



Dignity Champions Action Pack

Human Rights and Dignity

DH INFORMATION READER BOX

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Circulation List	NHS Trust CEs, SHA CEs, Directors of PH, Directors of Nursing
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Cross Ref	N/A
Superseded Docs	N/A
Action Required	Read the pack and additional reading via the links
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Contact Details	Rebecca Lawther Dignity in Care team www.dignityincare.org.uk
For Recipient's Use	

Introduction

- A Dignity Champion is someone who believes passionately that being treated with dignity is a basic human right, not an optional extra. They believe that compassion must be at the heart of a truly person centred and efficient care services and are committed to doing their bit to achieve this.
- This action pack has been put together by the Dignity in Care team to help Dignity Champions to understand UK Human Rights legislation and why it is essential in ensuring people are treated in a dignified way. There is a great deal of guidance already in place for the health and social care sector and we have attempted to bring as much of this together in one place as possible.
- It is easy for us to ignore human rights because we don't understand the legal jargon or don't know what the impact of not following them can be. This is why the Dignity in Care team wanted to make this simple guide to help understand the rights that everyone has and therefore ensure that everyone receives the appropriate standards of care that they deserve.

“Human Rights provide a legal framework for service providers to abide by and empower service users to demand that they are treated with dignity”
Joint Committee on Human Rights

Why are human rights important in healthcare and social care?

- Every single person in the UK comes into contact with health and social care services at some point in their lives, usually when they are at their most vulnerable. Therefore, it is essential that we ensure human rights are an important consideration for the delivery of quality services.
- Putting human rights at the heart of the way these services are designed and delivered can mean a better experience for everyone, with patient and staff experiencing the core values of Fairness, Respect, Equality, Dignity and Autonomy (FREDA).
- Key benefits of a human rights based approach:-
 - It helps improve experience and outcomes for patients, service users and staff by approaching services and decisions in a person centred way;
 - It supports the delivery of wider priorities such as commissioning;
 - It improves compliance with the Human Rights Act and reduces complaints/litigation.

Here is our simple guide to those Human Rights articles that are most relevant to health and social care. It explains what the articles mean, which Dignity in Care 10 point Challenges they link to and it also gives some positive and negative examples to illustrate the links between human rights and dignity. ¹

Human Rights Article	Meaning	Using Dignity in care challenge points to reduce risk of article breaches	Negative example	Positive example
Article 2 - Right to Life	A person is entitled to have their life protected from real or imminent threat of danger.	Challenge point 1 Not tolerating any form of abuse.	Failing to intervene when you see a frail and vulnerable person in your care being neglected	Helping people to eat or drink who are unable to feed themselves. This will avoid persistent malnourishment, which could directly or indirectly result in their death.
Article 3 - Protection from torture or inhuman or degrading treatment	No person should be subjected to torture or inhuman or degrading treatment or punishment.	Challenge points 6,7,9+10 Respecting privacy, help people maintain confidence and positive self-esteem help alleviate loneliness and isolation, ensure people can complain without fear of retribution.	Leaving a patient without a commode to soil the bed	Give personalised care therefore treating everyone as individuals with individual choices for their care. e.g. administering personal (intimate) care with privacy
Article 5 - The right to liberty and security of person	A person should not be deprived of his liberty except in accordance with a procedure	Challenge points 1, 2+7 Not tolerating any form of abuse, give people the same respect as you would expect and ensure people	Excessive restraint while in hospital or residential care e.g. being tied to beds or chairs rather than a less restrictive alternative	Residents of a care home being encouraged to enjoy the outdoor facilities including the garden local amenities and family visits

	prescribed by law.	can complain without fear of retribution		with supervision/aid if required.
Article 6 - The right to a fair trial		Challenge point 7 Ensure people can complain without fear of retribution	No access to assistance/advocacy where rights to care are being considered.	Everyone having access to transparent complaints procedures to help them to get the care they should receive.
Article 8 - The protection of private and family life	Everyone is entitled to have their home and family life respected. This includes correspondence and personal information remaining confidential.	Challenge points 3,4,6,9+10 Offer everyone personalised services, help people maintain levels of independence, choice and control, Respect privacy, help people maintain confidence and positive self esteem, help alleviate loneliness/isolation.	Sensitive medical advice discussed when other patients could overhear	Engaging residents of a care homes in decision making about their day-to-day activities and how they want to live.
Article 9 - Freedom of thought, conscience and religion	A person is entitled to hold a belief or follow a religion and this should not be restricted.	Challenge points 3,4+5 Offer everyone personalised services, help people maintain levels of independence, choice and control, listen and support people to express needs and wants.	People's personal needs being managed in a way that offends their religious beliefs e.g. bathing by the opposite sex.	Choice of food being offered based on cultural or religious differences or general dietary choice e.g. vegetarian.
Article 10 - Freedom of expression	A person is entitled to their own opinions, and	Challenge points 4,5,7+9 help people maintain levels of independence, choice	Ignoring feedback or complaints from people receiving care services or	Engaging with individuals and consulting with representative groups to get

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	should be able to express these opinions and ideas without interference. They are also entitled to give and receive accurate information.	and control, listen and support people to express needs and wants, ensure people can complain without fear of retribution, help people maintain confidence and positive self esteem,	their carers	their views on individual care and services in order to improve services so they better meet individual's needs.
Article 14 - Freedom from discrimination	A person should be treated without prejudice on the grounds of their sex, race, colour, language, religion, political opinion, origin, birth, sexual orientation, disability, marital status and age.	Challenge points 3,4,9+10 Offer everyone personalised services, help people maintain levels of independence, choice and control, help people maintain confidence and positive self-esteem, help to alleviate loneliness/isolation.	Allowing an individual with a disability to receive inferior care because of their disability	Giving everyone the care they request/deserve based on an assessment of their needs which may include their age, disability, race, religion, gender or sexual orientation etc

¹ Any breach of human rights should be judged on individual merits and the examples above are purely illustrative.

Managers/Member of staff

- Individual health and social care professionals working in accordance with their profession's codes of practice have the daily opportunity to demonstrate human rights principles in practice by offering care that epitomises the human rights values
- There are many resources out there to help managers and staff in various settings to learn about human rights and how to ensure this is translated to your workplace. These include free training materials, real life human rights stories to help bring the subject to life and resources that you can use in your places of work e.g. posters.
 - 'With Respect' is a Dignity in Care training guide, which was produced by the care sector in partnership with the Department of Health. The two versions cover [residential](#) and [domiciliary](#) care and include human rights, which can be found in the following sections
 - Programme - Page 16-18 - Module 3 legislation, Page 20
 - Exercises - Page 2 -3 Legislation
 - Handouts - Page 1 – Handout 1 Legislation
 - Resources Guide - Page 11 & 12
 - The Department of Health has produced [training materials](#) and other resources designed for use in training sessions for frontline workers - primarily health and social care workers - supporting people with a learning disability. The resources will assist trainers and interested parties as to the range of materials available.
 - The Department of Health, the British Institute of Human Rights and 5 NHS Trusts have worked in conjunction to produce a [framework](#) to assist NHS trusts to develop and apply human rights based approaches (HRBAs) in their organisations to improve service design and delivery.
 - Regional Dignity in Care groups within [Birmingham \(3,4,6,9,10,15,18,20,23,25\)](#) and [Leeds \(8,10,12,16\)](#) produced a number of posters that help to illustrate the Dignity in Care campaign. A number of these help to demonstrate what human rights are about in health and social care settings.
 - British Geriatrics Society launched its 2010 Dignity campaign. ['Do not forget the person'](#) is a poster, which sets down some basic principles for dignified care. This demonstrates very simply, how to ensure human rights are preserved in care. It's previous work includes [Behind Closed Doors Dignity Campaign](#), which aims to raise awareness that people, whatever their age and physical ability, should be able to choose to use the toilet in private in all care settings.
 - [ourhumanrightstories.org.uk](#) tells the real life human rights stories of people in the UK. Although these stories are rarely told and often overshadowed, they show how the Human Rights Act can provide a vital lifeline to individuals from all walks of life.
 - CQC [Key equality, diversity and human rights prompts](#) for various care settings

- [Human rights and human resources in the NHS: implications for the workplace](#). This document outlines a human rights approach to managing workplace practices, which can not only keep organisations operating within the law, but can help further the reputation of the NHS as a model employer. It shows some of the ways the Human Rights Act could be used to challenge human resource decisions, and provides a useful decision making tool to ensure compliance.
- A Dignified Revolution have produced a resource called '[dignity ward](#)', which is designed for nurses to think about how they can help protect a patients human rights on the ward.

Local authorities

- It is important that local authorities ensure that the services they provide are in line with human rights legislation. They can do this through their overview and scrutiny committees. Below is some guidance to ensure dignity and respect run through all these services.
 - The Centre for Public Scrutiny has published '[Walk a mile in my shoes: Scrutiny of dignity and respect for individuals in health and social care services](#)'.

Members of the public

- Most of the examples above are for staff members but if you are a member of the public, you can:
 - Ensure your friend/spouse/family member are cared for in accordance with the articles above and if you see any of the negative examples, you should bring it to the attention of the staff.
 - Volunteer in care settings and while doing this, if you become aware of any breaches of the human rights articles, approach your manager with the information. To undertake a volunteering activity it would be advisable to contact a volunteering organisation to help you organise it. [Sue Ryder Care](#) or the [British Red Cross](#) will be able to help. [Do It Volunteering](#) and [Volunteering England](#) can help you find opportunities in your area. You could also contact your local hospital and ask how you can volunteer your help.
 - Take a look at the work that is undertaken by numerous organisations to prevent human rights breaches. They can help you to understand human rights, the work that is undertaken by organisations to prevent human rights breaches and may give you the opportunity to get involved with their work. They include mental health organisations and those for older people. They are listed below but are by no means an exhaustive list.

[Mind](#)
[Rethink](#)
[Age UK](#)
[Action on Elder Abuse](#)

[WRVS](#)

[Disability alliance](#)

[RNIB](#)

[Dignified Revolution](#)

[Alzheimer's Society](#)

[BIHR, Human Rights – changing lives](#)

[BIHR guides](#), including guides for older people, disabled people, people living with mental health problems and refugees and asylum seekers

General links to find out more about human rights and how it links to dignity

- The Social Care Institute for Excellence's section, Stand up for Dignity gives advice on supporting people's rights to dignity and respect when using health and social care services. [Stand up for Dignity: Legislation](#) explains the relationship between Dignity in Care, human rights and equalities.
- The Equality and Human Rights Commission have produced an interactive programme called [Dignity Drive](#). It is designed to look at what human rights mean in the context of everyday life, how they affect real people and why they are therefore so important.

Give us feedback

- Please do email us and tell us what you have done as a result of getting this action pack. We will post your feedback on the Dignity Champions website (anonymously if you would prefer) to help inspire others. Just email us at dignityincare@dh.gsi.gov.uk
- If you think we have missed any useful information and would like to see something else added please do email us at the email address above.

GOOD LUCK AND THANK YOU FOR PLAYING YOUR PART IN MAKING A DIFFERENCE

The Dignity in Care Campaign is not able to provide human rights advice on individual care. Please find details of [advice-giving organisations here](#).