

Consultation Response



Response to Ofcom consultation on the review of universal postal service and other postal regulation

Organisation: The Association of Electoral Administrators (AEA).

Summary: Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

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Background and summary of response to consultation:

Ofcom are proposing a package of reforms to the Universal Service Obligation (USO) on Royal Mail and corresponding changes to Royal Mail's obligation to provide access to its letter network.

The AEA represents electoral administrators who rely on Royal Mail to deliver communications to electors and those registering to vote. Being able to send postal votes, poll cards, applications to vote by post, voter authority certificates, household canvass forms, registration forms and confirmation letters of various kinds is vital.

As well as sending letters, Electoral Registration Officers (EROs) and Returning Officers (ROs) receive correspondence. Elections and electoral registration are governed by strict immovable deadlines. If an application is not received by the statutory deadline ahead of a poll, it cannot be processed.

None of the responses in this consultation are confidential.

Consultation Questions

Questions 2.1 “Do you agree with the provisional conclusions set out in our Equality Impact Assessment? Please state your reasons and provide evidence to support your view.” and 2.2 “Do you agree with our assessment under the Welsh Language Standards? Please state your reasons and provide evidence to support your view.”

These questions are not applicable to the AEA.

Question 3.1 “Do you agree that we have identified the reasonable needs of post users? Please provide reasons and evidence for your views.”

Elections have specialist requirements for the use of postal services, which are not identified in the needs of users. EROs and ROs require quick, reliable and reasonably priced delivery of time critical statutory communications.

They need to be mindful of public money and cannot send the most time critical communications by Special Delivery. They do not need the additional cover of a signature on delivery – indeed, this requirement can delay post getting to recipients.

While accepting mailing options would see some discount for EROs and ROs, the 469% increase in costs between the price of a First Class stamp compared to the cost of Special Delivery Guaranteed by 1pm¹ would not be seen as best value for the public purse. It is also cost that couldn't be recovered from the UK Government for polls run on their behalf.

Much of the evidence in the consultation document relates to business-to-customer or customer-to-customer letters. EROs and ROs also have time critical customer-to-business letters, often with reply-paid envelopes to avoid direct costs for electors accessing statutory services, where the only practical provider is Royal Mail. This aspect of the postal service was not identified in the needs of users.

Question 3.2 “Do you agree that the market is meeting the reasonable needs of post users? Please provide reasons and evidence for your views.”

This question is not applicable to the AEA.

Question 5.1 “Do you agree with our proposals and impact assessment on changes to the delivery frequency of Second Class letters so that those items would be delivered every other day from Monday to Friday, and would not have to be collected, processed or delivered on Saturdays? Please provide reasons and evidence in support of your views”

Changing to an ‘every other day’ delivery timescale will have an impact on electors.

At a UK Parliamentary general election, especially one called at short notice, it is important poll cards reach electors as quickly as possible. Poll cards help electors consider how they are going to vote. They need time to apply for a postal or proxy vote if necessary. Any delay could adversely impact electors.

During the annual canvass, statutory forms are required to be sent out with a pre-paid return envelope. Not receiving forms back every day will cause peaks and troughs for local authority staff and could impact staff resources. In this case, there is no need for the speed of first class, however there are benefits to the responses being delivered daily to allow the best use of staff.

There are other occasions where electors are required to respond to the ERO or RO. Often second class pre-paid envelopes are provided and statutory deadlines require responses to be received by a certain date. Electors would not know what schedule the local authorities deliveries were on so could be forced to pay for a First Class stamp. Statutory deadlines cannot be flexed simply because of the schedule of postal deliveries.

Question 6.1 “Do you agree with our proposal to set the First Class national D+1 performance target to 90%? Please provide reasons and evidence for your view”

A drop of 3% to a First Class next day delivery target of 90% gives a large margin for non-delivery of time-critical election mail. At the general election last year, that would be an additional 286,000 electors (3% of the 9,558,976 postal votes issued at the 2024 general election²) who may not receive their postal vote the next day even where the national target is hit.

Unlike other letters, voters put a high value on receiving their postal votes on time as can be seen from the issues in Scotland at the 2024 general election.³ Due to the short timescales at elections (postal votes cannot be despatched any earlier than 19-working days before an election), voters and ROs rely on the Royal Mail to deliver nationwide to a high standard.

To send all postal votes special delivery could cost almost £50million, an approximate 50% increase in the total cost of a general election.⁴ It would also put a huge strain

on Royal Mail to have over 9million tracked items added to the network in a very short space of time. As Special Delivery requires a signature on delivery,⁵ switching to this method could disadvantage electors as they would need to pick up their letter from a delivery office if they were not home when delivery was attempted.

Evidence has not been presented in the consultation document of the effect of a reduction in quality of service on elections in other countries with widespread/widely available postal voting.

Question 6.2 “Do you agree with our proposal to set the First Class PCA D+I performance target to be 3% lower than the national target (i.e. for the PCA target to be 87% to align with our proposed 90% national target)? Please provide reasons and evidence for your view”

We welcome Ofcom proposing retaining the postcode area (PCA) target. Most EROs and ROs send the bulk of their mail to local PCAs, so the PCA target is more important to them than the national target. Because of this, the PCA target should be kept as high as possible. This also applies to postal vote returns where for each authority returns will be coming to a single PCA.

There is insufficient evidence in the consultation document as to why a First Class PCA D+I target of 88.5% (maintaining the current 1.5% difference between the national and PCA targets) would require a higher level of local performance than a 90% national target.

Question 6.3 “Do you agree with our proposal to introduce a new First Class ‘tail of mail’ target of 99.5% at D+3? Please provide reasons and evidence for your view”

If the First Class performance target is reduced, a ‘tail of mail’ target will give EROs/ROs more certainty about when mail will be delivered. This would allow them to make decisions based on a 3-day First Class delivery.

The ‘tail of mail’ target in some ways offsets the 4.5% drop in the PCA performance target as there is now an incentive for Royal Mail not to just concentrate on new mail coming into the system.

Although a D+2 target at the same level would be preferable, this would not be welcome if it came with significant cost increases. A D+2 target would however, match the proposed D+5 target for Second Class post, which gives Royal Mail one additional delivery opportunity in order to make the target.

A D+5 target would not be appropriate for First Class mail when it is considered that final postal votes may not be despatched until 6-working days before an election.

Question 6.4 “Do you agree with our proposal to set the Second Class D+3 performance target to 95%? Please provide reasons and evidence for your view.”

It is noted that the drop in performance target for Second Class is slightly greater than that for first class. Given that there will now only be one or two delivery opportunities for Second Class mail in the D+3 window, a reduction in the target does seem appropriate. As with first class, this reduction is offset by the ‘tail of mail’ target, and the reduction in the D+3 target should not be made without also implementing the ‘tail of mail’ target.

Question 6.5 “Do you agree with our proposal to introduce a new Second Class ‘tail of mail’ target of 99.5% at D+5? Please provide reasons and evidence for your view.”

As with First Class, a ‘tail of mail’ target allows more certainty on when post should be delivered. One additional delivery opportunity for any address after D+3 seems an appropriate amount of time so we would agree with D+5 as the ‘tail of mail’ target day.

Question 7.1 “Do you agree with our proposal to regulate D+3 access services, subject to a margin squeeze control and the other protections outlined above? Please provide reasons and evidence for your views.”

We understand the motivation behind the proposal to regulate D+3 access services.

Our members currently send some time sensitive bulk mail as D+2 and other mail as D+5. They would not want to be disadvantaged in terms of cost because there may now be a better service, which would align with a Second Class service bought direct from Royal Mail.

Question 7.2 “Do you agree with our proposal to change the specification of D+5 access services to remove Saturday as a delivery day? Please provide reasons and evidence for your views.”

For non-time critical mail, there is no requirement for Saturday delivery. This would mainly affect poll card and canvass mailings which would be sent to the majority of properties in a local authority area and would generally be sent D+5 if using an access provider.

Questions 7.3 “Do you agree with our proposals to maintain a margin squeeze control on D+2 access services, where the relevant retail services are Royal Mail’s First Class retail bulk services? Please provide reasons and evidence for your views.” and 7.4 “Do you agree with our proposals for pricing transparency and amending how access services are defined? Please provide reasons and evidence for your views.”

These questions are not applicable to the AEA.

Conclusion

The UK’s electoral and electoral registration system still relies on the Royal Mail, despite work towards digitisation. This covers both mail being sent out to electors and mail being received by the ERO and RO. Unlike, for example, the NHS, electoral administrators rely on time critical sending and receiving of information.

EROs and ROs have statutory duties to supply pre-paid return envelopes for several documents. Unlike outgoing services where there is a choice of provider. Pre-paid return, in reality, means Royal Mail. These are also the most time sensitive documents with statutory deadlines to be received by the ERO or RO. Including reply-paid envelopes helps make it as easy as possible for electors to return the documents. As a result of the changes proposed, we fear electors would feel obligated to pay additional postage charges to make sure their mail is returned on time, previously trusted standard Royal Mail services.

We regret any moves that could impact the timely delivery of documents that can only be sent by post to electors, EROs and ROs. The proposed ‘tail of mail’ targets are helpful in providing more certainty if there are delays in the postal system. However, the proposed reduction in delivery could have a serious impact on elections and could, at worst, cause the legitimacy of election results to be called into question.

¹ https://www.royalmail.com/sending/uk?iid=RM0524_HP_SER_SEND_UK

² <https://www.electoralcommission.org.uk/sites/default/files/2024-11/UKPGE%202024%20Electoral%20Data-Website%20-%20Final%2018112024.xlsx>

³ <https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-2024-uk-parliamentary-general-election-and-may-2024-elections>, <https://www.bbc.co.uk/news/articles/cv2gxxydxlzo> and <https://www.bbc.co.uk/news/articles/cpwdlg079z2o>

⁴ <https://www.gov.uk/government/publications/costs-of-the-2019-uk-parliamentary-general-election/costs-of-the-2019-uk-parliamentary-general-election>

⁵ <https://www.royalmail.com/sending/uk/special-delivery-guaranteed-1pm>