

Equality & Diversity Fact Sheet 1

Human Rights in Healthcare

(taken from Human Rights in Healthcare (DH, 2008)

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_088972.pdf

Human rights belong to everyone. They are the basic rights we all have simply because we are human, regardless of who we are, where we live or what we do. Human rights represent all of the things that are important to us as human beings, such as being able to choose how to live our life and being treated with dignity and respect. Human Rights are based on a number of core values, often referred to as the **FREDA** values:

- Fairness
- Respect
- Equality
- Dignity
- Autonomy

Why are Human Rights Important in Healthcare?

Every single person in the UK will come in to contact with the NHS at some point in their lives, usually when they are vulnerable. Therefore it is essential that human rights are taken into account when delivering services to ensure quality of care.

Values of Human Rights Based Approach

It helps to improve experience and outcomes for patients, service users and staff by approaching services and decisions in a person centred way.

Improves compliance with Human Rights Act and reduces complaints and litigation.

What Does this Mean for the Trust and Staff?

1. It means that it is unlawful for the Trust to act in a way that is incompatible with the human rights contained within the Human rights Act. In your day to work, you should be thinking about:
 - Does this impact on anyone's human rights?
 - If so, which rights and who do they belong to?

- How should my practice, decision or response reflect this?
2. The Human Rights Act offers a practical tool to support the trust to put the individual at the heart of the decision making process and make decisions that better protect the interests of service users, staff and carers. This can help NHS organisations ensure that individuals receive fair, dignified and equitable treatment.

Who is Responsible?

We all are. Every member of staff has a crucial role to play in creating an environment where human rights are respected across of our services.

Six rights that come up most commonly for NHS staff in their day to day work

Human Right	Some relevant issues in healthcare	Example
<p>1. The right not to be tortured or treated in an inhuman or degrading way. Inhuman treatment means treatment causing severe mental or physical suffering.</p> <p>Degrading treatment that is grossly humiliating and undignified.</p> <p>This is an absolute right. Inhuman or degrading treatment does not have to be inflicted deliberately.</p>	<ul style="list-style-type: none"> • Physical or mental abuse • Soiled, unchanged sheets • Leaving trays of food without helping patients to eat when they are unable to feed themselves • Excessive force used to restrain patients • Staff not being protected from violent or abusive patients 	<p>A man with learning disabilities was living in a residential care home. He was regularly tied to a bed or his wheelchair, to prevent him from self harming.</p>
<p>2. The right to respect for private and family life, home and correspondence Family life is interpreted broadly; it does not just cover blood or other formalised relationships.</p> <p>Private life includes privacy, personal</p>	<ul style="list-style-type: none"> • Privacy on ward and care homes • Family visits • Sexual and other relationships • Participation in social and recreational activities. 	<p>A hospital had a mixed sex ward and promised to re order it so that men were at one end and women at the other end. This did not happen. An Orthodox Jewish woman was distressed about having to share a ward with men. This kind of situation could be a breach of the right to</p>

<p>choices, relationships, physical and mental well being.</p> <p>Correspondence covers all forms of communication including phone calls, letters, emails etc.</p>	<ul style="list-style-type: none"> • Personal records including medical • Independent living 	<p>respect for private life.</p>
<p>3. The Right to liberty The right to liberty is not a right to be free to whatever you want. The right to liberty is a right not to be deprived in an arbitrary fashion.</p> <p>The right to liberty is limited in a number of specific circumstances, the lawful detention of someone who has mental health issues.</p>	<ul style="list-style-type: none"> • Informal detention of patients who do not have the capacity to decide whether they would like to be admitted to into hospital e.g. patients with a learning disability or Alzheimer’s disease. • Delays in reviewing whether mental health patients who are detained under the mental health act should still be detained. Delays in releasing patients once they have been discharged by the Mental Health Review Tribunal. • Excessive restraint of patients. 	<p>A large number of patients Do not have capacity to make their own decisions but are not in a position to be detained under mental health legislation are informally admitted to and detained for treatment in hospital. This breaches the right to liberty , New supporting legislation, Deprivation of Liberty (DOLS)</p>
<p>4. The right to a fair trial This contains a number of principles that need to be considered at some stage during the decision making process when a persons civil rights or obligations or a criminal charge against a person comes to be decided upon. The individual has the right to:</p>	<ul style="list-style-type: none"> • Staff disciplinary proceedings • Compensation claims • Independence of tribunals, e.g. Mental Health review Tribunal 	<p>Ensure that there is a robust and fair process for dealing with and concerns about the professional conduct or performance of a healthcare professional.</p>

<p>An impartial tribunal. Be given notice of the time and place of the proceedings</p> <p>A real opportunity to present their case before the decision is made,</p> <p>Disclosure of all relevant documents.</p> <p>Have the hearing take place within a reasonable time, and</p> <p>Be given reasons to enable them to understand the decision that has been made.</p>		
<p>5. The right to life Public authorities must: not take away a persons life except in a few very specific and very limited circumstances, and</p> <p>take appropriate steps to promote a person's life in nearly all circumstances.</p>	<ul style="list-style-type: none"> • Do not resuscitate orders • Refusal of life saving medical treatment • Active or passive euthanasia • Advance directives • Deaths through negligence • Investigations including inquests where a death is suspicious 	<p>A disabled woman was admitted to hospital with a chest infection. While there she discovered that a 'do not resuscitate' order had been placed on her file, because medical staff considered that she had a very low quality of life. This kind of situation can be a breach to the right to life.</p>
<p>6. The right not to be discriminated against.</p> <p>Discrimination takes place when someone is treated in a different way compared with someone else in a similar situation. Indirect discrimination happens when some one</p>	<ul style="list-style-type: none"> • Refusal of medical treatment to an older person solely because of their age • Non English speakers being presented with health options without the use of an interpreter 	<p>A hospital had a practice of sectioning asylum seekers with little or no English without the use of an interpreter.</p> <p>This practice could breach the right not to be discriminated against (on the basis of language or</p>

<p>is treated in the same way as others that does not take in to account that person's situation.</p>	<ul style="list-style-type: none"> • Discrimination against NHS staff on the basis of their caring responsibilities at home. of 	<p>race) in conjunction with the right to liberty.</p>
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For more useful information please refer to the following documents:

- Human Rights in Healthcare (DH, 2008)

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