

Freedom of Information Request

Reference Number: [EPUT.FOI.19.1290](#)
Date Received: [25 October 2019](#)

Information Requested:

I am writing to make a request for the following information under the Freedom of Information Act 2000:

1. I would like to know if your trust has a voting rights for service users policy? (If such a policy exists could you please send me a copy)

[CG85 Clinical Guidelines for voting inpatients policy attached](#)

2. I would like to know if any inpatients were supported to vote in the 2017 general election (and if so how many?)

[The Trust supported inpatients to vote in the 2017 general election however we do not keep a record of the figures.](#)

If this request is too wide or unclear, I would be grateful if you could let me know. My main priority is to understand if you have a voting rights policy. If it happens to be already in the public domain, I would be grateful if you could point me in the direction of it if online.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>

CLINICAL GUIDELINES FOR VOTING FOR SHORT AND LONG STAY INPATIENTS

POLICY REFERENCE NUMBER:	CG85
VERSION NUMBER:	2
REPLACES SEPT DOCUMENT	CG85 Version 1
REPLACES NEP DOCUMENT	NA
KEY CHANGES FROM PREVIOUS VERSION	Trust Name
AUTHOR:	Mental Health Act Lead
CONSULTATION:	<ul style="list-style-type: none"> • Mental Health and Learning Disability Inpatient services • Mental Health Act Manager
IMPLEMENTATION DATE:	June 2017
AMENDMENT DATE(S):	N/A
LAST REVIEW DATE:	N/A
NEXT REVIEW DATE:	June 2020
APPROVAL BY CLINICAL GOVERNANCE AND QUALITY SUB COMMITTEE:	26 th May 2017

CLINICAL GUIDELINE SUMMARY
The Trust monitors the implementation of and compliance with this clinical guideline in the following ways:

SCOPE

Services	Applicable	Comments
Trustwide	✓	

The Director responsible for monitoring and reviewing this Clinical Guideline is Executive Director of Mental Health / Executive Nurse

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

**CLINICAL GUIDELINES FOR VOTING FOR SHORT AND LONG STAY
INPATIENTS**

CONTENTS

- 1.0 BACKGROUND**
- 2.0 WHO IS ENTITLED TO VOTE?**
- 3.0 HOW DO SERVICE USERS REGISTER TO VOTE?**
- 4.0 HOW TO VOTE**
- 5.0 ACTIONS FOR EPUT STAFF**
- 6.0 FURTHER INFORMATION**
- 7.0 REFERENCES**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

**CLINICAL GUIDELINES FOR VOTING FOR SHORT AND LONG STAY
INPATIENTS**

1.0 BACKGROUND

- 1.1 It is important for EPUT to ensure that all those receiving services as short or long term inpatients are provided with the right guidance and are supported to register to vote.
- 1.2 A study of the 2010 General Election found that psychiatric inpatients who were eligible to vote were half as likely to register as the general population and, if registered, were half as likely to vote.
- 1.3 This briefing combines guidance from both the Royal College of Psychiatry and the Citizens Advice Bureau.

2.0 WHO IS ENTITLED TO VOTE?

- 2.1 In the UK you can register to vote when you are:
 - 16 years old in England, Wales and Northern Ireland (and vote when you're 18)
 - 14 years old in Scotland (and vote in Scottish elections when you're 16 and other elections when you're 18)

(<https://www.gov.uk/voting-in-the-uk/overview>)
- 2.2 Voluntary service users on medical wards are not subject to any restrictions on their voting rights. Being an inpatient of EPUT services does not inherently change an individual's right to vote. Moreover, people detained under the Mental Health Act (MHA) 1983, including those on community treatment orders, have the same right to vote as anyone else.
- 2.3 **Service users who are entitled to vote:** all people on civil sections (part 2) of the MHA and prisoners remanded to hospital under the MHA 1983 on Sections 35, 36 or 48.
- 2.4 **Service users with a condition that may impair their capacity to vote:** These individuals should be asked if they want to register to vote/want to vote and additional support offered to support them doing so. If they require assistance, they must be allowed to express their own intention of how they cast their vote. It is important that a staff member, advocate, relative or

carer does not influence their voting choice. A lack of mental capacity is not a legal incapacity to vote.

2.5 **Service users who are not entitled to vote:** people detained after having been convicted of committing a criminal offence and been ordered to services by the courts, and are subject to:

- A hospital order under Sections 37, 38, 44 or 51(5) or a hospital direction under Section 45A, 46, 47 of the MHA.
- An order under Section 5(2)(a) of the Criminal Procedure (Insanity) Act 1964.
- An order under Section 6(2) (a) or Section 14 (2) (a) of the Criminal Appeal Act 1968.

3.0 HOW DO SERVICE USERS REGISTER TO VOTE?

3.1 A service user can register to vote online at www.gov.uk/register-to-vote or by post.

In either case they will need their national insurance number.

- **A short-term service user in an EPUT inpatient service** can register to vote in the usual way, providing their address outside the service as their place of residence.
- **A long-term service user in an EPUT inpatient service** can register at their address outside the service. Alternatively, they can register at the address of the EPUT service if they have been, or will be, in the service for a long enough period of time for it to be regarded as their place of residence.
- **If a service user is homeless** they should make a declaration of local connection giving the address of a place where they spend a substantial part of their time, or the address of somewhere near to that place e.g. a cafe or drop-in centre. 'Declaration of local connection' forms are available from the electoral office.

3.2 The deadline for registering to vote is dependent on the election date and can be found on: www.gov.uk/register-to-vote

4.0 HOW TO VOTE

4.1 A service user may vote in one of the following ways:

- **In person** - at a polling station between 7am and 10pm.
- **By post** - a postal vote application form needs to be completed and sent back to the local electoral registration office. Postal vote packs are usually sent out about a week before Election Day. Votes need to be posted back to arrive by 10pm on the day of the election; otherwise, it can be handed to the local electoral registration office or local polling station by 10pm on Election Day.
- **By proxy** - nominating someone to vote for you on the day of the election or by post. An individual must have capacity to decide who to choose to be their proxy.

4.2 The last day to apply to vote by post and for postal proxy applications is usually 5pm six working days before the election.

5.0 ACTIONS FOR EPUT STAFF

EPUT staff should:

- Ensure that everyone within inpatient services has understood how they can register to vote whilst still whilst under EPUT services.
- Communicate clearly to all service users the deadline for registering to vote and the last day for applying for a postal vote.
- Make service users aware that the only way to vote is to be on the electoral register and therefore people will need to register to vote (working alongside families, carers, Advocate and Independent Mental Health Advocacy (IMHA) where needed).
- Provide assistance to help service users to register to vote online.
- Ensure that everyone using inpatient services has received information on how to vote/register to allow time to either register to vote in person or register for a postal vote/proxy.
- Provide support to service users to register, and actually vote, where their capacity is impaired.

CG85 – Clinical Guidelines for Voting for Inpatients

- Ensure a service user detained under the MHA can attend a polling station within the stated election voting times following the appropriate risk assessment i.e. Section 17 leave or escorts as required.
- Ensure that those not eligible to vote are aware of the reason for this and supported as appropriate.
- Monitoring of compliance with this guideline will be undertaken at local level in multi-disciplinary meeting such as ward round during the election period.

6.0 FURTHER INFORMATION

The following Policies are associated with this guideline:

- MHA1 - Administration of the Mental Health Act 1983 Policy
- CG8, CG8 - Formal Engagement and Observation Policy/Procedure
- CP36 - Being Open Policy & Procedure - Duty of Candour
- CLP30 - Care Programme Approach
- CG28, CG28 - Clinical Guidelines for the Assessment and Management of Clinical Risk.

7.0 REFERENCES

- Get information and register – www.gov.uk/register tovote
- Useful information – www.aboutmyvote.co.uk
- A good easy read guide – <https://www.gov.uk/government/publications/voting-and-registering-to-vote-an-easy-read-guide>
- McIntyre J, Yelamanchili V, Naz S, Khwaja M, Clarke M. Uptake and knowledge of voting rights by adult in-patients during the 2010 UK general election. *The Psychiatrist* 2012; 36: 126–130.
- 2015 The Royal College of Psychiatrists
- <https://www.gov.uk/voting-in-the-uk/overview>
- Rethink Mental Illness - <https://www.rethink.org/search?s=IMHA>