

Human Rights

The Human Rights Act 1998 sets universal standards to ensure that a person's basic needs as a human being are recognised and met. Public authorities should have arrangements in place to ensure that they comply with the Human Rights Act 1998, and it is unlawful for a healthcare organisation to act in a way that is incompatible with the Act.

Below are some aspects of Human rights principles and their relevance to Health care. Human rights principles should be taken into account when undertaking Equality Analysis.

Human Right	Healthcare
<p>The right to Life Public authorities must:</p> <ul style="list-style-type: none"> • Not take away a personal life, except in a very few specific and limited circumstances, such as lawfully defending someone from violence • Take reasonable steps to protect a persons life in nearly all circumstances • Although the right to life is fundamental, there is no corresponding right to medical treatment in all circumstances 	<ul style="list-style-type: none"> • Do not resuscitate orders • Refusal of life saving medical treatment • Active or passive euthanasia • Advance directives • Death through negligence • Investigations including inquests where death is suspicious
<p>The right not to be tortured or treated in an inhuman or degrading way</p> <ul style="list-style-type: none"> • Inhuman treatment means the treatment causing severe mental or physical harm • Degrading treatment means treatment that is grossly humiliating and undignified • Inhuman or degrading treatment does not have to be 	<ul style="list-style-type: none"> • Physical or mental abuse • Unchanged sheets • Leaving trays of food without helping patient to eat when they are too frail to feed themselves • Excessive force to restrain patients • Washing or dressing without regard to dignity

<p>deliberate</p>	<ul style="list-style-type: none"> • Staff not being protected from violent or abusive patient
<p>The right to liberty</p> <ul style="list-style-type: none"> • The right to liberty is not the right to be free to do whatever you want • The right to liberty is a right not to be locked in a cell or a room, or have any other extreme restriction place on movement • The right to liberty is a limited right. It can be limited in number of specific circumstances, for example the lawful detention of someone who has mental health issues 	<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 into hospital, e.g. learning disabled or older patients • Delays in reviewing whether mental health patients who are detained under the Mental Health Act should still be detained • Delays in releasing mental health patients once they have been discharged by the Mental Health Review Tribunal • Excessive restraint of patients e.g. tying them to their beds or chairs for long periods
<p>The right to a fair trial</p> <p>The right to a fair trial contains a number of principles that need to be considered, at some stage during the decision making process.</p> <p>The person who's rights will be affected has the right to;-</p> <ul style="list-style-type: none"> • Independent and impartial tribunal • Be present at some stage during the decision making process • A reasonable opportunity to present their case before a decision is made • An adversarial hearing • Disclosure of all relevant documents • Having their hearing take place within a reasonable time and 	<ul style="list-style-type: none"> • Staff disciplinary proceedings • Compensation claims • Independence of tribunals. E.g. the Mental Health Review Tribunal

<ul style="list-style-type: none"> • Be given reasons to enable them understand the decision that has been made 	
<p>The right to respect private and family life, home and Correspondence</p> <p>This right protects four interests:</p> <ul style="list-style-type: none"> • Family life, which is interpreted broadly and does not just cover blood relatives • Private life, also interpreted broadly. It covers more than just privacy, including issues such as personal choices, relationships, physical and mental wellbeing, access to personal information and participation to community life • The right to respect for home is not a right to housing, but a right to respect for the home somebody already has • Correspondence covers all forms of communication including phone calls, letters, faxes, email, etc • This right is a qualified right and maybe interfered with in order to take account of rights of other individuals and/or the wider community 	<ul style="list-style-type: none"> • Privacy on wards and in care homes • Family visits • Sexual and other relationships • Participation in social and recreational activities • Personal records including medical, financial • Independent living • Closure of residential care and hospitals • Separation of families due to residential care placements
<p>The right not to be discriminated against</p> <p>The right not to be discriminated against is in relation to the other human rights contained in the Human Rights Act. Discrimination takes place when someone is treated in a different way compared to someone in a similar situation, or where people in very different situations are treated the same. However, an action or decision will only be considered discriminatory if it cannot be reasonably or objectively justified.</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 • Discrimination against NHS Trust staff on the basis of their caring responsibilities at home.

