



Humber Teaching

NHS Foundation Trust

Freedom of Information Request 19 237

Our Reference: FOI 19 237 / AA / JB
Name:
Date: 21st November 2019
Address:

Dear

Further to your Freedom of Information Request, please find the Trust's response below:

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)

I would like to know if any inpatients were supported to vote in the 2017 general election

Humber Teaching NHS Foundation Trust can confirm that it has guidance in place for staff in relation to the voting rights for service users. This guidance is available to staff on a dedicated page on the Trust's intranet and is updated accordingly as election dates approach. Posters are also displayed in the Trust's inpatient units well in advance of any election to enable patients who are not well enough to vote in person to exercise their right to a postal vote. The guidance is attached for your reference.

Kind regards,

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<https://www.humber.nhs.uk/about-our-trust/freedom-of-information-enquiry-form.htm>



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Caring, Learning and Growing



Voting rights for mental health patients

Who is entitled to vote?

Voluntary patients on medical wards are not subject to any restrictions on their voting rights. Being a psychiatric in-patient does not inherently change an individual's right to vote. Moreover, most patients detained under the Mental Health Act 1983, including those on community treatment orders, have the same right to vote as anyone else.

Patients who are entitled to vote:

- The vast majority of patients in the community.
- Voluntary patients in mental health hospitals.
- Patients under civil sections, such as section 2 and 3 of the Mental Health Act (MHA).
- Patients on a Community Treatment Order (CTO).
- Patients who lack capacity.
- Patients who are homeless, of no fixed abode or in B&B accommodation. Prisoners remanded to hospital under the Mental Health Act (MHA) on Sections 35, 36 or 48.

Patients 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.

Patients who are not entitled to vote: patients detained after having been convicted of committing a criminal offence and been ordered to hospital by the courts, and are subject to:

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

How do patients register to vote?

A patient must be on the electoral register to vote. A patient can register to vote online or by post. On line registration only takes five minutes.

A short-term patient in a psychiatric hospital can register to vote in the usual way, providing their address outside the hospital as their place of residence.

A long-term patient in a psychiatric hospital can register at their address outside the hospital. Alternatively, they can register at the address of the hospital if they have been, or will be, in the hospital for a long enough period of time for it to be regarded as their place of residence.

If a patient 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.

How to vote

In person at polling station between 7am and 10pm on the election date.

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 – a patient can nominate someone to vote for them on the day of the election or by post. An individual must have capacity to decide who to choose to be their proxy.

Further information

- Get information and register at: <https://www.yourvotematters.co.uk/> or www.gov.uk/register-to-vote
- A good easy read guide is available at: <https://www.mencap.org.uk/get-involved/campaigning/voting-and-registering-vote>
- Useful information for younger voters available at: <http://bitetheballot.co.uk/> and <http://votingcounts.org.uk/>