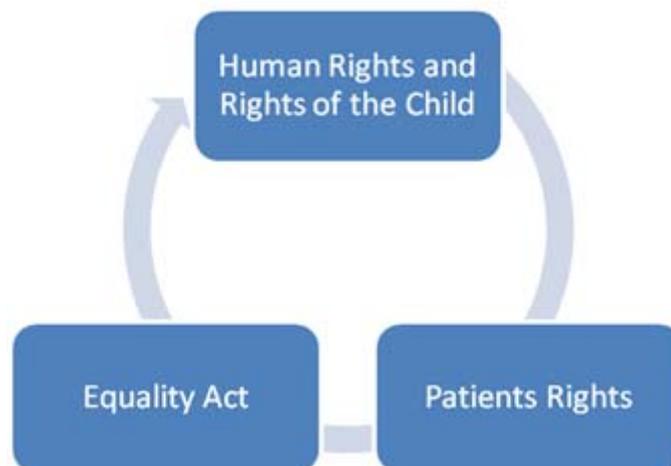


Human Rights in NHS Greater Glasgow & Clyde

1. Introduction

Human rights are the fundamental freedoms and rights to which everyone is entitled. They are built on universal values such as dignity, equality, freedom, autonomy and respect, first set down in the Universal Declaration of Human Rights 65 years ago and now grounded in international laws. Scots contributed to the development of the modern understanding of human rights, which resonates with our deeply held values of fairness and responsibility to the community. Human rights also link closely with the aims and values of the NHS to deliver patient centred services which are free from discrimination and meet people's needs.



This briefing paper sets out the role of the NHS in human rights, explains the difference between absolute and qualified rights, how NHSGGC is responding and where you can get more information.

2. Why should NHSGGC consider human rights?

It can be difficult to understand and appreciate the relevance of Human Rights in everyday service delivery. Many people will consider them only in the most extreme cases where an individual or groups of people are subjected to the most degrading or dangerous treatment. However, understanding human rights and their place in day-to-day service activity is

key to meeting the needs of all our patients and empowering the most vulnerable.

The Francis Report highlights the terrible consequences when patients have basic human rights neglected. The Report catalogues how Mid Staffordshire hospital patients experienced inhumane and degrading treatment and also how human rights law was used to bring this to light. An organisational culture that allows human rights to become a secondary consideration will ultimately fail in basic care performance.

Scotland has a [National Action Plan on Human Rights](#) (SNAP) which emphasises a proactive role for NHS services in understanding and upholding human rights.

3. What are human rights?

The United Kingdom Human Rights Act 1998 sets out civil and political rights as well as economic, social and cultural rights and first within the wider context of United Nations treaties. The **rights** contained in the Human Rights Act 1998 are:

Article 2	The right to life
Article 3	The prohibition of torture, inhuman or degrading treatment or punishment
Article 4	The prohibition of slavery and forced labour
Article 5	The right to liberty and security of person
Article 6	The right to a fair hearing
Article 7	The prohibition of retroactive criminal law (i.e. cannot be found guilty of an offence that did not constitute a crime at that time)
Article 8	The right to respect for private and family life and correspondence
Article 9	Freedom of thought, conscience and religion
Article 10	Freedom of expression
Article 11	Freedom of assembly and association
Article 12	The right to marry and found a family
Article 14	The prohibition of discrimination
Protocol 1, Article 1	The protection of property
Protocol 1, Article 2	The right to education
Protocol 1, Article 3	The right to free elections
Protocol 6	The abolition of the death penalty

In the Human Rights Act 1998 there are 'absolute' and 'qualified' rights.

Absolute rights mean they can never be restricted under any circumstances and include:

- The right to life
- The right not to be subjected to torture or to inhuman or degrading treatment or punishment.

Qualified rights can be restricted in some circumstances and within limits. Restrictions are often in place to protect the public or to ensure the rights are fairly balanced against another person's rights. Any interference with a right must be proportionate (the minimum necessary interference) and in the pursuit of a legitimate aim within the law.

Qualified rights include:

- The right to respect for private and family life, home and correspondence
- The right to freedom of thought, conscience and religion
- The right to freedom of expression
- The right to freedom of assembly and association
- The right to protection of property

4. How do human rights, equalities legislation and patients' rights approaches fit together?

The [UK Equality Act 2010](#) requires organisations, in the course of their day to day business, to eliminate discrimination, harassment and victimisation, advance equality of opportunity for all and foster good relations between people who share a 'protected characteristic' and those who do not.

The characteristics, protected by law, are age, disability, sex, gender reassignment, pregnancy and maternity, race and ethnicity, religion and belief, sexual orientation and marriage and civil partnership.

Human rights and equalities approaches go hand in hand. Human rights consider the rights of every individual under the conventions while equality law means that we need to ensure that one group of patients are not disadvantaged over another because of their identity.

Equality law also provides a legal framework to foster good relations between groups and create equality of opportunity, for example equal pay between women and men.

Working together, both approaches will deliver outcomes that are just and fair.

In Scotland the Patients Rights Act came into force in 2012. It states a patient's right to healthcare that considers their needs, is of optimum benefit to them and which encourages them to take part in decisions about their health and wellbeing.

In NHSGGC work on the Patients' Rights Act is closely aligned to person centred care. The principles underlying patients' rights can contribute to our obligation to meet people's human rights and our duty to meet the requirements of equality law.

5. How is NHSGGC responding to human rights?

5.1 Impact Assessment

NHSGGC is committed to tackling inequalities and this includes a human rights based approach. NHSGGC carries out an equalities impact assessment of any new services or policies and has recently added questions on human rights. We have also carried out human rights and equalities training in key NHS settings such as inpatient mental health services.

5.2 Involving Patients

Pilot work on human rights in NHSGGC has had strong user involvement. For example, gender-based violence (GBV) is both a human rights and public health issue and NHSGGC has a programme of work in place to help staff identify and respond appropriately to patient experiences of GBV. A small focus group was drawn from service users within Learning Disability services to inform how staff could raise the issue with service users who had experienced GBV.

The group provided feedback on how the issue could be included sensitively in the routine assessment process and felt this would be a good way of reducing the isolation felt. The group also suggested that -

- there should be a place someone at risk could go day or night
- people with learning disabilities should be told more about the risk of harm

- there should be opportunities for people who have been harmed to meet other people with similar experiences
- NHSGGC consider how people with a learning disability could contribute to informing harm prevention work and responses to disclosures of harm.

The assessment tool used was therefore developed alongside the group and wider learning from this patient group will continue to inform future development.

5.3 Training

Training for staff is available on Learnpro and the equality and human rights modules are a first step on understanding equalities to human rights issues. Face to face human rights and equalities training is available throughout the year. Please contact CITAdmin for further details- citadmin@ggc.scot.nhs.uk .

6. Resources to help

[Equally Our Human rights doc](#)

[EHRC Human Rights guidance](#)

[Scottish Government good practice guidance on patients rights act](#)

[Patient Advice and Support Service](#)

[Human Right Consortium Scotland](#)