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published in

Tizard Learning Disability Review
2021

DOI (link to publisher)

[10.1108/TLDR-12-2020-0038](https://doi.org/10.1108/TLDR-12-2020-0038)

[Link to publication in VU Research Portal](#)

citation for published version (APA)

Waltz, M. (2021). Commentary on “Participation of patients with autism and learning disabilities detained in a psychiatric hospital in the 2019 UK general election”. *Tizard Learning Disability Review*.
<https://doi.org/10.1108/TLDR-12-2020-0038>

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Commentary on "Participation of patients with autism and learning disabilities detained in a psychiatric hospital in the 2019 UK general election"

Journal:	<i>Tizard Learning Disability Review</i>
Manuscript ID	TLDR-12-2020-0038
Manuscript Type:	Commentary on Service and Research Feature
Keywords:	Autism, Learning disabilities, Mental Health Act, Mental health problems, General Election, voting

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Manuscripts

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3 **Commentary on “Participation of patients with autism and learning disabilities detained in a**
4 **psychiatric hospital in the 2019 UK general election”**
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11 **Abstract**
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14 **Purpose** – The purpose of this paper is to provide a commentary on the article “Participation of
15 patients with autism and learning disabilities detained in a psychiatric hospital in the 2019 UK
16 general election”.

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21 **Design/methodology/approach** – The paper considers the wider issue of political participation by
22 persons with disabilities, especially those whose freedom is restricted.
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27 **Findings** – Access to voting rights remains problematic for many disabled people. It is crucial that
28 this basic form of political participation is ensured, but there is further to go.
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32 **Originality/value** – The paper suggests the need for greater attention to and support for disabled
33 peoples’ right to political participation, including people with learning disabilities and autism.
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37 **Keywords** Autism, Learning disabilities, Mental Health Act, Mental health problems, General
38 election, Voting
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42 **Paper type** Viewpoint
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48 The 2019 UK General Election influenced issues of crucial importance to all British citizens: how (and
49 perhaps even if, had the election gone differently) the UK left the European Union, further
50 privatisation of the NHS (or not), whether social care would finally be funded in parity with health,
51 criminal justice reforms, changes to the education system, the attitude of the disability benefits
52 system towards claimants, just to name a few. While these issues are important for everyone, many
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3 of them had special urgency for people with disabilities—especially those who experience
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5 involuntary care, also known as sectioning under the Mental Health Act (MHA).
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8 Being sectioned involves restriction of many personal freedoms but, as Richard Armstrong notes, the
9 freedoms to register to vote and to vote should not be amongst them, at least for those detained
10 under civil rather than criminal/forensic sections. The research reported by Armstrong is unique,
11 because it amply illustrates the multiple barriers experienced by sectioned patients who are eligible
12 and wish to vote. These included lack of access to key information and documents, lack of private
13 access to online registration and communication, the need for support to register, mistaken beliefs
14 on the part of the Electoral Office about eligibility, and the need for support to vote. In this case, a
15 dedicated member of staff assisted patients to surmount these obstacles. But as the scant research
16 results from other UK institutional sites indicate, many people lack the support they need to access
17 this most basic of political participation rights, leading to extraordinarily low rates of political
18 participation amongst this group.
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36 **Problematic not just for sectioned patients.**

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39 The UN Convention on the Rights of Persons with Disabilities (UN, 2006) guarantees the right to
40 political participation, including voting, for disabled people. However, it has proved difficult for
41 signatories to harmonise a patchwork of restrictive laws and disablist assumptions and practices
42 with the ideals it expresses. Inaccessible polling places, information about candidates and issues that
43 is not available in EasyRead, video or other accessible formats, inaccessible Websites and other
44 barriers to voter registration—these are relatively common issues across Europe (European
45 Association of Service providers for Persons with Disabilities (EASPD), 2019). Unless the process itself
46 is accessible, possession of voting rights means little.
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3 In the UK, the exercise of voting rights is further complicated because, as the author mentions, some
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5 persons detained in the very same facility as individuals legally allowed to vote may be blocked
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7 because they are held under forensic sections of the MHA, and those held under criminal law are
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9 also denied the franchise. And as far as the ban on those under forensic or criminal sanctions is
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11 concerned, legal scholars have noted that members of these groups may or may not have the
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13 capacity to make an informed decision about who to vote for (Rees and Reed, 2016), as capacity is
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15 not determined on a class basis but on individual characteristics, so arguments related to limited
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17 capacity make no sense. Many scholars also question denying prisoners the vote as a punitive
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19 measure, as this imposition of “civic death” (Rees and Reed, 2016, p. 170) is not typically related to
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21 any crime they have committed. In addition, sectioned patients and prisoners alike are completely
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23 reliant on the state behaving in a responsible and reasonable way during their incarceration, and can
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25 therefore be argued to have an even greater stake in electoral outcomes than the average citizen
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27 (Behan, 2015).
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33 Nor is the issue of legal bans on patients voting unique to the UK. Pater (2016) explains that almost
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35 one million EU citizens in sixteen countries are prevented from voting because of national laws or
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37 policies related to having a disability or mental health condition.
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43 **Beyond basic participation.**

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46 Political participation does not stop with voting, of course. Any activity that members of the general
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48 public can take part in to try to sway public policy is a form of political participation. This includes,
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50 but is not limited to, getting informed about and debating public issues, joining a political party,
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52 becoming an active member (i.e. a volunteer) within a party, running for political office yourself or
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54 supporting someone else to do so, joining a non-party political action group (such as an
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56 environmental organisation or women’s rights group), donating money, signing a petition, joining in
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58 a mass march or protest—the list goes on. At every level of this participation hierarchy, disabled
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3 people are poorly represented (Waltz and Schippers, 2020). Further, the hierarchy of disability
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5 determines that individuals with intellectual disabilities and mental health diagnoses are less well
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7 represented than other people with disabilities in politics, and can face very different party and
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9 public responses as well when they try to claim their rights (Waltz and Schippers, 2020).
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16 **Ending political disability.**

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18 Impairments can impact the ability of some individuals to understand and engage in politics, and as
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20 Armstrong notes, not everyone has an interest. But whether disabled people have an interest in
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22 politics or, in the words of one participant, see it as a “load of rubbish,” politics is intensely
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24 interested in them. Having access to political information and discussion, voting, participation in
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26 party politics or other forms of political advocacy, and running for office are civil rights that should
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28 be denied no one, especially when the stakes for disabled people’s lives are so high. The EASPD
29
30 (2019) report cited earlier highlights the link between disability and lower socioeconomic status—
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32 the so-called ‘poverty-disability cycle,’ a link that gives rise to intersectional barriers. It also makes
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34 several common-sense suggestions.
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39 The first of these is to include disability as a variable when researching political participation. As
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41 Armstrong substantiates, such research is currently piecemeal and unreliable. Disability may
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43 therefore play a far greater role in determining levels of political participation than we know. The
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45 second is to tie receipt of public funding by political parties to ensuring that they and their political
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47 messages are inclusive. The latter point is crucial, as in most countries, electoral politics is centred
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49 on party membership, activities, events and candidacy. And yet my own research (Waltz and
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51 Schippers, 2020) was only able to identify one political party in all of Europe—the UK’s own Labour
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53 Party—with an active effort to recruit and involve disabled people in the same way that modern
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55 parties typically have membership bodies focused on women or Black and minority ethnic members.
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57 While a notable first, Labour’s effort has also not been without problems, and activists, candidates
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3 and elected officials with disabilities still struggle to access and make use of power (Waltz and
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5 Schippers, 2020).
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8 What I also learned from conversations with disabled politicians and party activists was that disabled
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10 citizens represent a well of untapped energy and potential, from the Belgian party activist with
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12 Down syndrome who grabbed his chance to run for office a few years ago, to two Deaf politicians
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14 who recently found their way to the European Parliament. Although the political views of the
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16 disabled politicians I spoke with spanned the left-right spectrum, their lived experience of disability
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18 always gave them an insider's perspective on issues of key importance to disabled people (Waltz and
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20 Schippers, 2020).
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24 Our political world needs more of those insider perspectives to inform public policy—and in a certain
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26 way, this is even more true for those who have had to rely on and trust the state totally when they
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28 are in their time of greatest need, experiencing life in a closed institution. Who could better
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30 understand the true meaning of Deprivation of Liberty, for example? However, ensuring that people
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32 with intellectual disabilities and autism, and especially those who have been sectioned, can access
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34 their political participation rights takes proactive planning and hard work (Redley, 2008). Richard
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36 Armstrong's article goes a long way towards showing what that work looks like, and what can be
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38 achieved.
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