VOTING RIGHTS FOR SERVICE USERS POLICY

Purpose:
This Policy aims to ensure that CNWL service users are aware of their legal right to vote and details the responsibilities of CNWL employees to support service users in the uptake of this right.

The document aims to provide guidance for staff as to eligibility and process for registering and voting in elections in the UK.

This policy is essential reading for the following groups of staff:
All staff groups.

Key points of the policy

1. The right to vote supports equality and responsibility and provides a political voice for people with mental health problems.

2. However many service users and staff remain unaware of service users voting rights, eligibility criteria, and the process of registration.

3 Changes in the British law (Representation of the People Act 2000) have given a greater proportion of inpatients the right to vote.

4 CNWL is committed to supporting all service users to exercise their right to vote.
<table>
<thead>
<tr>
<th>Policy lead:</th>
<th>Trust Mental Law Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratifying Committee / Group:</td>
<td>Mental Health Law Group</td>
</tr>
<tr>
<td>Status of policy:</td>
<td>FINAL</td>
</tr>
<tr>
<td>Policy Reference:</td>
<td>TW/00340/15-18a</td>
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Signed: ________________________________

Andy Mattin, Executive Director of Nursing & Quality

**Approval date:** October 2015  
**Review Date:** December 2018
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Appendix A - Appendix A- responsibilities
1. **Purpose and Scope**

This Policy aims to ensure that CNWL service users are aware of their legal right to vote and details the responsibilities of CNWL employees to support service users in the uptake of this right.

The document aims to provide guidance for staff as to eligibility and process for registering and voting in elections in the UK.

2. **Responsibilities**

Please see Appendix A.

3. **Definitions used: an explanation of terms**

**Eligibility to vote**

A person is entitled to vote if they are included on the electoral register.

A person is eligible to register to vote if:

- They have reached the age of 18 years the minimum age of entitlement to vote or is an attainer (age 16/17 years can register but unable to vote until age 18 years on day of election).

- All United Kingdom, Republic of Ireland, qualifying Commonwealth citizens (Commonwealth citizens who have leave to remain in the UK or do not require such leave) and Citizens of European Union member states are resident in the UK. These citizens meet the Nationality Requirement to vote in some or all of elections held in the United Kingdom.

A person may be registered at more than one address (e.g. students with term-time and vacation addresses).

**Capacity**

A lack of mental capacity is not a legal incapacity to vote. Persons who meet the other registration qualifications are eligible for registration regardless of their mental capacity or lack thereof.

Regardless of capacity the decision of an elector of whether and how to vote at an election must be made by the elector themselves, and not by any other person on their behalf. Those who may be a carer of a person or who make other decisions on behalf of a person may not make decisions on voting.

A person must have capacity to appoint or to continue to have a proxy, as that can be taken to be a decision on voting.

All inpatients detained under civil provisions of the Mental Health Act 1983 and those remanded to hospital (Sections 35, 36 or 48) are entitled to vote.

Inpatients do not have the right to vote if they have been detained under a provision of the Mental Health Act 1983 after having been convicted of committing a criminal offence and been ordered to hospital by the Courts.
Service users included on the Electoral Register have a right to vote, including most detained patients as detailed above. This right may be exercised by voting by post or by proxy, or by voting in person (for detained patients providing the Responsible Clinician has authorised the patient to leave the hospital on Section 17 leave).

**Vote by Proxy**

An individual is called a proxy if another voter has delegated him/her to vote on their behalf. As detailed above a person must have capacity to appoint or continue to have a proxy.

### 4. The Policy

**Registering to vote**

All eligible people have the right to vote. To exercise that right an individual must be included on the current Electoral Register when a new Electoral Register is being compiled.

Service leads should make all staff aware.

The named nurse/Case Manager/Care Coordinator should then, wherever possible, discuss registration with a service user and where necessary support the service user to contact the Electoral Registration Officer at their local council for inclusion on the Register.

The named nurse/Case Manager/Care Coordinator should help the service user where required to identify the address to be used for registration.

**Registering to vote for those in hospital**

Inpatients who are not considered to be resident at any other location outside the hospital are entitled to register through a ‘declaration of local connection’ On this declaration they can specify that the hospital is where they spend most of their time.

**Registering to vote for those with no fixed address**

If a service user has no fixed address they are entitled to make a declaration of local connection. The patient completes this declaration specifying the place where they spend a substantial part of their time. This could be the hospital if they are an inpatient, or for other patients wherever they spend most of their time. This could be a park bench, a bus shelter or a doorway to a high street store for example.

The declaration is a statement of a patient’s link with a locality. Those in hospital (voluntary or detained) are then entitled to register to vote there. The declaration should give the person’s name, address for correspondence, the date, and a statement that the person making the declaration falls into one of the categories permitted, in this instance patients in mental health hospitals.

Detained patients should also give the name and address of the hospital where they are living and the address where they would be living if not detained. If this is not possible they should provide an address in the UK where they have lived.

**Voting**

Where appropriate, the named nurse/Case Manager/Care Coordinator/ should provide any necessary help to facilitate the service user to exercise their vote. This could include:
• Assisting the service user in making arrangements for a postal or proxy note by contacting the Electoral Registration Officer for their area.
• For inpatients, facilitating arrangements for a patient to vote in person, including provision of an escort where necessary.
• Responsible Clinician to provide section 17 leave for eligible inpatients.
• In patients who have a residence outside the hospital can choose to vote by proxy or by postal voting. This might be practical where it is unlikely the patient will be able to return to their local area to vote on the day of the poll.

**Advocacy Service**

To provide support to service users to access information about their legal right to vote.

5. **Consultation Process**

Issues related to the carrying out of this policy will be raised at the Mental Health Law Group.

The CQC and Electoral Commission were approached for guidance relating to this policy.

All interested parties, national and trust level, including service user groups, advocacy service, MIND, MENCAP, to be consulted on policy before finalisation.

This Policy should be carried out irrespective of race, gender, disability, orientation so that all inpatients are equally supported in being able to exercise their rights to vote. CNWL will strive to ensure that this is so and this will be facilitated through the use of monitoring.

6. **References**

   o Mental Health Act 1983
   o Representation of the People Act 2000
   o Electoral Administration Act 2006
   o Uptake and knowledge of voting rights by adult in-patients during the 2010 UK general election: James McIntyre, Venkata Yelamanchili, Masum Khwaja, Maria Clarke The Psychiatrist (2012) 36: 126-130
   o s73 Electoral Administration Act 2006
## Appendix A – Responsibilities

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<tr>
<th>PARTY/PERSON</th>
<th>KEY RESPONSIBILITIES</th>
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<tr>
<td>Anthony Beschizza</td>
<td>Policy to be posted on trust website</td>
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<tr>
<td>Nominated Service Line Leads for Voting Rights</td>
<td>All staff to be notified of dates of upcoming elections</td>
</tr>
<tr>
<td>Inpatients Service managers/Ward managers/staff Responsible Clinicians</td>
<td>Service line leads to ensure all staff undertake education/awareness training on voting rights of service users</td>
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<tr>
<td>Community patients Case managers / Care Coordinators</td>
<td>To provide support to facilitate inpatients to exercise their right to vote</td>
</tr>
<tr>
<td>Advocacy service</td>
<td>To authorise section 17 leave to allow eligible inpatients to vote</td>
</tr>
<tr>
<td>Trust Service User Lead EDUCATION Policy Group/Recovery College IT Department/Policy Group Policy Group /communications department</td>
<td>1. To provide support as necessary for service users in the community to exercise their right to vote. 2) Review annually/ prior to election 3) If patient eligible to register to link to CPA/lead Professional Care meeting.</td>
</tr>
<tr>
<td></td>
<td>To provide support to service users to exercise their right to vote. This may include accompanying service users to vote or arrange a postal/proxy vote when appropriate</td>
</tr>
<tr>
<td></td>
<td>To engage with service user groups re policy</td>
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<tr>
<td></td>
<td>To develop Recovery College course on voting rights open to service users and staff</td>
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<tr>
<td></td>
<td>To develop online Educational module for staff on voting rights</td>
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<td>Production information leaflets</td>
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