

|  |
| --- |
|  **Review Sheet** |
| Last Reviewed Last Amended Next Planned Review in 12 months, or28 Mar '24 28 Mar '24 sooner as required. |
| Business impact | Changes are important, but urgent implementation is not required, incorporate into your existing workflow.**MEDIUM IMPACT** |
| Reason for this review | Scheduled review |
| Were changes made? | Yes |
| Summary: | This Supporting Service Users to Vote Policy and Procedure provides staff with guidance on supporting individuals to vote. The policy has been reviewed with minimalchanges. References have been checked to ensure they remain current. |
| Relevant legislation: | * Care Quality Commission (Registration) Regulations 2009
* Equality Act 2010
* Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
* Human Rights Act 1998
 |
| Underpinning knowledge - What have we used to ensure that the policy is current: | * Author: UK Government, (2024), *Apply for photo ID to vote (called a ‘Voter Authority Certificate’)*. [Online] Available from: [https://www.gov.uk/apply-for-photo-id-voter- authority-certificate](https://www.gov.uk/apply-for-photo-id-voter-authority-certificate) [Accessed: 28/3/2024]
* Author: UK Government, (2023), *Apply for a postal vote*. [Online] Available from: <https://www.gov.uk/government/publications/apply-for-a-postal-vote>[Accessed: 28/3/2024]
* Author: UK Government, (2023), *How to Vote*. [Online] Available from: <https://www.gov.uk/how-to-vote>[Accessed: 28/3/2024]
* Author: The Electoral Commission, (2024), *Running electoral registration-England*. [Online] Available from: [https://www.electoralcommission.org.uk/running-electoral- registration-england](https://www.electoralcommission.org.uk/running-electoral-registration-england) [Accessed: 28/3/2024]
* Author: The Electoral Commission, (2024), *How does mental capacity affect the right to register to vote?*. [Online] Available from: [https://www.electoralcommission.org.uk/running-electoral-registration-england/eligibility- register-vote/how-does-mental-capacity-affect-right-register-vote](https://www.electoralcommission.org.uk/running-electoral-registration-england/eligibility-register-vote/how-does-mental-capacity-affect-right-register-vote) [Accessed: 28/3/2024]
* Author: My Vote My Voice, (2023), *Voting*. [Online] Available from: <https://www.myvotemyvoice.org.uk/voting/>[Accessed: 28/3/2024]
* Author: Alzheimer's Society, (2024), *Can people with dementia vote?*. [Online] Available from: <https://www.alzheimers.org.uk/blog/dementia-voting-rights>[Accessed: 28/3/2024]
 |
| Suggested action: | * Encourage sharing the policy through the use of the QCS App
 |
| Equality Impact Assessment: | QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law. |

**1. Purpose**

* 1. To enable all Residents to recognise their right to vote.
	2. To support Corton House in meeting the following Key Lines of Enquiry/Quality Statements (New):

# Key Question Key Lines of Enquiry Quality Statements

**(New)**

|  |  |  |
| --- | --- | --- |
| EFFECTIVE | E1: Are people’s needs and choices assessed and care, treatment and support delivered in line with current legislation, standards and evidence-based guidance to achieve effective outcomes? | QSE1: Assessing needsQSE2: Delivering evidence-based care & treatment |
| EFFECTIVE | E7: Is consent to care and treatment always sought in line with legislation and guidance? | QSE6: Consent to care and treatment |
| WELL-LED | W3: How are the people who use the service, the public and staff engaged and involved? | QSW3: Freedom to speak up |

* 1. To meet the legal requirements of the regulated activities that Corton House is registered to provide:
* Care Quality Commission (Registration) Regulations 2009
* Equality Act 2010
* Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
* Human Rights Act 1998

**2. Scope**

* 1. The following roles may be affected by this policy:
* Registered Manager
* Care staff
* Activities
	1. The following Residents may be affected by this policy:
* Residents
	1. The following stakeholders may be affected by this policy:
* Family
* Advocates

**3. Objectives**

* 1. Ensure Residents recognise their right to vote.
	2. To enable staff to support Residents who wish to exercise their right to vote.

**4. Policy**

* 1. Everyone has the right to vote regardless of where they live and their capacity.

The Mental Capacity Act, which provides a framework for making decisions on behalf of people who lack capacity to make a decision, does not apply to voting. This means that a lack of mental capacity does not stop someone from being able to vote. It is up to the person to decide if they want to vote.

However, there are some barriers that people with limited capacity may face when the time comes to go to the polls. It may be that someone needs support to vote, for example, being reminded to go to their polling station on the right date and getting to the right place.

* 1. Some Residents will be independent in this area. However, staff must ensure that all Residents are offered the opportunity to register to vote and, if they wish, to vote.

**5. Procedure**

# Annual Canvass

Electoral Registration Officers conduct the annual canvass of care homes in one of two ways.

* + - They may contact the Registered Manager and request that they provide a list of the Residents at the care home or service and other required information, or
		- They may send a canvass form to the property

The purpose of the annual canvass is simply to capture information on who lives at the property to show who should and should not be registered to vote – **a person cannot register to vote via a canvass communication**.

The Registered Manager must provide the required information ensuring that all eligible people are listed. The form explains who is eligible to vote.

The canvass form may be sent blank or may be pre-printed with the names of people who are currently listed on the electoral register at that address.

* + - If the form is **blank**, the details of everyone eligible to register to vote must be added. Full names must be used, e.g. ‘Elizabeth’ not ‘Bessie’. All Residents must be included even if they are physically or mentally frail. Once the form is processed, the local Electoral Registration Office will send those people included on the form a ‘Register to Vote’ form
		- If the form is **pre-printed,** it will list the names of the people who are currently on the electoral register at that address. It will also indicate whether these individuals have an existing postal or proxy vote, their open register preference and whether they are aged 76 or over (required for jury service

purposes). Any person who is no longer a resident should be crossed through, and anyone not listed who is eligible should be added. Once the form is processed, the local Electoral Registration Office will send any new people a ‘Register to Vote’ form

# Principles of Voting

* + - Everybody who is eligible should be registered irrespective of any illness or disability they may have
		- There should be a presumption that a person has capacity to register to vote
		- Only the applicant, or a person to whom they have given Power of Attorney, can make the required declaration as part of an application for registration

# Eligibility to Vote

To be eligible to vote, Residents have to be:

* + - 18 or over
		- A British Citizen or a Citizen of another Commonwealth country or the Republic of Ireland and included on the Register of Electors

# Photographic Identification

In order to vote in elections from May 2023, there is a requirement that Residents will need photographic identification. This can be a passport, photo driving licence, bus pass or a Blue Badge. If none of these are available, a Voter Authority Certificate must be applied for, or the Resident will not be allowed to vote. To get a certificate you will need a recent photograph and the national insurance number of the Resident. The certificate is free and can be applied for at the GOV.UK 'Apply for photo ID to vote (called a 'Voter Authority Certificate)' website. (A link can be found in the Underpinning Knowledge section of this policy)

# Supporting a Resident to Vote

It is important that staff do not make an assumption about an individual’s capacity to register or to vote, or apply a “one size fits all” approach to all Residents. Everyone, regardless of their capacity, should be registered to vote. It is important that vulnerable people do not lose their right to vote.

Staff may provide assistance but the applicant **must** make the declaration of truth by signing or making their usual mark (in the case of the paper form) or confirm that the information is correct (for an online registration). If the Resident is unable to mark, they may be able to complete the application via telephone. Alternatively, a person who has an appropriate Power of Attorney may make the **declaration** on behalf of the elector.

As the application asks for the individual’s date of birth and National Insurance number, staff may need to make an extra effort to obtain this information. For example, where this information is not immediately available, they may need to speak to a relative to obtain it.

Most Residents will have a National Insurance number, but if the applicant does not have one, this fact will need to be stated (there is space on the application for this) and the Electoral Registration Office may contact the applicant to ask for evidence or alternative information to help confirm their identity.

Staff may be supporting some Residents who are using the service for a respite stay. In that case, staff should check if they would like support to register to vote or find out if they have made alternative arrangements to register to vote at their home address.

Actions:

* + - Ensure that any forms received are completed and returned promptly to avoid reminders
		- Contact the local Electoral Registration Office in the event of a Resident's death or if new Residents move in or move out
		- Provide information and assistance on the different ways in which Residents may register and vote. Anyone who is registered will receive a poll card before an election is due to take place, telling them when the poll is, and where their polling station is or when to expect to receive their postal vote (depending on how they have chosen to vote)
		- The Registered Manager should provide scheduled transportation, if possible and appropriate, to and from polling stations
		- Assign a member of staff as a single point of contact or ‘registration champion’
		- An easy read guide to voting can be located within the Resource Centre

# Voting by Post

To arrange a postal vote, the Resident must be on the Register of Electors and apply in time for the election.

Residents can choose to vote by post if they cannot or do not wish to attend the polling station. The Resident does not have to give any reason for asking for a postal vote.

The Resident will need to complete a postal vote application from GOV.UK. (A link can be found in the Underpinning Knowledge section of this policy).

Staff must ensure that the Resident who is voting by post has privacy while they are marking their ballot paper. It is very important that the Resident marks their own ballot paper.

The postal ballot paper will be accompanied by a postal vote statement on which the Resident must provide their signature and date of birth. Staff can help with this, but the Resident must sign the postal vote statement themselves (unless they have been granted a waiver). Staff can help place the ballot paper (without looking at how it has been marked) into the correct envelope ensuring that their vote remains secret.

# Voting by Proxy

Voting by proxy is when a Resident appoints someone to vote for them in the polling station for:

* + - A particular election (i.e. the poll on a specific date)
		- A definite period (i.e. between specific dates)
		- An indefinite period (i.e. until further notice)

An application for a definite or indefinite period can only be made in specific circumstances and a supporting statement (or ‘attestation’) may be needed. Those who are registered blind by the Local Authority or who are in receipt of the higher rate of the mobility component of the Personal Independence Payment do not need an attestation.

The application deadline is 5pm, six working days before an election. If, however, a person becomes

unexpectedly ill or incapacitated after this time or becomes aware, after the application deadline, of reasons relating to their occupation, service or employment which mean they are unable to vote in person, they can apply for an emergency proxy up until 5pm on the day of the election.

No charge should be made for providing an attestation.

The Resident needs to tell their proxy which candidate(s) they wish to vote for.

The Resident can apply to appoint a proxy who would vote at their polling station on their behalf. If a Resident chooses to vote by proxy at a particular election, they are required to give a reason, e.g. illness, disability etc. If a Resident chooses to vote by proxy for all elections, they will also need to give a reason and get someone to support the application.

Application forms can be obtained from The Electoral Commission website. (A link can be found in the Further Reading section of this policy) or by contacting the local Electoral Registration Office. Unlike applications to register, proxy vote applications cannot be made online.

# About the Proxy

The person appointed as proxy can only act as proxy if they are 18 or over in England and they are (or will be) registered and are entitled to vote in the type of poll they are appointed for.

A proxy can cast the proxy vote either in person at the polling station or by post (a postal proxy).

A person cannot be a proxy for more than two people at any one election unless they are a close relative. **Staff should avoid acting as proxy for a Resident unless there is no other person who could perform this function.** In this context, a close relative is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector.

# Power of Attorney

Although staff may provide assistance to a Resident to help them to register themselves, they cannot make the declaration of truth on their behalf. However, a person with an appropriate Power of Attorney may complete a registration application and make the declaration of truth on behalf of an incapacitated person. No individual may cast a vote based upon what they think the Resident would wish to vote, assistance can only be given in registering and making the declaration of truth; when it comes to the actual poll, the Resident must make their own decision.

# What if a Signature Cannot be Provided?

**Registering to vote** – an application to register requires a declaration of truth from the applicant that the information provided is true. On a paper form, the applicant **must** make the declaration by signing or making their usual mark. However, where they are unable to do so, the Electoral Registration Office can accept a declaration made in some other way (for example, by telephone or in person) as long as they are satisfied that the declaration is being made by the applicant and is genuine and true. On the online application, the applicant **must** confirm that the information is correct. Alternatively, a person who has an appropriate Power of Attorney may make the declaration on behalf of the applicant.

**Postal Vote** – a person who is applying to vote by post or already votes by post and who is unable to sign or to provide a signature in a consistent way, can apply for a ‘signature waiver’ by contacting their local Electoral Registration Office. Details can be found at The Electoral Commission website.

**6. Definitions**

# Power of Attorney

* + - Power of Attorney (POA) is a legal document where one person gives another the right to make decisions on their behalf

# Attestation

* + - A formal statement declaring something is true

**Key Facts - Professionals**

Professionals providing this service should be aware of the following:

* + - Electoral roll officers will collate information on all Residents within Corton House
		- New Residents can be enrolled to register on the Government website
		- Lacking capacity does not mean that Residents cannot exercise their right to vote
		- Staff can support Residents to vote but must not vote for them
		- Someone who has been granted Power of Attorney can apply to vote and complete a declaration of truth on a Resident's behalf, however they cannot cast a vote on the Resident's behalf

**Key Facts - People affected by the service**

People affected by this service should be aware of the following:

* + - Staff will support you to register to vote whilst living at Corton House
		- Staff will support you to vote and you can choose whether this is by post or in person

**Further Reading**

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

# The Electoral Commission. Voting and Elections:

<https://www.electoralcommission.org.uk/voting-and-elections>

**Care Home Professional - Care Home Residents being Robbed of Right to Vote:** <https://www.carehomeprofessional.com/care-home-residents-being-robbed-of-right-to-vote-ncf-says/> **Local Government Lawyer - Mental Capacity and Voting Rights** [https://www.localgovernmentlawyer.co.uk/adult-social-care/307-adult-care-features/11739-mental-capacity-](https://www.localgovernmentlawyer.co.uk/adult-social-care/307-adult-care-features/11739-mental-capacity-and-voting-rights) [and-voting-rights](https://www.localgovernmentlawyer.co.uk/adult-social-care/307-adult-care-features/11739-mental-capacity-and-voting-rights)

# QCS Resource Centre document:

* + - Voting Easy Read Guide

**Outstanding Practice**

To be ‘ outstanding ’ in this policy area you could provide evidence that:

* + - All Residents are registered to vote
		- The wide understanding of the policy is enabled by proactive use of the QCS App
		- All Residents are supported to vote using their chosen methods
		- Corton House demonstrates a proactive approach to voting by nominating voting champions to ensure everyone is registered and offered the chance to have their vote

**Forms**

Currently there is no form attached to this policy.