

Human Rights Awareness Training

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Belfast Health and
Social Care Trust

caring supporting improving together



INVESTORS
IN PEOPLE

Silver
Until 2022



Working together



Excellence



Openness & Honesty

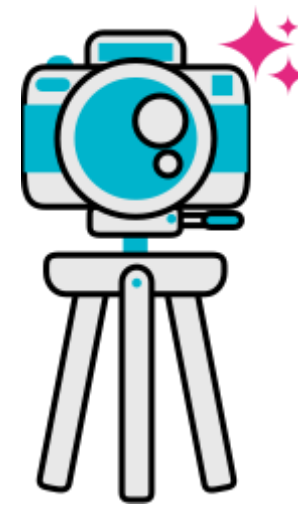


Compassion

HOUSEKEEPING



Mute



Camera On



Questions at end
of section



Participate &
Engage

Objectives

At the end of the training participants will:



Improved Awareness of:

- what human rights are
- where they originated
- how they are relevant to HSC sector



Improved Understanding of:

- The importance of adopting a **Human Rights Based Approach** to decision making

Ice-breaker



On the count of 3...

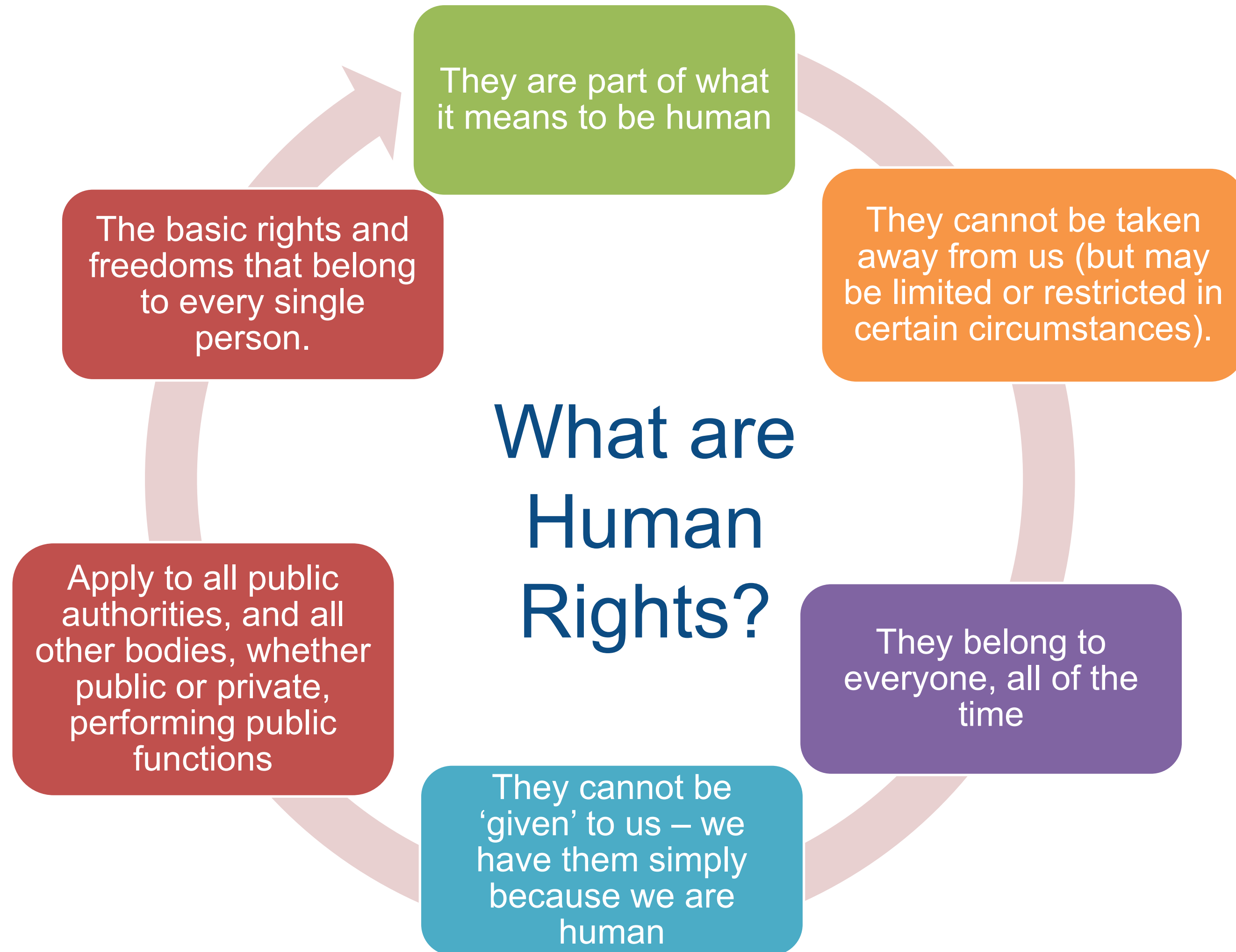
In the Chat box

How are you feeling about today's training?

Use one word or emoji



What are Human Rights?



In the chat box



What words do you associate
with human rights?



**Underlying
Values of
Human Rights**

FREDA

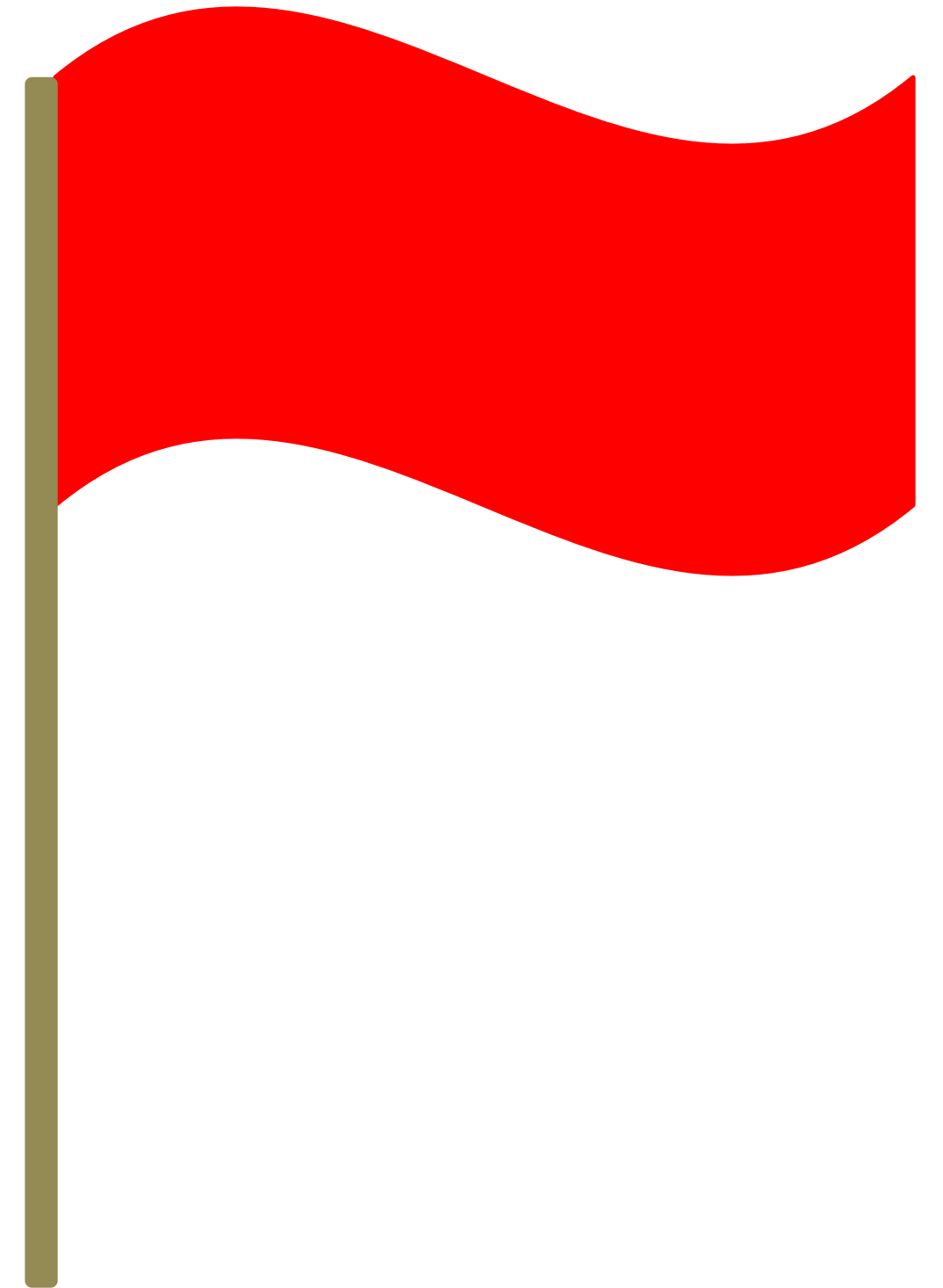
Fairness

Respect

Equality

Dignity

Autonomy





Belfast Health and
Social Care Trust

caring supporting improving together

Our Values



Working together



Excellence



Openness & Honesty



Compassion

PATIENT CLIENT EXPERIENCE

5 STANDARDS

RESPECT | ATTITUDE | BEHAVIOUR | COMMUNICATION | PRIVACY & DIGNITY



RESPECT | ATTITUDE | BEHAVIOUR | COMMUNICATION | PRIVACY & DIGNITY

Where Human Rights come from

World War 2
1939 - 1945

Formation of the
United Nations

Drafted the
**Universal
Declaration of
Human Rights**
1948

Regions
developed their
own human
rights treaties.

**European
Convention on
Human Rights**
1950

Made part of
local legislation
by the
**Human Rights
Act 1998**



The Human Rights Act means...

- ✓ Public authorities must **respect** the rights contained in the Human Rights Act
- ✓ Anyone can bring a **claim** against a public authority to a **local Court** under the Human Rights Act
- ✓ All new laws passed by the Government must be **compatible** with the Human Rights Act.
- ✓ All existing laws have to be interpreted & applied in a way that **fits** with the human rights contained within the Human Rights Act

Human Rights : People working in public services must:

Respect

Duty to not
interfere with
rights

Protect

Duty to
ensure others
do not abuse
rights

Fulfill

Duty to take
positive action
to facilitate
better access
to rights

Types of Human Rights

Absolute Rights

Can **never** be restricted!

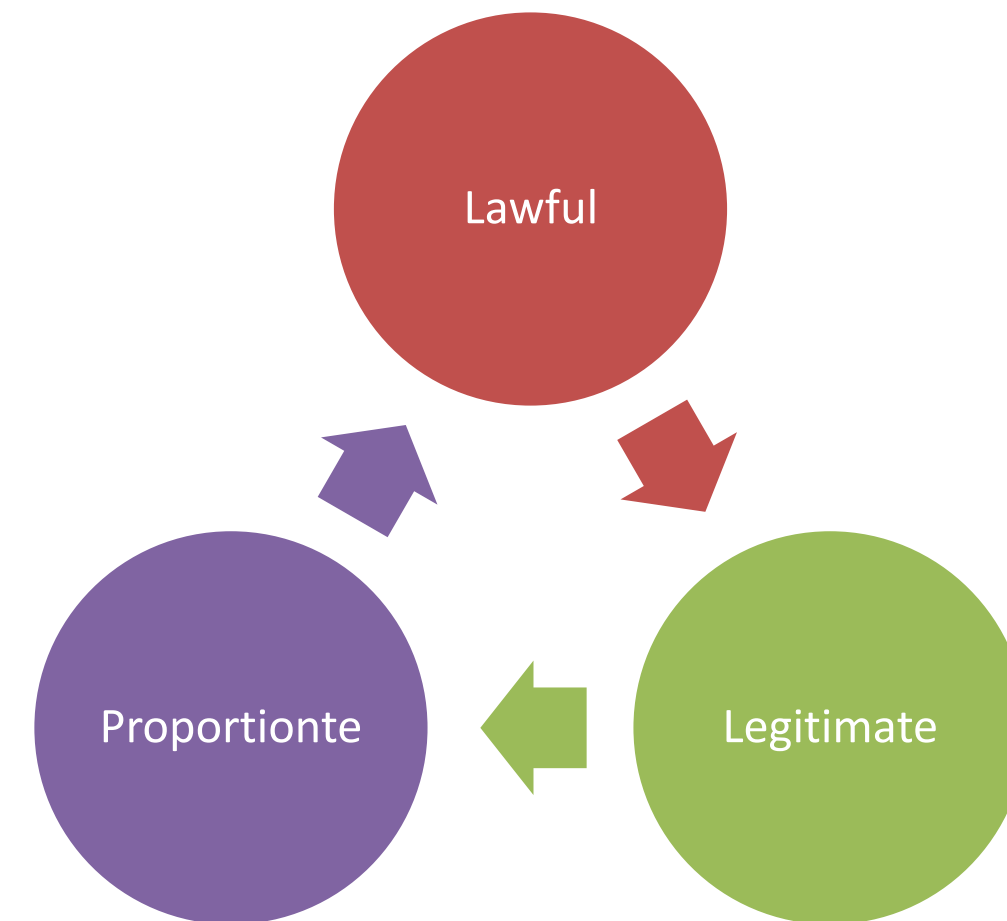


Non-Absolute Rights

Can be **limited** in certain circumstances

Or

Can be **qualified** if a 3-stage test met



Some human rights can be **qualified**: all 3 of these tests must be followed:

1. **Lawful**: there must be a law which allows staff to do the restriction.
2. **Legitimate**: there must be a good reason, which is usually to protect you or other people. The reasons are written in the rights.
3. **Proportionate**: staff must think about all the things they could do, and pick the least restrictive one.





*What rights do
you have under
the Human Rights
Act?*

In the chat box...

How many rights are
contained in the
Human Rights Act?



All our human rights in the Human Rights Act



Right to life
(Article 2)



Right not to be tortured or
treated in an inhuman or
degrading way
(Article 3)



Right to be free from
slavery or forced labour
(Article 4)



Right to liberty
(Article 5)



Right to a fair trial
(Article 6)



Right not to be punished for
something which wasn't against
the law when you did it
(Article 7)



Right to respect for private
and family life, home and
correspondence
(Article 8)



Right to freedom
of thought, conscience
and religion
(Article 9)



Right to freedom
of expression
(Article 10)



Right to freedom of
assembly and association
(Article 11)



Right to marry
and found a family
(Article 12)



Right not to be discriminated
against in relation to any
of the human rights listed here
(Article 14)



Right to peaceful
enjoyment of possessions
(Article 1, Protocol 1)



Right to education
(Article 2, Protocol 1)



Right to free
elections
(Article 3, Protocol 1)



Abolition of the
death penalty
(Article 1, Protocol 13)



In Focus

Human Rights in Health and Social Care



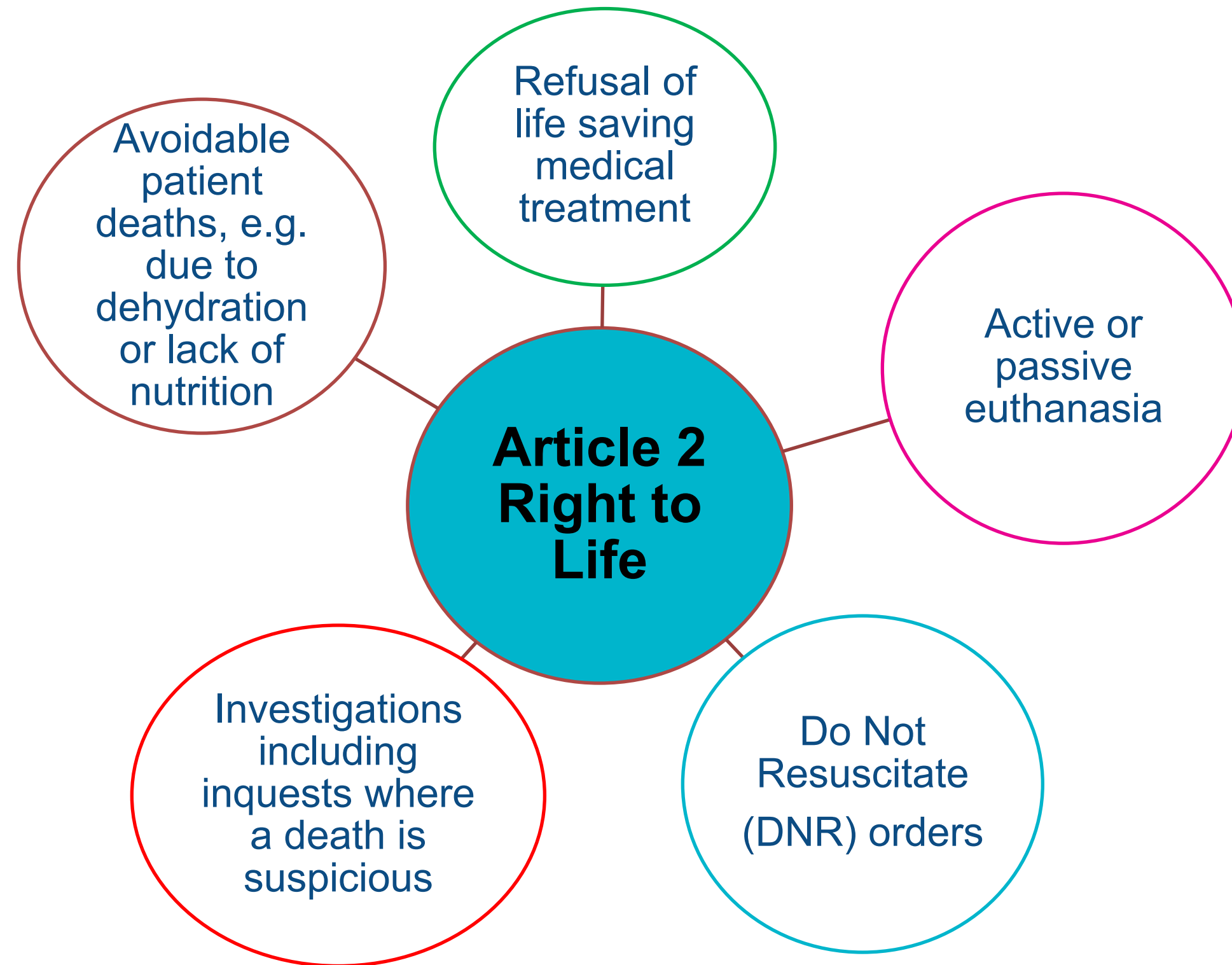
WHAT HUMAN RIGHTS
DO FOR HEALTH

Article 2: The Right to Life

Public Authorities :

- Negative obligation **not to take life**
- Positive obligation **to protect life**
- Procedural obligation **to investigate deaths**

ABSOLUTE



Covid-19: Concern over 'do not resuscitate' decisions during pandemic

🕒 18 March



Individuals' human rights may have been breached in more than 500 cases where "do not resuscitate" decisions were made during the Covid pandemic, the care watchdog for England has said.

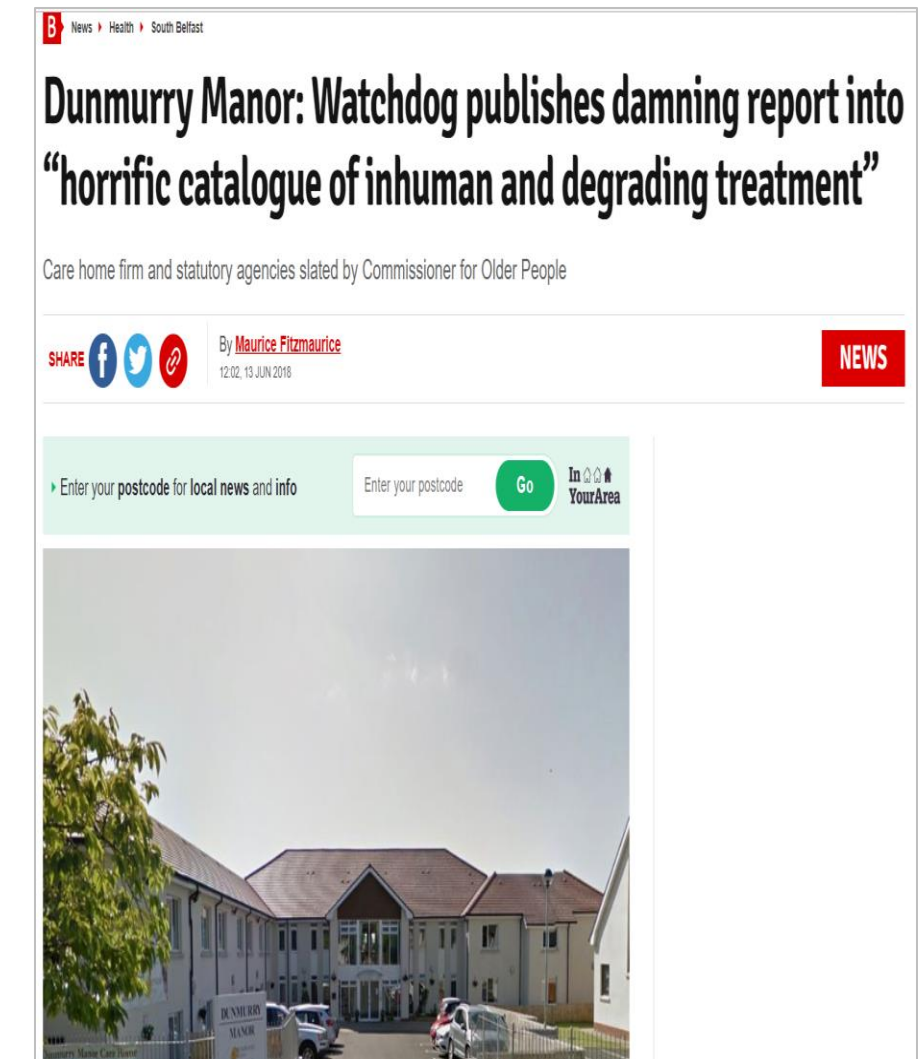
NB: Rabone Case

Article 3 : The Right not to be tortured or treated in an inhuman or degrading way, causing any kind of mental or physical harm or humiliation

ABSOLUTE

- **Torture** = treatment causing severe mental or physical suffering for a specific purpose
- **Inhuman and degrading treatment** = treatment that is grossly humiliating and undignified – does not have to be intentional

***Epecially relevant in everyday life** and the experiences people may have in health, care or education settings, social services, with the police and emergency services.*



Article 3 & Health and Social Care

Services should focus on individual dignity and human rights...Workforce should demonstrate that they are providing quality care and support which includes... good understanding of the legislative framework and human rights.

Department of Health Review Final Report, "Transforming care: A national response to Winterbourne View Hospital" 2012

Patients must be the first priority in all of what the NHS does. Within available resources, they must receive effective services from caring, compassionate and committed staff, working within a common culture, and they must be protected from avoidable harm and any deprivation of their basic rights.

The Mid Staffordshire NHS Foundation Trust Public Inquiry, the "Francis Report" 2013

People who use health and care services have the right to be treated with respect, dignity and compassion by staff who have the skills and time to care for them.

Department of Health Policy "Treating patients and service users with respect, dignity and compassion" 2013)

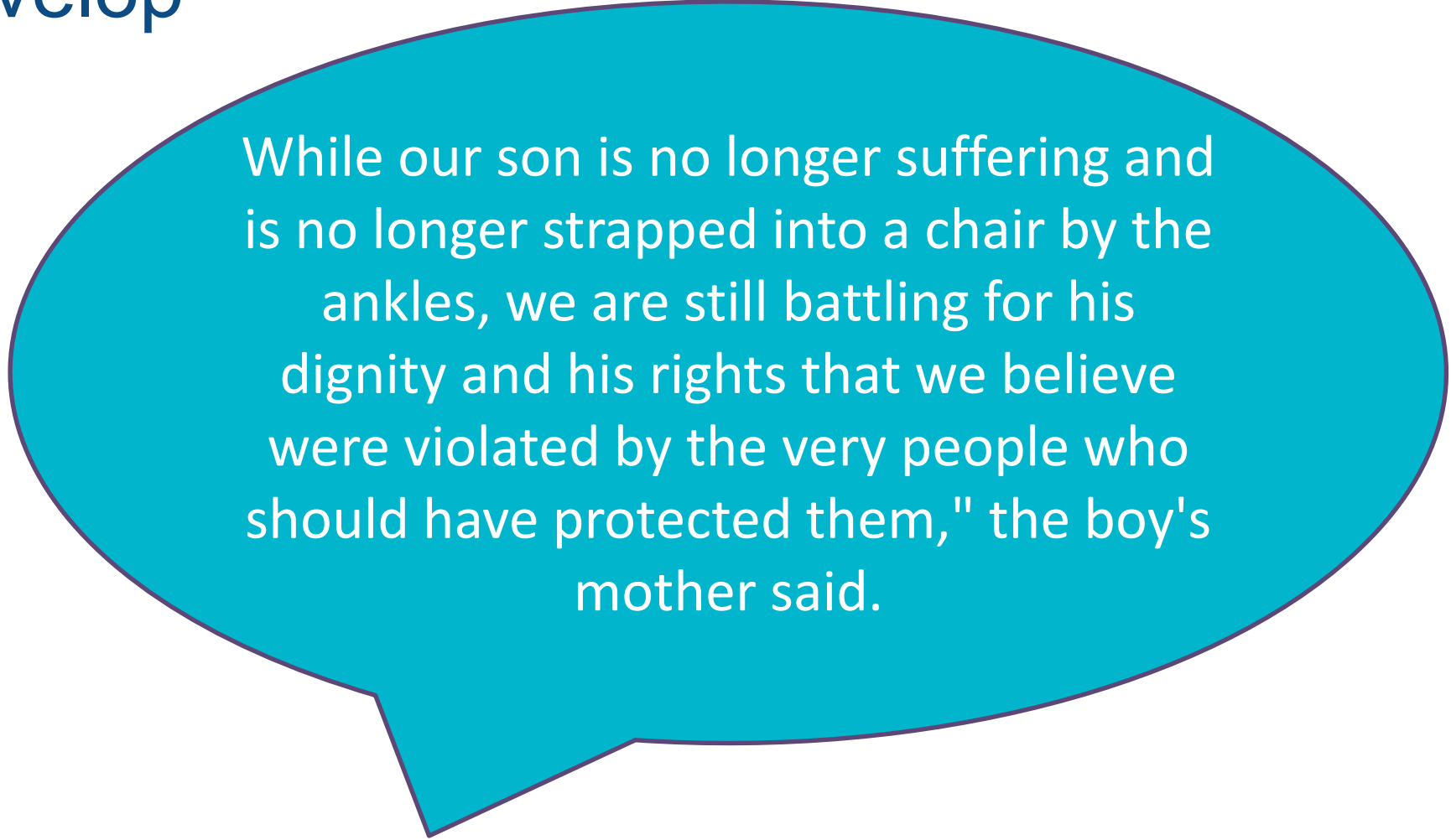
NI School under investigation after 5 year-old pupil with autism was strapped into a chair, despite having no special physical needs.

Boy confined to his chair with straps attached to his waist and legs while his classmates were allowed to play freely.

Parents were not aware of how their son was being treated and only found out after he pointed to photographs of himself in a class report

“This is a human rights matter where a young boy has the right to education in the manner which would allow him to develop”

Independent: 12th October 2018



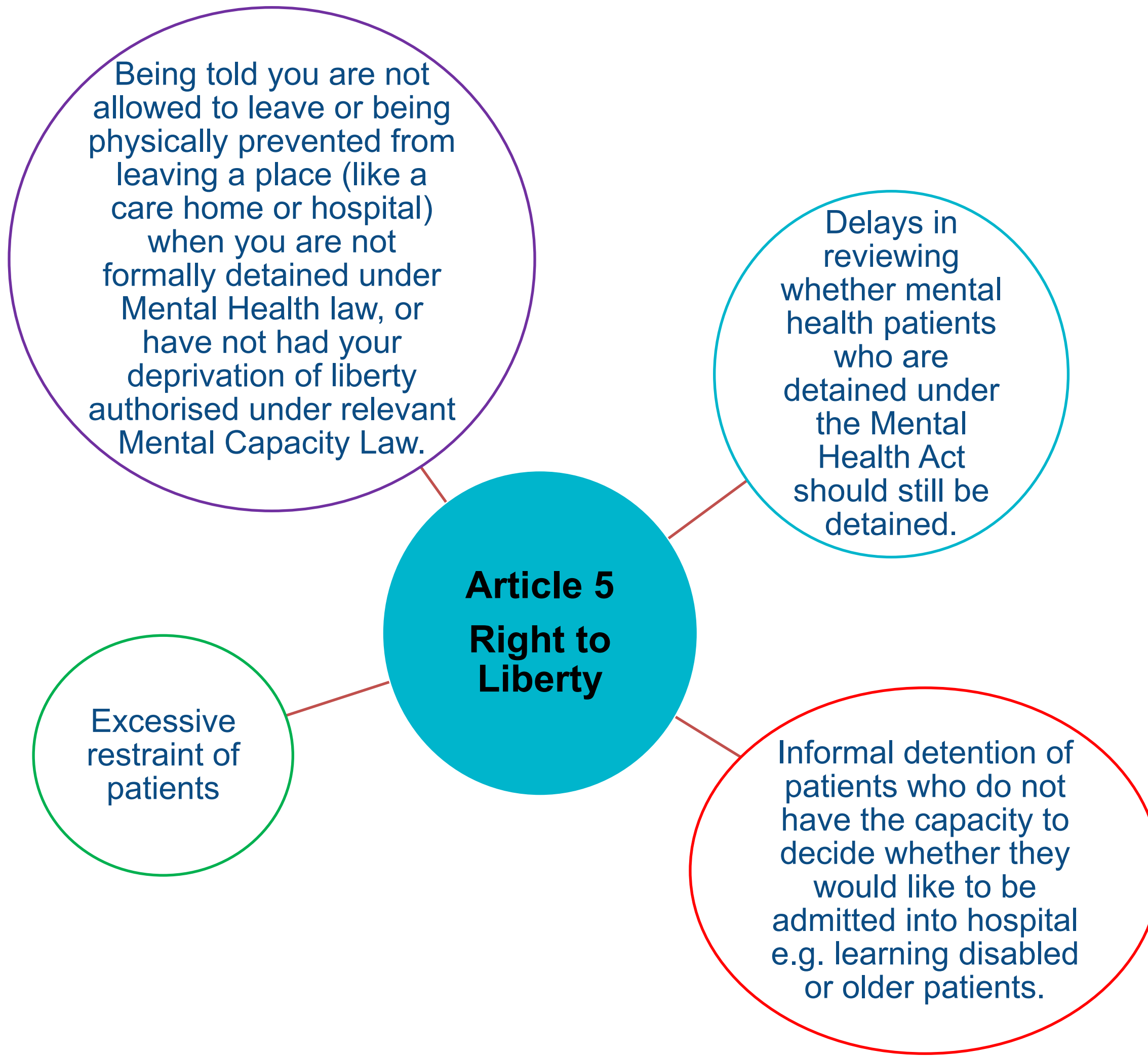
While our son is no longer suffering and is no longer strapped into a chair by the ankles, we are still battling for his dignity and his rights that we believe were violated by the very people who should have protected them," the boy's mother said.

Article 5 : The Right to Liberty



This means :

- Not having extreme restrictions placed on your movement unless it is necessary and justifiable.
- People working in public bodies have to take action to ensure that a person's right to liberty is protected and that a person is involved in decisions that affect their life and rights.
- When things go wrong they must be investigated and steps taken to try and stop the same thing happening again.

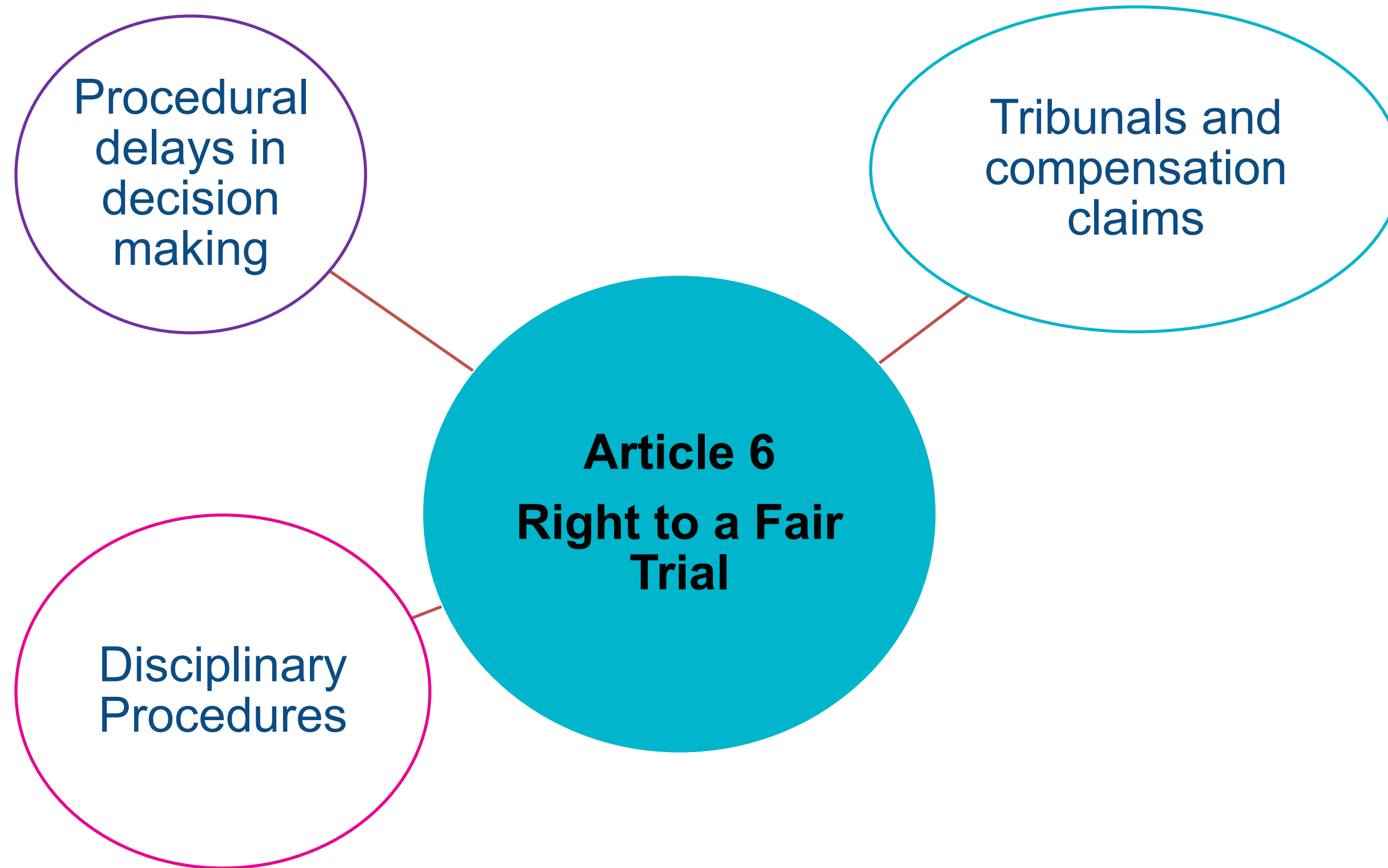


NB: Cheshire West case

Article 6 : The Right to a Fair Trial

The person whose rights will be affected has the right to:

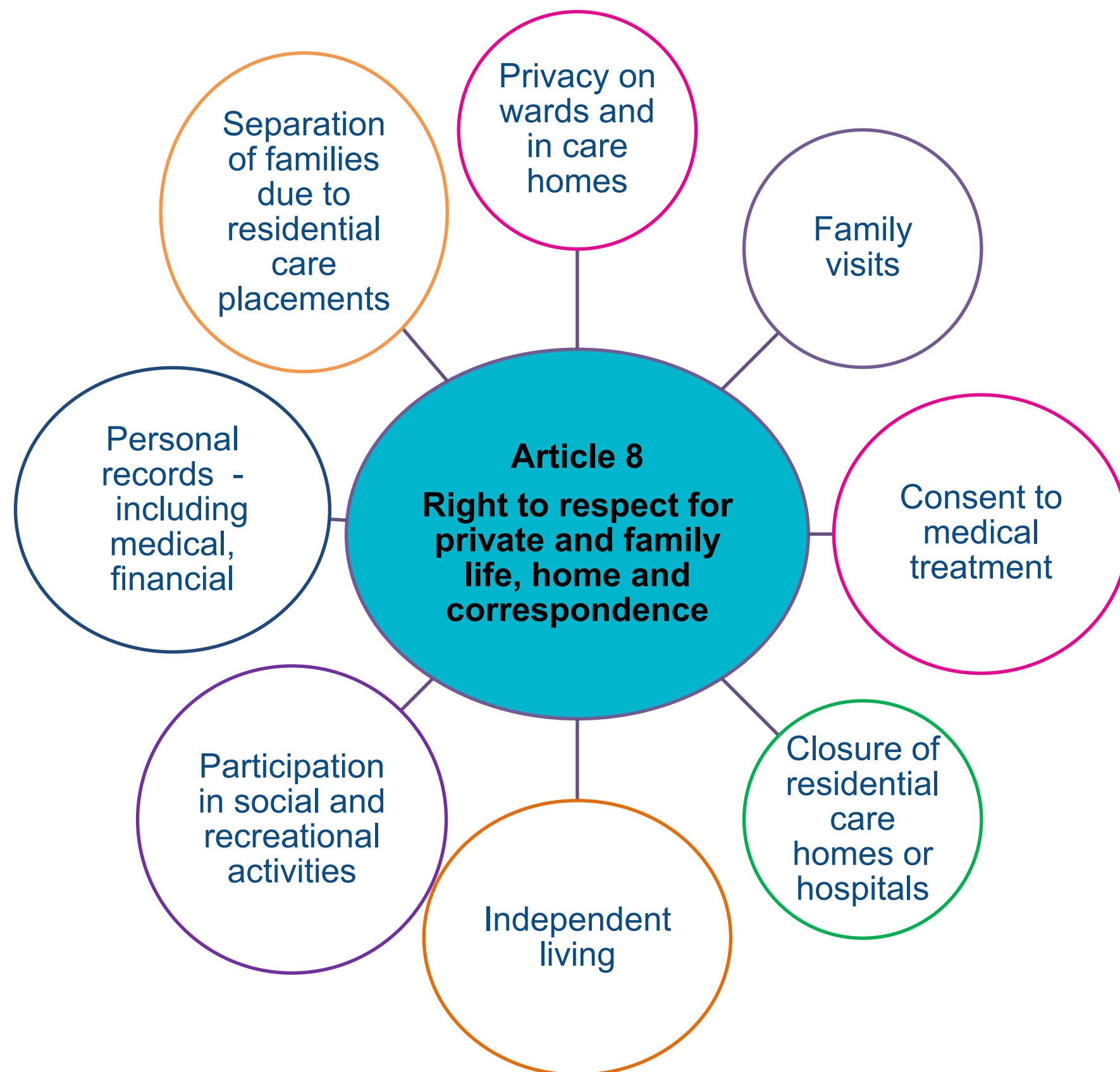
- an independent and impartial tribunal
- be present at some stage during the decision making process
- a reasonable opportunity to present their case before the decision is made
- an adversarial hearing
- disclosure of all relevant documents
- have their hearing take place within a reasonable time
- be given reasons to enable them to understand the decision that has been made.



NB: H v UK Case

Article 8 : The Right to Respect for private and family life, home and correspondence

- **Private life** covers more than just traditional ideas of privacy
- **Family life** includes:
 - developing and maintaining family relationships
 - on-going contact if a family is split up
- **Home** includes:
 - respect for a person's home which could include long-stay wards or residential homes
- **Correspondence** includes:
 - being able to communicate with people,
 - private communication



Changes to visiting **NHS**
The Newcastle upon Tyne Hospitals
NHS Foundation Trust

We are making some changes to visiting. Please contact the ward to find out more.

If you are visiting someone, please remember to:



Wear a face covering



Wash your hands



Keep a safe distance

You may be asked to wear additional personal protective equipment (PPE) during your visit. You will also be asked to give your contact details to ward staff.

Healthcare at its best
with people at our heart

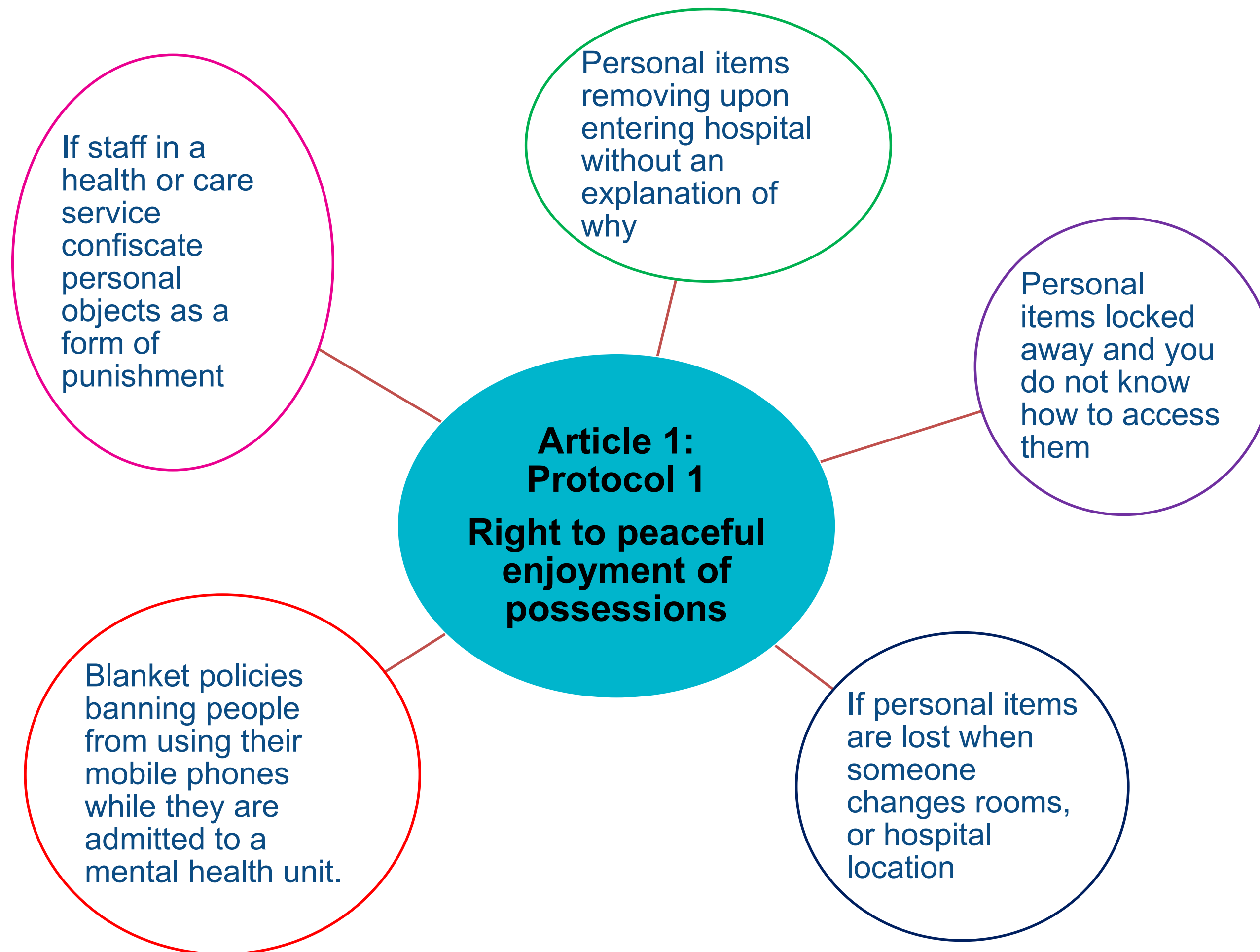
NB: Pretty Case

Article 1 Protocol 1:

The Right to peaceful enjoyment of possessions

This right means that we should all be able to enjoy things that belong to us without staff in public services trying to control them or take them away.

Possessions can include mobile phones, money, clothing, housing



Human Rights and Employment

- **The right to strike** is protected and It is your choice which, if any, trade union to join (A11)
- **Discrimination complaints** must be looked into swiftly (A6)
- Article 8 may be of importance where **employers interfere** with communications by staff, such as intercepting telephone calls, email or interfering with internet use.
- You have the **right to a private and family life**. So an employer who discriminates against a worker who is gay, for example, may be violating that worker's right to a private life. (A 8)
- Your employer has the right to **monitor communications** within the workplace as long as you're aware of the monitoring before it takes place. Monitoring can cover emails, internet access, telephone calls, data, images (A 8)
- You have the right to see any **information held** about you, like emails or CCTV footage (A 8)

Human Rights Internationally



UN Convention on Rights of People with Disabilities (UNRCPD)

This is an international agreement which affirms that people with disabilities have the same rights as everyone else.

The Convention was brought into the UK in 2009.

This means the Government is legally bound to protect the human rights of its citizens with disabilities.



“On paper (people with disabilities) have enjoyed the same rights as others; in real life, they have often been relegated to the margins and denied the opportunities that others take for granted.”

Former UN Secretary General Kofi Anan



Principles of the UNCRPD

- Dignity
- Independence
- Freedom of Choice
- Non Discrimination
- Participation
- Inclusion
- Respect for Difference
- Acceptance by other people
- Equality of opportunity
- Access



#17 Rabone

A hospital should have done more to prevent the suicide of Melanie Rabone, a voluntary mental health patient. She was at an immediate risk of suicide, so the hospital had a duty to protect her right to life.

Related European Convention articles:



Article 2

 [Read the whole story](#)

#28 Cheshire West

The living arrangements of three mentally incapacitated people were a breach of their right to liberty. "A gilded cage is still a cage", said the Supreme Court. Mentally incapacitated people had the same rights as everyone else.

Related European Convention articles:



Article 5

 [Read the whole story](#)

#5 Pretty

A woman with motor neurone disease said the ban on assisted suicide breached her human rights. The court didn't doubt the firmness of her belief, but the state must protect the right to life. There was risk of abuse in the system if assisted suicide was legalised.

Related European Convention articles:



Article 2



Article 8

 [Read the whole story](#)

#33 YL

A private company providing residential care for disabled people was not a public authority. That meant it didn't have to protect human rights of residents. The backlash over the case led to the loophole being closed in 2008.

Related European Convention articles:



Article 13

 [Read the whole story](#)

The Right to Health?

We all have the right to the highest attainable level of physical and mental health : ICESCR, Article 2(1).

Core minimum standards include:

- The adoption and implementation of a national public health strategy and plan of action, devised on the basis of a participatory and transparent process
- Appropriate training for health personnel, including education on health and human rights
- Monitoring of the extent to which the right is realised
- The duty to ensure that health facilities, goods and services are accessible on a non-discriminatory basis, especially for vulnerable or marginalised groups.

Recap



What Human Rights are



Where Human Rights came from



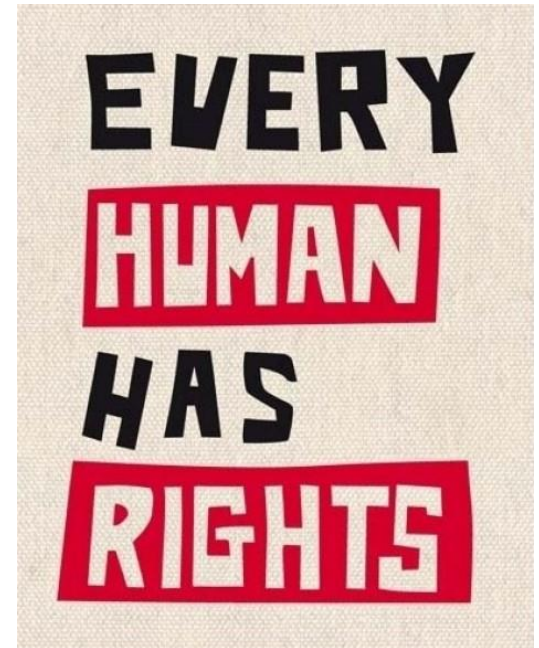
Key Human Rights in the delivery of health
and social care

Embedding a Human Rights Approach Health & Social Care

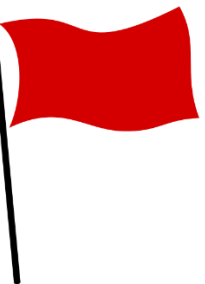


A **Human Rights Approach** involves:

- ✓ The **explicit use** of human rights values and standards in policy, project , planning and service delivery.
- ✓ **Adopting a Decision Making Framework**
 - Proportionality
 - Least restrictive option
 - Balancing rights and risks
- ✓ **Proactive Strategies Adopted** eg
 - Involving Service Users/Patients/Carers
 - Ensuring people and not targets are at the heart of services
 - Duty of candour
 - Taking action before something bigger happens



Values Adopted = **FREDA**



What is a human rights based approach?

Empowering people to know and seek their rights.

Increasing ability & accountability of those responsible for respecting, protecting & fulfilling rights.

Enabling involvement & participation of all key stakeholders

Integration of human rights standards & principles into policymaking & the day to day business

Ensuring clear accountability throughout organisation

Non-discrimination and attention to vulnerable groups

Decision Making within a Human Rights Based Approach to Health & Social Care

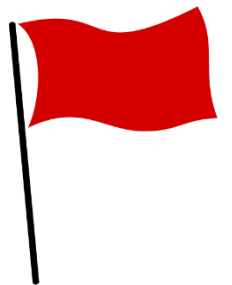


All Decisions:

- ✓ Take Account of the Act
- ✓ Are Transparent
- ✓ Can Withstand Scrutiny
- ✓ Are Recorded in detail

Does a decision interfere with a Right?

- ✓ Identify the Right
- ✓ Lawful?
- ✓ Legitimate Aim?
- ✓ Necessary?
- ✓ Proportionate?



Proportionate Action

- ✓ A proportionate response to a problem is one that is appropriate and not excessive in the circumstances.
- ✓ Is there anything that you could do that would interfere with the right less? i.e. choosing the least restrictive option
- ✓ It provides a very important mechanism to ensure that the infringement of rights is kept to a minimum and is always reasonable.
- ✓ Proportionality also allows NHS organisations to balance competing interests, e.g. the rights of the individual with the rights and needs of others.
- ✓ It requires a balance between the rights of the individual and potential risk to the individual. This may encourage positive risk taking

“An approach which places human rights at the heart of healthcare supports the change of culture needed to move away from prioritising targets over people.

Such an approach empowers staff to deliver dignified services and take action to prevent harm, knowing they have legal backing to so.

Ultimately when things go wrong the human rights safety net can strengthen the hand of regulators and make sure patients and families have the right to seek accountability and justice.”

Director of the British Institute of Human Rights in response to the Francis Report into the Mid-Staffordshire

PANEL Principles

Adopting a Human Rights Based Approach to delivering Health & Social Care

- P** enabling meaningful **participation** of all key people and stakeholders
- A** ensuring clear **accountability**, identifying who has legal duties and practical responsibility for a human rights approach
- N** **non-discrimination**: discrimination avoided, attention paid to groups made vulnerable
- E** empowerment of staff and service users with knowledge, skills and commitment to realising human rights
- L** expressly apply human rights **laws**, particularly the Human Rights Act



Participation

Participation in a human rights approach is about enabling **meaningful involvement of all key people and stakeholders**. This means not just the individual concerned, but **wider participation of their family members, carers, advocates etc.** Meaningful participation is about ensuring that the individual **understands** the situation (for example, a decision about their care or treatment), that they have been **consulted** about this and the other alternative options available, and that they **have a say** in decisions that affect them.

Participation is a key human rights principle. The right to respect for private and family life (protected by Article 8 of the Human Rights Act) includes respect for individuals' physical and psychological integrity. An important element of this is ensuring individuals have control over their own lives and bodies and a say in what happens to them.

Accountability

To adopt a human rights approach to your work, it is essential to ensure clear **accountability** throughout the organisation. Without clear lines of accountability, it is easy for individuals to ‘slip through the net’. The Human Rights Act (HRA) provides a vital safety net for us all and sets minimum standards below which no-one should fall. This only works if organisations are clear about who is responsible for holding their end of the net and ensuring no one falls through it.

Organisations – it is important to be clear who is responsible for ensuring human rights are mainstreamed across the organisation and about the individual staff roles/responsibilities for making sure that takes place. In addition, if your organisation is providing a public service and has duties under the HRA, it is important that clear lines of accountability are in place to ensure you meet these duties.

Non-Discrimination

A human rights approach is one which aims to see **discrimination eliminated** and pays particular attention to groups who **have been made vulnerable**. Equality is a key human rights principle. The Human Rights Act (HRA) protects our basic rights and freedoms in UK law and includes the right to be free from discrimination when exercising these rights (Article 14 HRA)

Empowerment

To use a human rights approach in your work, **empowerment is fundamental**. It is essential that staff and service users are **equipped with knowledge of human rights, with the skills on how to use them and the confidence/commitment to realise them**.

This has two elements:

Organisations: empowering staff and volunteers with knowledge, skills and confidence on human rights to be able to use human rights in their work and ensuring they are committed to realising them in practice.

Individuals: empowering service users (and their families/carers/advocates etc.) to know what their rights are, how to access them and giving them the confidence to realise them.

Law

A defining feature of a human rights approach is the **explicit reference to human rights law**. A human rights approach is not only about the spirit or values of rights, but about using the substance and power of legal standards to help drive change.

Key Benefits of a HRBA to Healthcare

- ✓ Improved quality of health services,
- ✓ Health services are designed in a person-centred way
- ✓ Reduced risk of complaints and litigation
- ✓ Improved decision-making overall
- ✓ Uncomfortable or complex issues involving people's rights are handled more effectively & with greater patient satisfaction.
- ✓ Marginalised and disadvantaged people and groups are involved & considered in the design of health services
- ✓ More meaningful engagement of patients & their carers & families in the development of policy & practice

Using a Human Rights Based Approach - Examples

Pimp My Zimmer



#hellomynameis

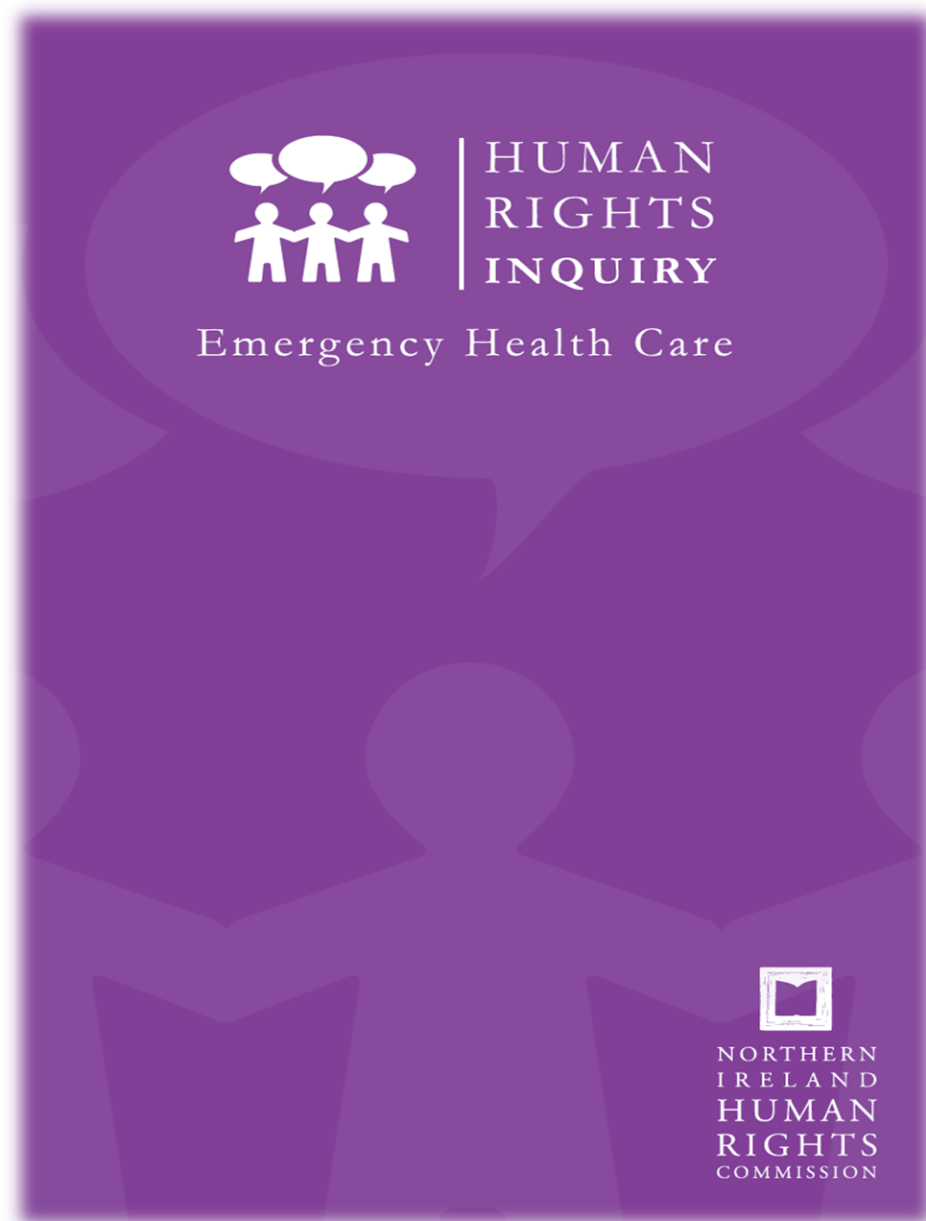
Light my Night





Can you share anything **you** will do differently or anything that you will take away from today's training?





2014

First national HR inquiry into emergency healthcare undertaken anywhere in the world.

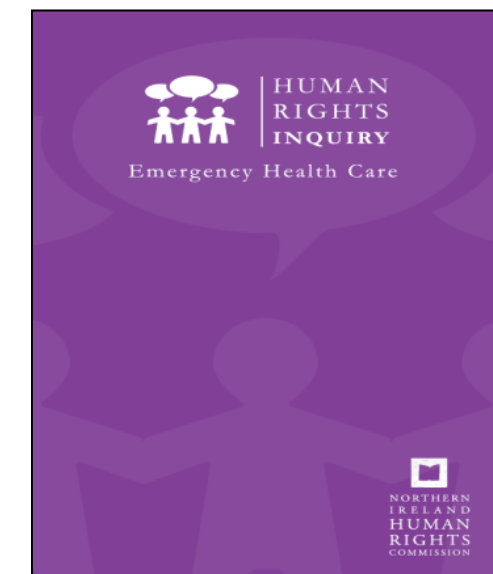
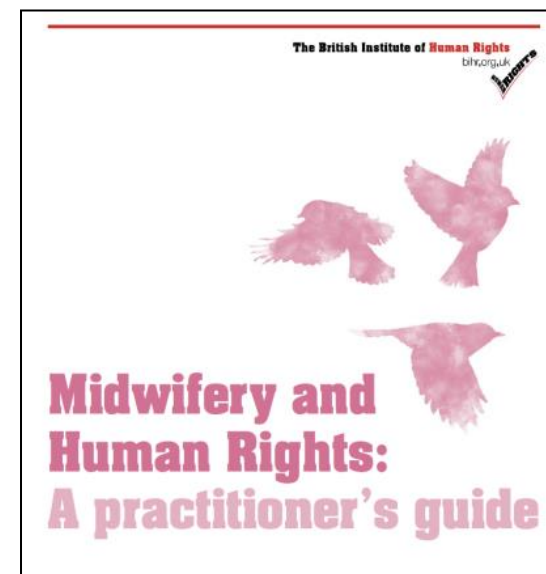
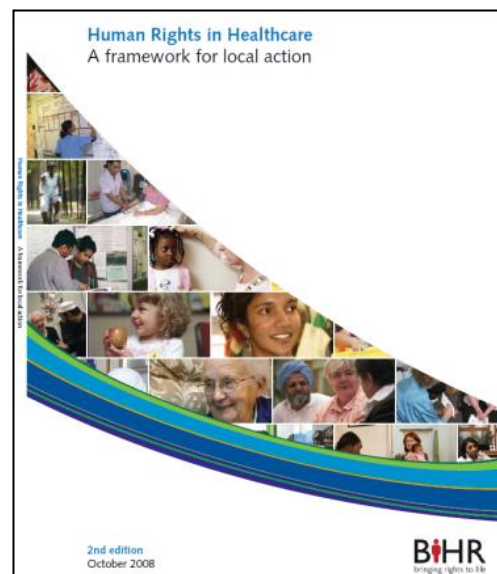
Choice of Inquiry into emergency care reflected focus - both politically and publicly: major incident

Included Belfast Trust Emergency Departments.

<https://www.youtube.com/watch?v=vr416RDZjD8&list=UU4J5aT-1Qm8Le-cJQ693RMA>
<https://www.youtube.com/watch?v=vr416RDZjD8&list=UU4J5aT-1Qm8Le-cJQ693RMA>

Further information

1. [Human Rights in Healthcare - A framework for local action](#)
2. [Human rights and nursing - RCN position statement](#)
3. Care About Rights online training course
4. [RCN Guide: Let's talk about restraint – rights, risks & responsibility](#)
5. [NIHRC report: In Defence of Dignity - The Human Rights of Older People in Nursing Homes](#)
6. [NIHRC report: Human Rights and Emergency Care](#)
7. www.RightsInfo.org
8. BIHR Guides for health and social care - [Resources for Staff Working in Public Services | British Institute of Human Rights \(bihr.org.uk\)](#)





For more information
contact

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