdom. As the British Academy publication *Drawing a New Constituency Map for the United Kingdom* notes:

“If citizens vote for constituency MPs, then the principle of one person, one vote suggests constituencies of equal size.”²

Under the current system, the last Boundary Review in England (concluded in 2006 using the 2000 electoral register) produced 59 of 533 seats more than 10% +/- the c.70,000 'electoral quota' that formed the basis for the review. By 2009 the number of seats that were outside 10% of the electoral quota for that review had degraded to 104. In addition, the time taken to complete the review meant that the new constituencies were first used in 2010, when the electoral register data on which the review was based dated from 2000. The combined impact of variations in the size of recommended constituencies and movement of the electorate over time means that, for example, an election on the 1st December 2009 would have granted 10 voters in Glasgow North the same say as 17 voters in Manchester Central. Under the proposals in the Bill, the Boundary Commissions will be required to ensure that all seats are within 5% either side of a single electoral quota, with only two named exceptions. The proposal builds on the existing statutory framework in the Parliamentary Constituencies Act 1986, which requires the Boundary Commissions to ensure that constituencies are as near to the electoral quota as practicable, but makes that requirement subject to the other rules.

8. The following sections consider arguments or evidence put forward regarding the equality impact of the Bill, and the Government's view.

¹ *Review of Voting Systems: the experience of new voting systems in the United Kingdom since 1997*, HM Government, Cm 7304, January 2008 (paragraph 6.100)

² *Drawing a New Constituency Map for the United Kingdom*, British Academy (page 7). Available at: <http://www.britac.ac.uk/policy/Constituencies-bill.cfm>

Size of constituencies, and electoral registration

9. The average geographical size of a constituency and the average electorate will each, by definition, be higher as a result of the reduction in the number of constituencies. We have considered whether this might have implications for access to MPs arising from the greater number of constituents or the larger geographical sizes that will exist in some constituencies; and whether there is any evidence that such implications might have equality impacts. Individuals who are not registered to vote are not taken into account in calculating the electoral quota. There is evidence that some groups – for example BME groups, and students – are less likely to register to vote; the Electoral Commission’s March 2010 report on registration concluded that “The highest concentrations of under-registration are most likely to be found in metropolitan areas, smaller towns and cities with large student populations, and coastal areas with significant population turnover and high levels of social deprivation”.
10. The Government believes that the guiding principle in drawing Parliamentary boundaries should be the weight of each individual vote. In the UK, Governments hold office by virtue of their ability to command the confidence of the House. This means that each individual Member is the embodiment of their constituents’ stake in who forms the Government of the day. For one elector to mean one vote at the national Government as well as within a constituency in this system, the number of electors in a constituency must be equal. Whilst absolute equality is not the aim of the legislation – since that would clearly be impractical - to base reviews on the population of a constituency rather than the electorate would undermine the principle, since the equal say of those who are enfranchised will be made unequal by the inclusion of individuals whom Parliament has determined should not be enfranchised, which will vary from constituency to constituency. In this way the Government’s proposal to retain the electoral register as the basis of reviews will result in greater equality in the weight of a vote.
11. It has been argued that the continued use of the electoral register results in under representation for under-registered groups. It must first be noted that electoral registration is a voluntary act; and the Government has set out proposals for how the act of registration can be encouraged. It is however clear that the proposal to retain the electoral register as the basis of reviews does not create under-representation; since the existing process for drawing boundaries already operates on the basis of the electoral register, and has done so since at least the 1940s, and the existing legislation does not provide any mechanism for Boundary Commissions to take alleged under-registration into account. Furthermore, it cannot necessarily be said that variation in constituency size directly correlates to the quality of service for voters from an MP. As now, once boundaries are drawn, it is a matter for MPs to serve all their constituents. The Government’s proposals are for constituencies to vary less in size in future.
12. The policy in this Bill does not, the Government believes, itself create a new equality impact. We have considered whether the opportunity should be taken to alter the practice of using electoral register as the basis of reviews; however, given the argument of principle and greater equality in the weight of a vote set out at 10 above we have not done so. In addition, we consider that the electoral register remains the most appropriate database for use in

Parliamentary boundary reviews, since it is regularly updated. Population statistics, for example, are updated only once every ten years, and involve a degree of estimation. This assessment has the support of the Secretaries to the English and Scottish Boundary Commissions (in their evidence to the Political and Constitutional Reform Committee on 9 September 2010).

13. The Government takes the view that the continued use of the electoral register as the basis for drawing Parliamentary constituencies should not create an adverse equality impact. However, although, as noted above, electoral registration is a voluntary act, Government has announced to Parliament (on 15 September) that it intends to accelerate the implementation of Individual Electoral Registration, and alongside that to pilot data matching schemes to identify ways in which electoral registration can be more effectively targeted, including in particular at groups currently under-registering. Although electoral registration remains voluntary, this should help to mitigate the more general issue of the decline in levels of registration which has taken place over the last decade³.
14. In addition, although we have not seen evidence that the increase in average geographical size and numbers of electors would have differential impacts, there are a number of further points to consider:
 - i. although some constituents will find themselves in a constituency with a larger electorate than at present, approximately one third of existing constituencies are already within the tolerance band for number of electors in the Bill, and 41 are larger. What is being proposed is already the existing experience of many constituents. It could also be argued that, as result of the rules on equalising constituencies, people in the larger constituencies might benefit from a more equitable distribution of the workload between MPs so accessibility could be improved in some parts of the UK; and disparity between electorate sizes, and in the service received, will be reduced; although, as set out above, it is not necessarily the case that the number of electors in a constituency directly correlates to the quality of service received from an MP. In addition, an MP is an individual voter's stake in the formation of the Government, and by addressing inequality in weight of votes inequality in that sense is reduced;
 - ii. the Bill caps the geographical size of constituencies at just larger than the largest current seat. MPs must serve all of their constituents, irrespective of their enfranchisement, whether or not they are registered, or who they voted for. It will be a matter for IPSA to consider how best to support MPs to undertake that task;
 - iii. the size of the legislature is a subjective judgement, and different nations take different approaches. However, there is evidence that the United Kingdom's national directly elected legislature has a higher number of MPs per head of population than many other democracies⁴;
 - iv. more frequent boundary reviews – the Bill provides for such reviews to

³ Electoral Commission reports: *The Completeness and Accuracy of Electoral Registers in Great Britain* (2010).

⁴ *How strong is the case for having fewer MPs?:* Lewis Baston and Stuart Wilks-Heeg, Democratic Audit.

occur every five years – should reduce the extent to which constituencies boundaries become out of date (i.e. less reflective of the actual numbers of electors resident there) over time.

Diversity in the House of Commons

15. The role of political parties in the diversity of the House of Commons is critical. The report of the Speaker's Conference on diversity in Parliament noted that:

*“If someone wishes to represent their community in Parliament, and be an MP, being selected as a local political party's official candidate (prospective parliamentary candidate, or PPC) is a virtual necessity. The formal selection process which is operated by local parties is, therefore, the first key campaign which an aspiring candidate must successfully negotiate on the road to becoming an MP.”*⁵

16. Nonetheless, it has been argued that ‘a smaller Commons will almost certainly delay and slow down progress towards gender equality in the House of Commons’⁶, on the basis that there will be fewer vacancies for which candidates could be fielded and elected and a higher chance that the available seats will most likely be filled by existing Members.
17. The Government accepts that a greater proportion of vacancies arising at the first general election after the conclusion of the first review (where the overall numbers will be reduced) might be filled by existing Members given the reduction of around 7.8% in seats, since there will be more sitting MPs in this Parliament than would be constituencies in the next and this might be reflected in the results of candidate selection. However, this cannot be predicted with certainty, since it is not clear whether patterns in candidate selection or vacancy rates at future elections will be the same as previous elections, and electorate choice will also play a role. Firm predictions about the degree to which the composition of the House of Commons will be reflective of the population as a whole cannot therefore be made. The influence of external factors, such as party behaviour and the decisions of the electorate (including in response to the question of potential voting reform), are such that it is not possible to conclude definitively that moving to a House of 600 Members has a negative equality impact of itself.

Splitting of communities

18. A suggestion which has been made during the Parliamentary debates⁷ on the Bill is that the requirement of electoral parity with only 5% tolerance either side of the quota will have a negative impact on cultural, ethnic and community groups. It is the case that the combined impact of the reduction in seats and changes to the rules for setting boundaries means that the constituency map is likely to undergo considerable revision at the next review.

⁵ Extract from the report by the Speaker's Conference on Parliamentary representation.

⁶ <http://www.nextleft.org/2010/07/why-smaller-commons-will-set-back.html>

⁷ For example, by Lord Whitty: “If we move away from that principle and provide as the overriding principle for setting constituency boundaries a given figure plus or minus 5 per cent, that will override not only the sense of community but other layers of government—in particular local government—and the way in which people approach the political process.” (Hansard, 15 November 2010, Col 658)

However, the Government believes that the best way to achieve fairness is to ensure that votes have more equal weight, so this is the overriding principle. The revised rules for the distribution of seats provide for the Boundary Commissions to take into account local geography and local ties in drawing the boundaries, the same factors as under the existing legislation, and constituencies may vary in size by as much as 10% of the UK electoral quota which will afford the Commissions discretion to take these and other factors into account. On 2009 figures this would represent a variation of around 7,600, which we consider provides the right balance between flexibility and fairness for electors in the weight of their vote. In addition, it is arguably the case that Parliamentary constituency boundaries reflect rather than determine local ties and matters of identity and community, and under other electoral systems in use in the UK members are elected from larger regions that are less connected to local identities. The boundaries of Parliamentary constituencies do not therefore prevent communities from continuing to exist as they may have done previously.

Local inquiries

19. Another criticism of the boundaries proposals has been that the proposed changes to the review process have the effect of ‘silencing local opinion’⁸, because of the removal of local inquiries, and that limiting representations to written contributions puts some groups at a disadvantage because they are less easily able to communicate their views in this way, compared to making representations in person at an oral inquiry.
20. Significantly, however, the proposals retain the consultation process as part of the reviews, replacing local inquiries with an extended period of 3 months (one month is allowed in the existing legislation) for representations, to ensure that all interested parties can express their views on any aspects of the proposed new boundaries. The Boundary Commissions are placed under an obligation by the Bill to take steps to inform people in the constituency of the recommendations and the means by which people may make representations. The Boundary Commissions are responsible for their own procedures; whilst public inquiries may not be held, the Boundary Commissions will still be required to ensure that their processes comply with the Disability Discrimination Acts.
21. In addition, the academic evidence is clear that the oral inquiry process is predominantly a quasi-judicial one, which is dominated by political parties, often represented by Queen’s Counsel, seeking to enhance their electoral prospects. This arrangement arguably does not offer a particularly accessible route for the expression of local public opinion, other than via political parties appropriating arguments for their own ends. Given the academic support for the opinion that local inquiries do not substantially involve public support, it would therefore seem reasonable to seek another approach. On this basis a longer consultation period consisting principally of written submissions could be argued to be more accessible and a far more level playing field for the

⁸ Lord Touhig: “*The abandoning of local public inquiries into proposed parliamentary boundary changes will silence the voice of local people.*” (Hansard, 15 Nov 2010 : Column 596)

public, albeit that parties will likely still be the principal contributors⁹. In any event the consultation arrangements follow the practice of other forms of consultation on important matters. The Government does not therefore consider that the revisions to the consultation process for boundary reviews put forward in the PVSC Bill can be predicted to have any negative equality impact, and believes that the opposite case can in fact be made.

What action has been taken to reduce any potential equality impact of these proposals?

22. These proposals are designed to deliver equality in the weight of a vote. For the reasons set out above, the Government does not believe that there is evidence at the present time that they would have adverse impacts. Some aspects of the Bill - for example taken the imposition of a maximum area limit of 13,000km² for any constituency – arguably help to mitigate any impact if it did occur. Exceptions have also been made in the Bill for the Scottish island constituencies on the basis of their unique geographical challenges. 218 MPs represent constituencies which, based on 2009 registration data, already fall within the range in electorate terms that will be required by the Bill.
23. These changes must also be seen in the context of a wider programme of work to improve the accuracy and completeness of the electoral register, as part of the move to Individual Electoral Registration in Great Britain, which will serve to mitigate the risk that under-represented groups are not included in the electoral register. Data matching as well as more targeted and innovative work to improve the numbers on the register will increase the representation of these groups on electoral registers and help counter under-registration where it exists. The Government is therefore taking steps to ensure that the voluntary act of registration is further encouraged, including among groups currently under-registering.
24. The overarching objective of the boundaries proposals is to move towards a fairer system of 'one elector one vote'. At present, therefore, the Government does not plan to make any changes to its proposals. The Bill is currently being considered by Parliament and the Government will consider carefully any concerns raised: this Impact assessment takes account of a number of points that have been raised in debates to date.

Consultation/obtaining evidence

25. The Government does not intend to carry out formal consultation on these proposals, which are already before Parliament. A commitment to reduce the size of the Commons and to create more equally sized constituencies was included in both the Conservative Party manifesto at the May 2010 general election and the Coalition Agreement. Parliament is currently scrutinising the proposals in detail. It is also worth noting that the boundary review process itself includes a consultation period – which the Bill extends from 1 month to three months - during which members of the public and interest groups will have an opportunity to comment on the Boundary Commissions' recommendations for Parliamentary constituencies.

⁹ “most inquiries are dominated by representatives of the political parties arguing for constituency configurations that optimise their partisan interests, using whichever criteria in the current rules best suit their purpose.” *Drawing a New Constituency Map for the United Kingdom*, British Academy (page 69)

Monitoring

26. We intend to monitor the implementation of these proposals and to review whether they result in any unforeseen significant equality impact on different groups. In such circumstances, Government will consider what reasonable steps could be taken to ensure that these are mitigated.

Conclusion

27. Overall, our assessment is that any potential impacts are difficult to predict with certainty. But at this point, the Government's view is that there is no clear evidence that any particular adverse equality impacts will arise from the proposals in the Bill; or that where they do they are justified by the principled approach underlying the policy, and that mitigations are available in that event.

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