

Letter: Response to Recommendation 5 of the Child Sexual Abuse Westminster Investigation Report | Electoral Commission      Search      Letter: Response to Recommendation 5 of the Child Sexual Abuse Westminster Investigation Report      You are in the Key correspondence section Home      Key correspondence First published: 3 July 2020 Last updated: 6 July 2020 Summary of the letter Date: 3 July 2020 To: Martin Smith, Solicitor to the Enquiry, Independent Inquiry into Child Sexual Abuse Address: PO Box 76107, London, SE1P 6HJ From: Amanda Kelly, Interim General Counsel Format: Sent by email Full letter Dear Martin I am writing in response to your email of 25th February 2020 drawing my attention to Recommendation 5 of the Inquiry's Westminster Investigation Report. I will set out the recommendation in full. 'All political parties registered with the Electoral Commission in England and Wales must ensure that they have a comprehensive safeguarding policy. All political parties must also ensure that they have procedures to accompany their policies, in order that politicians, prospective politicians, staff and volunteers know how to enact their party's policy, which must be published online. All political parties must update their policies and procedures regularly, and obtain expert safeguarding advice when doing this. The Electoral Commission should monitor and oversee compliance with this recommendation.' You asked me to draw this recommendation to the Commission's attention and provide its response to you in due course. We have now had an opportunity to discuss it internally. First, it may be helpful to provide some detail about the Electoral Commission and its role. The Commission was set up by the Political Parties, Elections and Referendums Act (PPERA) 2000. It is an independent body directly accountable to Parliament. While the Inquiry's recommendation is primarily addressed to political parties in England and Wales, the Commission's remit extends to the whole of the United Kingdom. It: oversees electoral matters including elections, registration and referendums registers political parties and regulates compliance with the financial regime set out in PPERA, and, publishes details of where parties and other campaigners get money from and how they spend it. Therefore, its regulatory remit is as a financial regulator of political parties, election and referendum campaigners and elected representatives. The Commission fully supports the work of the Inquiry and the recommendation that political parties should have high quality safeguarding and child protection procedures, that these are disseminated throughout the party and its membership and that senior officials understand how to respond properly to allegations. As safeguarding and child protection is so important, we understand why the Inquiry concluded that compliance should be monitored and overseen by an appropriate body Although the Commission maintains Registers of Political Parties for Great Britain and Northern Ireland, registration is not a compulsory part of UK politics. Indeed parties can only register if they intend to field candidates in a UK election. It is always possible for candidates who are not members of a registered party to stand as independents. The main benefit of registration is that the party's name, description and emblem can appear on the ballot paper. The main consequence of registration is that political parties must submit annual accounts, quarterly reports of donations and loans and reports on election spending. Accordingly, the statutory registration process involves consideration of these party identity marks and is relatively restricted to assessing proposed names, descriptions and emblems against the statutory tests in PPERA and reviewing the constitution and financial scheme. The Commission's compliance processes are focused on verifying that parties submit accurate financial records on time and that their declared donations and spending comply with the controls set out in PPERA. Given the current statutory scope of the

Commission's remit, introducing a requirement that we should monitor and oversee compliance with the Inquiry's recommendation on the safeguarding policies of political parties would require a change in the law. Furthermore, while the Commission has experience and expertise on financial regulation, it does not have experience and expertise in child protection matters. I am sure that the Inquiry envisages a robust approach to monitoring and compliance with appropriate scrutiny of relevant policies and procedures and how they are disseminated and implemented within the party. This requires skills that the Commission does not currently possess. There are other organisations which have that experience and expertise and which are therefore much better placed to evaluate the quality of procedures and how they are implemented. We would suggest that it would be more appropriate for this recommendation to be directed toward one of these organisations. Obviously, the Commission would be happy to work with that organisation and furnish it with its registers. While the Inquiry is considering who would be best to carry out this work, it might also wish to consider how the recommendation about political parties would work in the context of the diversity of such bodies. PPERA distinguishes between 'political parties' that are registered to contest all types of elections, and so called 'minor parties' that are registered simply to contest parish and / or community elections in England and Wales. There are currently 344 parties on the Great Britain Register of political parties, and 325 can contest elections in either England or Wales. There are also 23 minor parties registered to contest parish and / or community elections in England and Wales. This means that in practice any safeguarding policy and process, as well as monitoring and oversight, has to be suitable for, or differentiate between, the smallest party run by two volunteers operating occasionally from their home(s) through to the UK's major parties with many paid officials and members. I hope that this letter is helpful. Although we do not believe that the Commission could have a lead role in this important initiative, I would like to emphasise that the Commission is supportive of the recommendation and the importance of the work involved in implementing it. We are of course very willing to provide whatever assistance we can consistent with our statutory role, and the resources we have at our disposal. The Inquiry has also asked the Commission to publish its response within six months and so we will be putting this letter on our website. Please do not hesitate to contact me again if I can be of further assistance.