



Part A

Roles and

Responsibilities

**The Scottish Independence
Referendum
Guidance for Counting Officers**

Translations and other formats

This document can be made available in certain alternative formats. For further information, contact Ros Wilson at ros.wilson@edinburgh.gov.uk, telephone 0131 469 3820.

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1. The Chief Counting Officer

Role and responsibilities

- 1.1 The Scottish Independence Referendum Act 2013 designates the Convener of the [Electoral Management Board for Scotland \(EMB\)](#) as the Chief Counting Officer (CCO) for the referendum¹.
- 1.2 The Convener of the EMB is Mary Pitcaithly OBE, Chief Executive and Returning Officer of Falkirk Council.
- 1.3 Although the EMB itself has no statutory role in the referendum, its members will continue to provide support and professional advice to the Convener as Chief Counting Officer.
- 1.4 The Chief Counting Officer is responsible for ensuring the proper and effective conduct of the referendum including the conduct of the poll and the counting of the votes, in accordance with the legislation.²
- 1.5 Her duties, as contained in the Act, are:-
- to appoint a Counting Officer (CO) for each local government area in Scotland and to notify the Scottish Ministers of each appointment made³
 - to take whatever steps she considers appropriate
 - to encourage participation in the referendum, and
 - to facilitate co-operation among officers taking steps under this section⁴
 - to manage the national count event at which the results for all 32 local authorities will be collated
 - to certify and declare the national result⁵, and
 - to retain the relevant results documents and make them available for consultation for one year after the referendum in accordance with legislation⁶.

¹ SIRA 2013 Section 5

² SIRA 2013 Section 7

³ SIRA 2013 Section 6(1) and (2)

⁴ SIRA 2013 Section 26

⁵ SIRA 2013 Section 7(4)

⁶ SIRA 2013 Schedule 3 Rule 39

1.6 She is empowered:-

- to issue directions⁷ and provide guidance to Counting Officers and Electoral Registration Officers (EROs)⁸
- to appoint deutes to carry out one or more of her functions⁹
- to appoint such staff, or to require a council to provide, or ensure the provision of, such property, staff and services as she may require to carry out her functions¹⁰
- to prescribe certain statutory forms¹¹
- to take such steps as she thinks appropriate to remedy acts or omissions that arise in connection with any function of the referendum and that are not in accordance with the rules¹²
- to remove a Counting Officer by notice in writing and to reappoint to the post where
 - she is satisfied that the counting officer is for any reason unable to perform the Counting Officer’s functions, or
 - the Counting Officer fails to comply with a direction given or requirement imposed by her¹³, and
- to recover from the Scottish Ministers charges for and expenses incurred in connection with her functions under the Act¹⁴.

1.7 In order to discharge her duty to ensure the proper and effective control of the referendum, the Chief Counting Officer will:

- assist Counting Officers to discharge their referendum functions satisfactorily while monitoring their performance
- provide training for Counting Officers and their teams; and
- provide, through the Forms Working Group, a comprehensive range of resources to Counting Officers for use in the organisation of the referendum

⁷ SIRA Section 7(6) and Schedule 2 para 16(1)

⁸ SIRA 2013 Section 24(2)

⁹ SIRA 2013 Section 5(7)

¹⁰ SIRA 2013 Section 7(8)

¹¹ SIRA 2013 Schedule 2 para 46 and Schedule 3 Rule 41

¹² SIRA 2013 Section 8

¹³ SIRA 2013 Section 6(4)

¹⁴ SIRA 2013 Section 9

Support team and contact arrangements

1.8 [The Chief Counting Officer](#) has appointed a support team to assist her in her duties, comprising:-

- the Depute Chief Counting Officer, - Sue Bruce, Chief Executive and Returning Officer of Edinburgh City Council
- Chris Highcock, Secretary to the EMB
- Dougie McGregor, Project Management Consultant
- Alison Clyne, Project Manager; and
- Anne Laird, Guidance Consultant;
- Louise Unwin, Referendum Team Member, and
- Ros Wilson, EMB/CCO Administrator

Contact details for the Chief Counting Officer and her team appear in [Appendix A](#).

1.9 The Chief Counting Officer is also supported by the Forms Working Group, led by Aileen Knudsen, Depute Counting Officer of South Lanarkshire Council, in developing and making available the complete range of forms to be used by Counting Officers and their teams at the referendum. It is intended that the full suite of forms will be made available in the secure environment of the [Knowledge Hub](#).

1.10 The Chief Counting Officer has also established a Scottish Communications network led by [Caroline Binnie](#) of Falkirk Council to support Counting Officers in promoting public awareness of the referendum.

1.11 The Chief Counting Officer acknowledges the considerable contribution made by the members of each of these groups to the conduct of the referendum.

2. The Counting Officer

Your role and responsibilities

- 2.1 The Chief Counting Officer is required to appoint, in writing, a Counting Officer for each local government area.¹⁵ While not a legislative requirement, it is helpful if you also accept the appointment in writing.
- 2.2 As Counting Officer, you play a central role in the democratic process. Your role is to ensure that the poll, verification and count in your area are administered effectively in accordance with legislation and any directions by the Chief Counting Officer¹⁶ and that, as a result, the experience of voters is a positive one. You should set out at an early stage what you want to achieve and what success would look like for you.
- 2.3. As Counting Officer you are personally responsible to the Chief Counting Officer for the administration of the referendum in your area¹⁷, including:-
- providing polling stations
 - appointing and training polling and other staff
 - taking whatever steps you think appropriate to encourage participation in the referendum in your local authority area¹⁸
 - managing the absent voting process
 - liaising with accredited observers, referendum agents, polling and counting agents in your area
 - managing the verification and counting of votes in your area
 - reporting the results in your area to the Chief Counting Officer in accordance with agreed procedures
 - declaring the local total when authorised by the Chief Counting Officer
 - after the referendum, transferring the relevant documentation to the proper officer of your local authority who is responsible for storing them and making them available for consultation as required by the Act¹⁹; and
 - submitting accounts to the Scottish Ministers in relation to charges for and expenses incurred in delivering the referendum²⁰.

¹⁵ SIRA 2013 Section 6(1)

¹⁶ SIRA 2013 Section 7(6)

¹⁷ SIRA 2013 Section 7(2)

¹⁸ SIRA 2013 Section 26(2)

¹⁹ SIRA 2013 Schedule 3 Rule 37

²⁰ SIRA 2013 Section 9(2)

- 2.4 As Counting Officer, you are also responsible for providing the Chief Counting Officer with any information she requires to carry out her duties²¹. This may include performance standards information and monitoring checklists.
- 2.5 You may appoint one or more deutes to carry out all or any of your functions²². Any such appointment must be made in writing. However, you cannot delegate your personal responsibility for delivering the referendum in your area. Further information on the appointment of deutes can be found in [Part B – Planning and Organisation](#).
- 2.6 You are also subject to breach of official duty provisions. This means that if you or your appointed deutes are, without reasonable cause, guilty of any act or omission in breach of official duty you (and/or they) are liable on summary conviction to a fine not exceeding level 5 on the standard scale – currently £5,000.²³
- 2.7 You have the power to take such steps as you think appropriate to remedy acts or omissions that arise in connection with any function of the referendum in your area and that are not in accordance with the rules.²⁴
- 2.8 This power allows you to correct procedural errors that are made by you as Counting Officer, by an Electoral Registration Officer, a Presiding Officer, a deute of any of these officers, a person providing goods or services to you or a person appointed to assist any of these people.²⁵
- 2.9 Where you remedy an act or omission in full by using your power to correct a procedural error, you will not be guilty of an offence of breach of official duty. You should remember that the power to correct procedural errors does not enable you to recount the votes once the result has been declared.
- 2.10 In circumstances where you do have to invoke this power to deal with a potentially serious error, you are requested to advise the Office of the Chief Counting Officer as soon as possible.
- 2.11 As you are personally liable for the conduct of the referendum in your area, you should ensure that you have up-to-date insurance cover. You should be able to demonstrate robust planning and decision-making processes in the event of any

²¹ SIRA 2013 Section 7(5)

²² SIRA 2013 Section 6(6)

²³ SIRA 2013 Schedule 7 para 5

²⁴ SIRA 2013 Section 8

²⁵ SIRA 2013 Section 8(3)

challenge to the referendum resulting in a claim against the insurance policy. You should note that the Scottish government has committed to provide an indemnity to supplement your existing insurance policies with the effect that the Government will meet the cost of any claims that are not covered by or exceed those policies.

Your skills and knowledge

2.12 You should have a working knowledge of the relevant legislation governing the conduct of the referendum. This means that, in addition to having a clear understanding of your statutory functions, you should also have an overview of what the legislation contains and an understanding of how it affects the administration of the referendum, so that you can review, question where necessary and quality assure the whole process in your local authority area.

2.13 There are management responsibilities attached to your role. For example, you should:-

- take all necessary steps to ensure that the local authority provides you with the resources you need to deliver a well-run referendum, as it is required to do by law
- oversee the planning, project management and risk management of the referendum for which you are responsible and incorporate any lessons learned from previous electoral events
- identify and oversee any actions necessary to mitigate any issues arising
- ensure that all staff are appropriately trained to deliver the roles required of them
- support the staff administering the referendum and provide appropriate oversight of their work
- provide direction to staff, monitor progress and receive regular feedback on activities
- ensure that referendum accounts are completed in a timely manner
- maintain an effective working relationship with the Chief Counting Officer and her staff
- if you are not the Electoral Registration Officer, maintain an effective working relationship with that officer
- maintain an effective working relationship with your police SPOC (Single Point of Contact).

3. The Electoral Commission

Role and responsibilities

- 3.1 It is important for Counting Officers and their teams to be aware that the role and responsibilities of the Electoral Commission in the referendum differ greatly from those it would normally have in an election in terms of offering them guidance and support. This is particularly important with the referendum coming in the wake of the elections to the European Parliament where the Commission's role follows the more usual model.
- 3.2 At the referendum, the Electoral Commission will have responsibility for:-
- registering campaigners
 - designating lead campaign organisations
 - regulating campaign spending and donations
 - providing guidance for campaigners on registration, designation, campaign spending and donations²⁶
 - accrediting official observers²⁷ and providing a code of practice for their conduct²⁸
 - promoting public awareness²⁹
 - advising the Chief Counting Officer; and³⁰
 - reporting to the Scottish Parliament on the conduct of the referendum³¹
- 3.3 Provisions governing campaign rules, the investigatory powers of the Commission and civil sanctions are contained in [Schedules 4 -6 of the Scottish Independence Referendum Act 2013](#).
- 3.4 While the Commission may, with the consent of the Chief Counting Officer, issue guidance to counting officers and registration officers about the exercise of their respective functions at the referendum³², it has been agreed that the substantive guidance will, on this occasion, be the responsibility of the Chief Counting Officer. To promote consistency of practice, however, the Commission has made available to

²⁶ SIRA 2013 Sections 24 (4) and (5)

²⁷ SIRA 2013 Sections 19 and 20

²⁸ SIRA 2013 Section 22

²⁹ SIRA 2013 Section 23

³⁰ SIRA 2013 Section 24(1)

³¹ SIRA 2013 Section 27

³² SIRA 2013 Section 24(3)

the Chief Counting Officer its previously used guidance and performance monitoring materials for adaptation and use at the referendum. The Chief Counting Officer acknowledges the support and assistance of the Commission in this regard.

- 3.5 The setting and monitoring of Counting Officers' performance standards for the referendum do not fall within the remit of the Commission but are the responsibility of the Chief Counting Officer. Further details of the standards to apply follow in [Section 4](#) below.
- 3.6 [A Memorandum of Understanding](#) has been agreed between the Commission and the Chief Counting Officer identifying respective areas of responsibility and issues to be addressed in circumstances where those areas of responsibility may overlap.

4. Performance standards

- 4.1 Counting Officers (COs) are accustomed to participating in the performance standards reporting framework implemented by the Electoral Commission.
- 4.2 At the referendum, the Commission does not have the responsibility of monitoring Counting Officers' performance directly. This falls within the remit of the Chief Counting Officer.
- 4.3 In the interests of consistency, the performance standards framework to be implemented at the referendum will be based on the Commission's revised framework published in November 2013. The standards follow in [Appendix B – Performance Standards for Counting Officers](#). Further detailed information on the procedures to apply will be issued separately by the Chief Counting Officer.
- 4.4 The intention is to focus on the delivery of the key principles, namely that:
- there should be no barriers to any voter taking part
 - voters must have the same experience wherever they are in Scotland
 - the referendum will be administered efficiently; and
 - the referendum will produce results that are accepted as accurate
- 4.5 The performance standards framework will focus on the quality of delivery of the service to key stakeholders in the following areas:-

Performance Standard 1 – Voters

Ensuring that planning for and delivery of the poll enables voters to vote easily and know that their vote will be counted in the way they intended; and

Performance Standard 2 – Campaigners and their agents

Ensuring that planning for and delivery of the referendum enables campaigners and campaign organisations to find out how to get involved, what the rules are and what they have to do to comply with these rules and enables them to have confidence in the management of the process and the result.

- 4.6 Parts B to F of this guidance are designed to support you in meeting these standards, and the requirements of each standard are embedded throughout the guidance.

- 4.7 As Counting Officer, you are legally required to provide any performance information that the Chief Counting Officer may require for the discharge of her duties³³.

Monitoring performance

- 4.8 COs will be required to complete and return two progress reports to the CCO to demonstrate that key deadlines and landmarks are being met.
- 4.9 In addition, a sample of COs will be selected for more detailed monitoring. The selection will be primarily risk-based, taking into account factors such as the experience of the CO and any previous issues as well as any other available information, but will also include a random selection of COs.
- 4.10 The CCO will, however, keep the sample under review and, should issues emerge from the conduct of the European Parliamentary Elections or during the run-up to the referendum, she may seek to expand the monitoring to cover additional COs and to use this to identify and fulfil any additional support needs.
- 4.11 The CCO will provide COs with a schedule setting out the information those CO's will need to submit and by when. Detailed information on the performance management regime will be issued to all COs.
- 4.12 Where the information provided highlights issues which may impact on the successful delivery of the referendum, the CCO's team will seek to provide additional guidance and support in each case.
- 4.13 The CCO will aim to provide any such support as soon as practicable to enable COs, where necessary, to make any changes to their plans and processes and in any case will provide feedback on the information provided as soon as possible.
- 4.14 Information on the performance of COs will be shared with the Electoral Commission for inclusion in their post-referendum report.
- 4.15 In addition to returns required by the CCO, as detailed above, there will also be information required from COs by the Electoral Commission. It has been agreed that this information will be provided through the CCO's office.

³³ SIRA 2013 Section 7(5)

Contact Details for the Chief Counting Officer's Office

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Appendix A

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Performance standards for Counting Officers

Performance standard 1: Voters		
Ensuring that planning for and delivery of the referendum enables voters to vote easily and to know that their vote will be counted in the way they intended		
Outcome	What the CO needs to do to achieve the outcome	What will demonstrate how the outcome has been met
Voters receive the information they need in an accessible format and within time for them to cast their vote	<ul style="list-style-type: none"> • Develop and implement robust project management processes, including budget and risk management, encompassing all aspects of the referendum process • Evaluate planning for and delivery of previous polls and identify lessons learned, updating plans as required • Put in place arrangements to manage contractors and suppliers to ensure that the work is delivered as required by the specification • Ensure robust processes are in place for ensuring that there are no errors on voter materials and notices 	<ul style="list-style-type: none"> • Project planning and risk management documentation which is kept under regular review • Planning documentation reflecting lessons learned • Arrangements in place for the management of contractors and suppliers • Processes for proof-checking voter materials and notices

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	<ul style="list-style-type: none"> • Ensure poll cards are produced and dispatched in line with CCO guidance and directions • Ensure information on the referendum, including the notice of referendum itself, is easily accessible to voters, such as through the local authority website 	<ul style="list-style-type: none"> • Confirmation that arrangements are in place to ensure that poll cards are ready for dispatch between Thursday 14 August 2014 and Friday 15 August 2014. • Information on the referendum easily accessed through the local authority website
<p>Voters receive a high-quality service</p>	<ul style="list-style-type: none"> • Ensure that staff resources have been identified to support delivery of the end-to-end process, and guidance/training provided to polling station staff, staff involved in issue/receipt of postal votes, and count staff • Ensure that ballot papers are produced and printed in line with CCO guidance and directions • Ensure that access needs are taken into account when planning for and setting up polling stations • Ensure that staff are trained to set up polling stations in such a way as takes account of voter needs 	<ul style="list-style-type: none"> • Project plan includes details of staff resources and confirmation of guidance/training provided to staff in different roles • Confirmation that arrangements are in place to ensure printing of 120% of ballot papers, and that ballot papers will be white, tendered papers pink. • Assessment of access needs, identifying any problems and actions taken to remedy these • Guidance/training provided to polling station staff and/or briefing materials provided to other staff responsible for setting up polling stations

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	<ul style="list-style-type: none"> • Ensure there is a robust polling scheme demonstrating that CCO guidance and directions have been complied with, taking account of voter needs • Ensure postal ballot packs are prepared in line with CCO guidance, and issued in line with the CCO’s direction, so that voters have the maximum amount of time to act on the information 	<ul style="list-style-type: none"> • Approach taken to allocating electors and staff to polling stations in line with CCO direction • Confirmation that arrangements are in place to ensure that postal ballot packs are ready for dispatch between Tuesday 26 August 2014 and Thursday 28 August 2014
<p>Voters have confidence that their vote will be counted in the way they intended</p>	<ul style="list-style-type: none"> • Have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems • Maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Ensure 100% checking of personal identifiers on postal vote statements • Maintain the secure storage of ballot papers and postal ballot packs at all times 	<ul style="list-style-type: none"> • Processes for dealing with integrity problems • Arrangements to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs • Arrangements for opening postal votes and checking identifiers • Arrangements for securely storing ballot papers and postal ballot packs

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	<ul style="list-style-type: none">• Put in place appropriate resources to ensure the verification and count are timely• Ensure the results are communicated to voters in a clear and timely way• Ensure count processes are designed and managed to secure an accurate result, with a clear audit trail	<ul style="list-style-type: none">• Information on how the verification and count are to be organised and managed, including the process you followed to arrive at your decision• Arrangements for communicating results to voters• Arrangements in place to maintain a clear audit trail of the count processes
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Performance standard 2: Campaigners and their agents

Ensuring that planning for and delivery of the referendum enable campaigners and campaign organisations to find out how to get involved, what the rules are and how to comply with them and permits them to have confidence in the management of the process and in the result.

Outcome	What the CO needs to do to achieve the outcome	What will demonstrate how the outcome has been met
People who want to campaign receive all the information they need to take part	<ul style="list-style-type: none"> • Ensure information on the referendum process is easily available including through providing information on the council website, briefing sessions for campaigners and referendum agents and written guidance • Ensure that frontline staff (reception, call centre etc.) are briefed on the FAQs insofar as they affect campaigners and campaign organisations 	<ul style="list-style-type: none"> • Website information • Date(s) of briefing sessions and briefing resources • Written guidance issued to referendum agents and campaigners • FAQs for local use, with clear reference to materials available from the CCO and the Commission. • Details of briefings
Referendum agents, polling and counting agents and postal voting agents have confidence that the process is well-managed, and have confidence in the results	<ul style="list-style-type: none"> • Publish notice of referendum agents promptly after notification by permitted participants • Ensure that those entitled to attend postal vote opening sessions can follow what is happening, where and when 	<ul style="list-style-type: none"> • Notice of referendum agents with date of publication • Layout plan of opening sessions • Information provided to attendees at postal vote opening sessions

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	<ul style="list-style-type: none"> • Determine number of counting agents for each referendum agent in a fair and equitable manner • Ensure polling and counting agents receive timely notification of appointment and copy of relevant secrecy requirements • Ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed • Ensure count processes are designed and managed to secure an accurate total, with a clear audit trail, in line with CCO guidance and directions • Have in place processes to identify any patterns of campaigning activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems 	<ul style="list-style-type: none"> • Detail process for determining number of counting agents allowed • Date of issue of notifications • Copy of appointment letter and instructions • Layout plan and workflow for the count • Information provided to attendees at the count • Arrangements in place to communicate progress at the count • Arrangements in place to maintain a clear audit trail of the count processes • Processes for dealing with integrity problems in relation to campaigning activity
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