

Andy Ferrier – Local Returning Officer
For The Police and Crime Commissioner Elections
C/o The Elections Team
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
SP10 3AJ

Casual Fixed Term Contract for The Police and Crime Commissioner Elections on Thursday 2 May 2024

You are appointed by the Local Returning Officer for The Police and Crime Commissioner Elections on Thursday 2 May 2024

This letter is a statement of the terms of your engagement as a worker, as required by section 1 of the Employment Rights Act 1996.

1. Status of this agreement

- 1.1 This statement governs your engagement for The Police and Crime Commissioner Elections on Thursday 2 May 2024 only. This is not an employment contract and does not confer any employment rights on you (other than those to which workers are entitled). In particular, it does not create any obligation on the Local Returning Officer to provide ongoing work to you in respect of future elections.
- 1.2 Each offer of work at an election which you accept shall be treated as an entirely separate and severable engagement. The terms of this contract shall apply to this election only and there will be no relationship between the parties at the end of this election and before the start of any other election.
- 1.3 If you accept to work on an election, the Local Returning Officer and Elections Team will expect you to complete the assignment. If at any time you are no longer able to work at the election, for any reason, you are required to let the Elections Team know immediately. In the unlikely event an election is cancelled, the Elections Team will notify you as soon as reasonably practical.
- 1.4 These terms and conditions are to be read in conjunction with your appointment letter, which provides further details of the specifics of your appointment for this election.

2. Duties, place and hours of work

- 2.1 Full details of your specific duties, place and hours of work are contained in your appointment letter. In addition, you should be aware of the following additional terms in respect of your working hours / duties.
- 2.2 **Training** – by accepting this appointment you confirm that you will attend or undertake the compulsory training or briefings provided by the Elections Team and it is highly recommended you read the Electoral Commission “Handbook for Polling Station

Staff”.

2.3 Ballot Box Collection - Presiding Officers are required to check and collect their own ballot box from the designated collection point.

2.4 Rest Breaks – By law, you are required to take a minimum 20-minute break where you work in excess of six hours. At an appropriate time, you will need to organise this, in agreement with your colleagues at the polling station. You are required to remain on site during this period. You should therefore make your own arrangements for refreshments and meals to be consumed at the polling station.

2.5 Working week - Where you are also employed under an additional employment contract, it is your responsibility to ensure that you do not exceed the maximum working week (48 hours per week over a 17-week reference period) as provided by the Working Time Directive, unless you have signed an ‘Opt Out’ agreement with your main employer. Where this applies, please provide a copy of your Opt-Out agreement to the Elections Team.

3 Pay

3.1 Payment will be made to you on a set fee basis, as detailed in your appointment letter. This payment will be made direct into your bank account shortly after the election has taken place.

3.2 You are required to maintain a suitable bank account or building society account into which payments can be made and you must provide the Elections Team with the current details.

4 Annual leave

4.1 At the end of the contract you will be paid in lieu of any annual leave you are entitled to which you have accrued but not taken during the contract.

5 Vehicle insurance for mileage claims

5.1 Any business mileage you undertake in your own vehicle in relation to your duties for this election will be reimbursed at HMRC business mileage rates.

5.2 You confirm that you have a valid UK driving licence, the relevant business motor insurance and your vehicle is road-worthy and has a valid MOT certificate.

6 Workplace pension – auto enrolment

6.1 To help people save for their retirement, all employers are required to provide a workplace pension scheme. You are entitled to join a pension scheme where you earn over £520 a month for this election work and you are aged 16 to 74.

6.2 Where you earn over £833 per month and are between age 22 and the state pension age, you must be automatically enrolled into a pension scheme. However, the law allows employers to postpone automatic enrolment into the workplace pension for up to 3 months from the commencement of your contract and the Local Returning Officer

has decided to apply this delay to this contract. This means you will not be automatically enrolled into the Pension Scheme.

6.3 If you are eligible and would like to join the pension scheme, please contact the Elections Team. For more general information about pensions and saving for retirement, please visit www.gov.uk/workplacepensions

7 Policies and Procedures which are relevant to your appointment

7.1 **Health, Safety & Welfare** - The Local Returning Officer has a duty to ensure the health and safety of people who work on Elections and you as a worker have a duty to work safely, not to put others at risk and to co-operate with other elections workers to ensure compliance with health and safety legislation.

7.2 There is some Health and Safety guidance in the Electoral Commission's "Handbook for Polling Station Staff", including guidance on lifting heavy objects.

7.3 **Sickness Absence** - If you become unfit for work after accepting this appointment, please notify the Elections team as soon as you are able in order that alternative arrangements can be made to cover your election duties.

7.4 If you become unwell on election day, you are required to notify the Elections Team immediately.

7.5 If you satisfy the qualifying conditions required for entitlement to Statutory Sick Pay, this will be paid to you. You will not be entitled to any other pay for unworked time.

7.6 **Disciplinary and Grievance** – There are no disciplinary or grievance procedures which apply to your engagement as a worker. This contract may be terminated immediately if it is reasonable to consider you have committed a serious breach of conduct. If you are dissatisfied with any decision to terminate this contract or you are unhappy with an aspect of your work or working relationship you should discuss the matter with a member of the Elections Team. In the event that the issue remains unresolved, you should put your grievance in writing to the Elections Manager for this to be investigated further. Where you remain dissatisfied with the outcome of an investigation, you may appeal to the Local Returning Officer.

7.7 **Code of Conduct** – In acting as a representative of the Local Returning Officer you are asked to deliver a high quality, friendly and professional democratic process. There are a number of expectations placed on you in terms of your conduct, values and behaviours:

- Be polite, welcoming and professional at all times.
- Remain calm and constructive in dealing with any queries or complaints.
- Remember to be politically neutral and not get drawn into political conversations or detailed conversations about the election.
- Dress in neutral colours.
- Do not do anything which might bring the election into disrepute.
- Smoking, vaping – only outside and out of public view.
- No illegal drugs or alcohol.

7.8 In the event that your conduct falls below what is expected of you, you may be asked to leave the polling station/count venue with immediate effect. You will not receive payment for any unworked time.

8 Social Media

8.1 You are required to use social media responsibly and to think about the possible implications of any material you post. Do not post any selfies or photos of elections venues or work or any confidential information or anything which could bring the election into disrepute or jeopardise compliance with legal obligations around elections. This covers on all forms of social media, including Facebook, LinkedIn, Twitter, Wikipedia, all other social networking sites, and all other Internet postings, including blogs.

8.2 You must not post disparaging or defamatory statements about the election, the election team, the Local Returning Officer, electors, elected members, candidates, political parties, other election workers or members of the respective campaign groups.

8.3 Take extreme care with all communication, including on social media, so that it could not be interpreted or misconstrued in a way that could damage the Local Returning Officer's reputation, or the integrity of the election or poll, even indirectly. This includes communications about how busy you are.

8.4 Personal use of social media is authorised so long as it does not involve unprofessional or inappropriate content and does not, or cannot be perceived to, interfere with your responsibilities or productivity as an election worker.

9 Secrecy Act

9.1 On acceptance of this appointment, you will be bound by the requirements of secrecy set out in Article 22 of the Police and Crime Commissioner Elections Order 2012 and, where applicable, Section 66 of the Representation of the People Act 1983 (as amended).

9.2 Please see Annex 1 attached to this contract for further details.

10 Working for, or assisting campaign groups, political parties or candidates

10.1 On acceptance of this appointment you are confirming that you have not assisted, and will not assist, any political party, candidate or campaign group associated with the election. This includes subscribing to any nomination papers for candidates standing in these elections, or any campaign groups.

10.2 You are also confirming that you do not have any personal relationship with a sitting councillor, nor have you stood for election or been publicly affiliated with a political party within the last five years.

11 Data Protection

11.1 The Elections Team will collect and process information relating to you in relation to this election in accordance with the Elections Workers Privacy Notice. Information required

for payment of elections work will be shared with Test Valley Borough Council payroll team and payroll provider. All parties will comply with their obligations under the Data Protection Act 2018 and the General Data Protection Regulations 2016 and information and details about policies relating to Data Protection can be obtained from the Elections Team.

11.2 All information held about you will be treated in the strictest confidence. Acceptance of this appointment provides consent for the retention and processing of your personal data in relation to this election.

11.3 You are required to comply with the Data Protection Act 2018 and the General Data Protection Regulations 2016 when handling personal data in the course of your duties. This includes personal data relating to other workers and electors and you may not use it for any other purpose other than that for which it is intended. The Elections Team may terminate this contract with immediate effect if it reasonably considers you have failed to comply with Data Protection Legislation.

12 Confidential Information

12.1 You shall not use or disclose either during the time of your election assignment or at any time thereafter any confidential or personal information you have access to relating to the election or electors, and must not attempt to use any such information in any manner contrary to the interests of the election. This clause does not prevent you from making a protected disclosure under the Employments Rights Act 1996.

13 Personal Property

13.1 You are solely responsible for the security of your personal property, and the Local Returning Officer will not bear any responsibility for its security or safety whilst on polling duties.

14 Right to work

14.1 By accepting this appointment, you are confirming that you are legally entitled to work in the UK without any additional immigration approvals. In the event that your eligibility ceases at any point prior to election day, you undertake to notify the Elections Team immediately.

15 Declaration

15.1 By accepting this appointment, you are agreeing to the details contained within your Appointment letter and the terms and conditions contained in this document.

Annex 1

Requirement of secrecy

Article 22 of the Police and Crime Commissioner Elections Order 2012

(1) The persons listed in paragraph (2) must maintain and aid in maintaining the secrecy of voting and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station,
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station, or
- (c) the official mark on any ballot paper.

(2) The listed persons are—

- (a) every police area returning officer or local returning officer attending at a polling station,
- (b) every deputy of such an officer so attending,
- (c) every presiding officer or clerk so attending,
- (d) every candidate or election agent or polling agent so attending, and
- (e) every person so attending by virtue of any of sections 6A to 6D of the 2000 Act (which makes provision about the attendance at certain elections of Commission representatives and accredited observers).

(5) No person may—

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display the ballot paper after the voter has marked it so as to make known to any person the name of the candidate for whom the voter has or has not voted.

(5C) But-

- (a) a person (“E”) who is voting by proxy does not contravene paragraph (5A) by obtaining or attempting to obtain from the person appointed as E's proxy information as to a matter mentioned in sub-paragraph (a) or (c) of that paragraph that relates to E's vote, and

(b) a person who is appointed as proxy for an elector does not contravene paragraph (5A) by communicating to that elector information as to a matter mentioned in subparagraph (a) or (c) of that paragraph that relates to that elector's vote.

(5D) Paragraphs (5A)(c) and (d) do not apply where the purpose (or main purpose) for which the information is sought or communicated is its use for the purposes of—

(a) a published statement relating to the way in which voters intend to vote or have voted at the PCC election, or

(b) a published forecast as to the result of that election which is based on information given by voters.

(5E) In paragraph (5D)—

(a) “forecast” includes estimate;

(b) “published” means made available to the public at large or to any section of the public, in whatever form and by whatever means;

(c) the reference to the result of the PCC election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

(5F) A person voting as proxy for an elector at a PCC election—

(a) must not communicate at any time to any person other than that elector any information as to the candidate for whom the person is about to vote, or has voted, as proxy for that elector;

(b) except for some purpose authorised by law, must not communicate at any time to any person other than that elector the number or other unique identifying mark on the back of a ballot paper sent or delivered to the person for voting as proxy for that elector.

(7) No person having undertaken to assist a voter with disabilities (within the meaning of rule 41(10) of the PCC elections rules) to vote may communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(8) A person who acts in contravention of this article is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

Section 66 of the Representation of the People Act 1983 (as amended)

(1) The following persons –

- (a) every returning officer and every presiding officer or clerk attending at a polling station,
- (b) every candidate or election agent or polling agent so attending
- (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Elections Act 2000

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to –

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or (iii) The official mark.

[...]

(3) No person shall –

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

[...]

(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.