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DP182

‘Improving Transparency of Election Results’

Modification Report

Version 0.2

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Corporate member of
Plain English Campaign
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About this document

This document is a draft Modification Report. It currently sets out the background, issue, and progression timetable for this modification, along with any relevant discussions, views and conclusions. This document will be updated as this modification progresses.

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Contact

If you have any questions on this modification, please contact:

Kev Duddy

020 3574 8863

kev.duddy@gemserv.com

1. Summary

This proposal has been raised by Eric Taylor from SMETS Design Ltd.

The Proposer believes that the results of voting for positions in Smart Energy Code (SEC) governance are needlessly kept a secret from those eligible to vote. The Proposer also believes there appears to be no regulatory reason nor satisfactory explanation that explains the merits of this arrangement, other than the process to withhold results is explicitly stated within the SEC.

The Proposer's view is that this is an unusual element of secrecy and is at odds with conventional practice in transparent elections and some other Codes. It unnecessarily erodes confidence in the SEC governance arrangements and is contradictory to General SEC Objective (g)¹.

In any election for position in or under SEC Panel governance it is proposed that for each candidate, the number of votes cast per candidate is published at the time that the results are announced. The Proposer hopes that "this alignment to normal transparent election process will improve confidence in enduring governance and encourage more active participation".

2. Issue

What are the current arrangements?

The elections that are conducted under the SEC are governed by SEC Section C4 'Elected Members' which defines the election process for membership to the SEC Panel. The election process within Sub-Committees, in terms of management of the election process and publication of results, follows the same administrative process as that of the SEC Panel.

Additionally, the Security Sub-Committee (SSC), the Smart Metering Key Infrastructure Policy Management Authority (SMKI PMA) and the Technical Architecture and Business Architecture Sub-Committee (TABASC) also require applicants to hold the appropriate expertise to be eligible for membership.

In a Panel or Sub-Committee election, where more nominations are received for candidates than there are seats available in that SEC Party Category, SEC Parties in that category will be invited to vote for their preferred candidate. The outcome of this vote is published, but the detailed breakdown of votes is not.

SEC Section C4.2 (n) and (o) states:

- n) the Secretariat shall not publish details of the votes cast by each Voting Group, but shall disclose such details to the Panel Chair for scrutiny;*
- o) as soon as reasonably practicable following the election of an Elected Member in accordance with this Section C4.2, the Secretariat shall publish on the Website and notify each Party of the identity of the person who has been so elected.*

The Proposer argues that SEC Section C4.2(n) is in direct contradiction to SEC Section C1.1(g) which states:

¹ Facilitate the efficient and transparent administration and implementation of this Code

- g) *the seventh General SEC Objective is to facilitate the efficient and transparent administration and implementation of this Code.*

There is precedent for the publishing of election results in other Codes.

The Balancing and Settlement Code (BSC) for example publishes results in full, following the process set out within BSC Section B 'The Panel'. The detailed rules surrounding the publishing of results are contained within Annex B-2 'Election of Industry Panel Members', section 1.3 'Publication of Election Results'. The Connection and Use of System Code (CUSC) also follows a very similar process.

The Distribution Connection and Use of System Agreement (DCUSA) lists the candidates in order of the candidate who received the most votes first, the candidate who received the second most votes second and so on. It doesn't however specify the number of votes per candidate.

The table below summarises these Code's processes.

Codes that detail election results			
Code	Size of voting groups	Clause in the relevant Code	Summary
BSC	>500	Annex B-2, Clause 1.3	<ul style="list-style-type: none"> Multiple voting rounds Candidate votes detailed in full
CUSC	>400	Annex 8A, Clause 3.6.2	<ul style="list-style-type: none"> Multiple voting rounds Candidate votes detailed in full
DCUSA	14 – 130	Section 1B, Clause 6.2.7	<ul style="list-style-type: none"> Single voting round Candidates announced in order of votes

All other Codes not specified above either do not have provisions for publishing election results, or specifies that results should not be published, other than the successful nominee(s) being named.

The recently implemented Retail Energy Code (REC) is not required to disclose anything except for the outcome of the election (i.e. which nominee(s) have been successfully appointed). However, this isn't defined in the Code, but was agreed with the Retail Energy Code Company (RECCo) during the initial process definition.

What is the issue?

The Proposer believes that the secrecy of election results is at odds with conventional transparency and normal practice in free and fair elections. It is necessary that SEC Parties have complete confidence in SEC governance in order that SEC objectives can be achieved. The Proposer believes that keeping such information a secret and only seen by those who already hold office or position serves no constructive purpose and gives an extremely negative impression to SEC Parties who will be dissuaded from engagement and participation.

What is the impact this is having?

The Proposer believes that this unusual element of secrecy is at odds with conventional practice in transparent elections and unnecessarily erodes confidence in the SEC governance arrangements. In

some areas the Proposer considers there is widespread and very low confidence in the ability of enduring governance to efficiently deal with the matters which frustrate the efforts of SEC Parties to support the General SEC Objectives. Against such a background, the Proposer feels that this is one of many changes that could have a cumulative effect in raising confidence in the effectiveness of enduring governance and encouraging better participation.

Impact on consumers

This issue does not affect consumers.

3. Assessment of the proposal

Observations on the issue

The issue was presented to the Change Sub-Committee (CSC) highlighting that the Proposer believes that election results should be shared to maintain confidence within the Industry and stated there is no merit in being discreet. A CSC member noted that they were not aware of any other Code Administrator that declared in this way.

The Smart Energy Code Administrator and Secretariat (SECAS) has conducted further research into other Code Administrators and Managers' approaches and has highlighted the findings within the 'Issue' section of this document.

Appendix 1: Progression timetable

SECAS will present the Proposal to the CSC for final comment and decision, with the recommendation that it proceeds to the Refinement Process. SECAS will then work with the Proposer to develop the Proposed Solution before presenting to the Working Group.

Timetable	
Event/Action	Date
Draft Proposal raised	17 Sep 2021
Presented to CSC for initial comment	28 Sep 2021
Presented to CSC for final comment and decision	30 Nov 2021
Business requirements developed with the Proposer	Dec 2021
Business requirements and Proposed Solution discussed with Working Group	2 Feb 2022
Modification discussed with Panel	11 Feb 2022
Refinement Consultation	7 Mar – 25 Mar 2022
Modification Report approved by CSC	19 Apr 2022
Modification Report Consultation	20 Apr – 12 May 2022

Timetable	
Event/Action	Date
Change Board vote	25 May 2022

Appendix 2: Glossary

This table lists all the acronyms used in this document and the full term they are an abbreviation for.

Glossary	
Acronym	Full term
BSC	Balancing and Settlement Code
CSC	Change Sub-Committee
CUSC	Connection and Use of System Code
DCUSA	Distribution Connection and Use of System Agreement
REC	Retail Energy Code
RECCo	Retail Energy Code Company
SEC	Smart Energy Code
SMKI PMA	Smart Metering Key Infrastructure Policy Management Authority
SECAS	Smart Energy Code Administrator and Secretariat
SSC	Security Sub-Committee
TABASC	Technical Architecture and Business Architecture Sub-Committee