



**Health  
Information  
and Quality  
Authority**

An tÚdarás Um Fhaisnéis  
agus Cáilíocht Sláinte

# Supporting health and social care staff to put a human rights based approach into practice

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*Safer Better Care*

# Role of HIQA

- **HIQA is responsible for:**
  - Setting national standards
  - Monitoring and inspecting health and social care services
  - Providing guidance on health information
  - Carrying out health technology assessments
  - The National Care Experience Programme

# HIQA's Standards Development Function

## Under the Health Act, 2007:

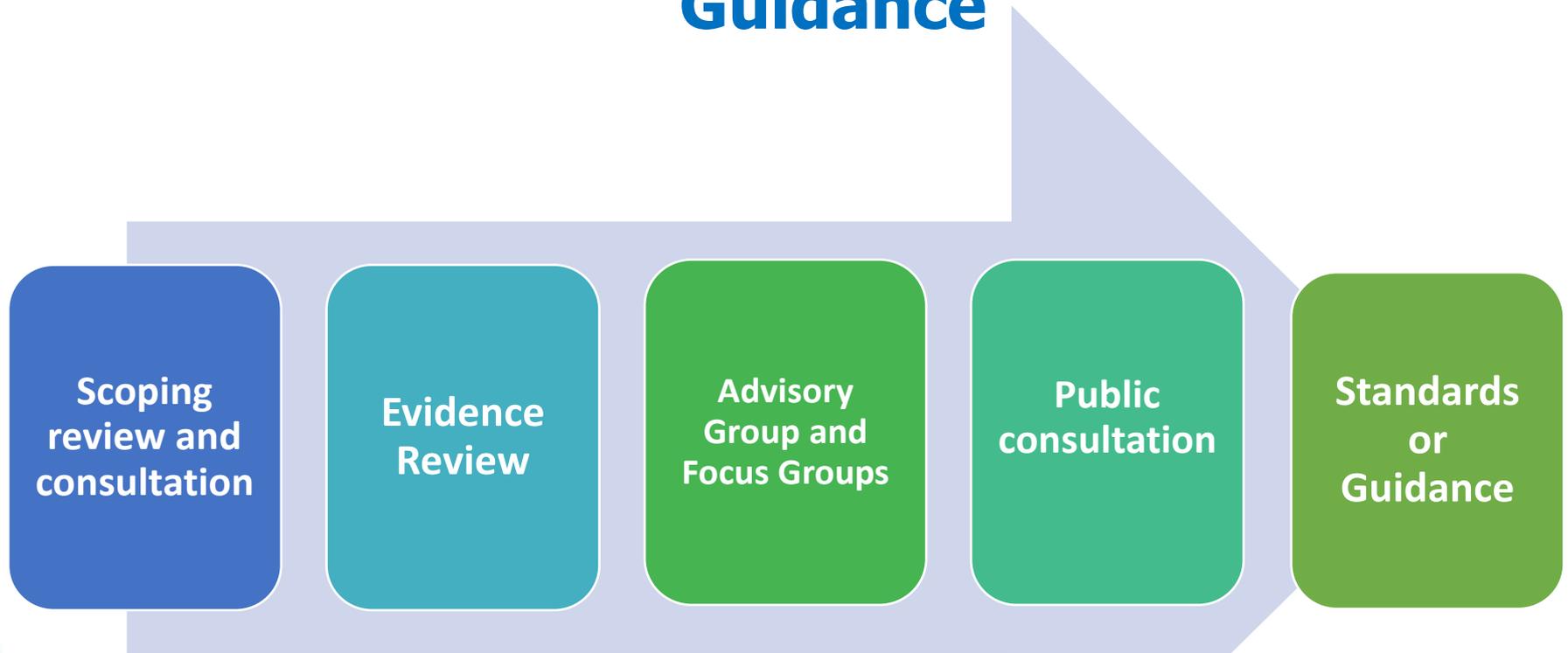
- Set standards for the safety and quality of health and social care services
- Promote safety and quality in the provision of health and social services for the benefit of the health and welfare of the public

# National standards developed by HIQA

High-level reference to human rights and a human rights-based approach to care and support is made in a number of the national standards developed by HIQA



# Development Process: Standards & Guidance

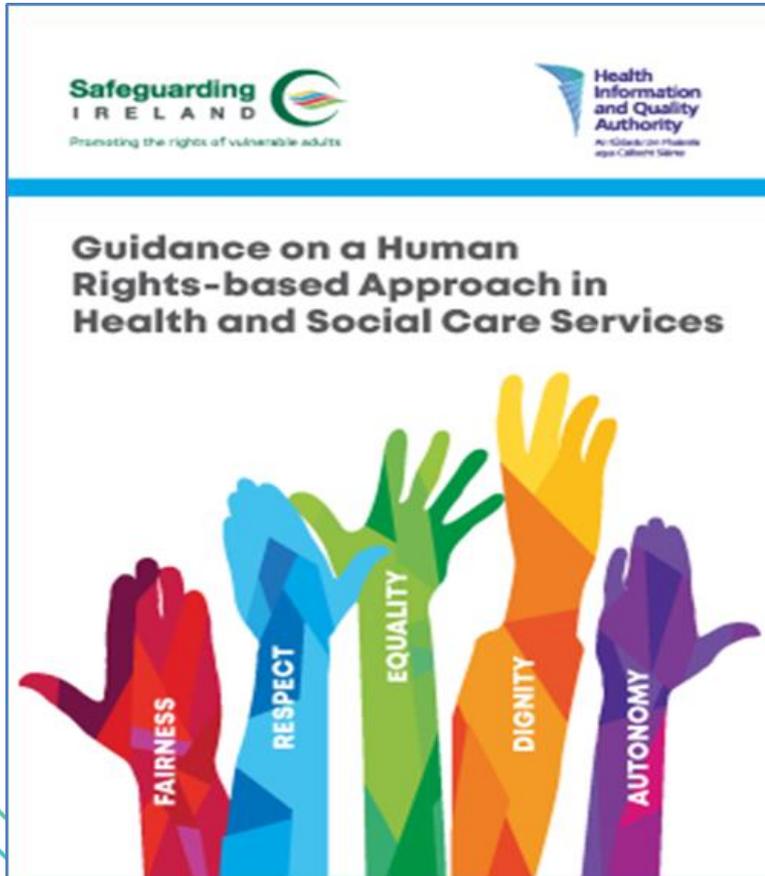


# A Human Rights-based Approach

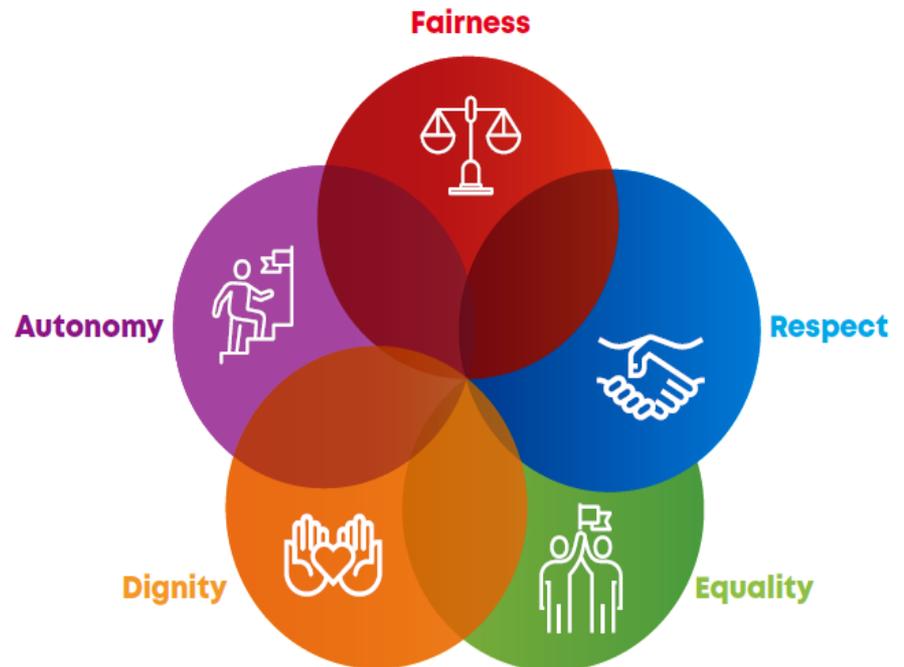
A HRBA ensures that the human rights of people using health and social care services are protected and supported in practice and embedded in service culture.



# Guidance on a HRBA for staff



A human rights-based approach is underpinned by the principles of **Fairness, Respect, Equality, Dignity** and **Autonomy (FREDA principles)**



# FREDA Principles



<https://www.youtube.com/watch?v=9noiJnloKc>

# 1



## **Fairness**

Fairness means ensuring that when a decision is made with a person using a service about their care and support, that the person is at the centre of the decision-making process. The person's views are sought, listened to and weighed alongside other factors relevant to the decision.

# Fairness



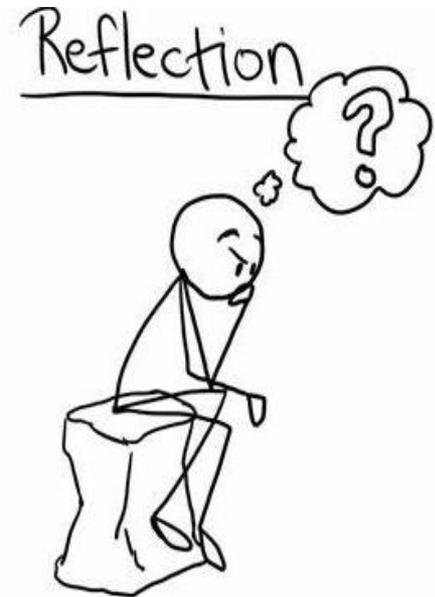
NB: The principles often overlap

## How can you uphold Fairness in your day-to-day work?

- Providing relevant information
- Seeking Consent
- Facilitating access to and protecting personal information
- Ensuring participation during risk assessment
- Supporting a person to provide feedback to a service
- Supporting a person to make an Advance Healthcare Directive
- Minimising restrictive practices
- Supporting the person to participate in decision-making

# Self-reflection

- When seeking consent, did I encourage people to ask questions?
- Did I communicate with people in a manner that they could understand and that supported their decision-making?



# 2



## Respect

Respect is the objective, unbiased consideration and regard for the rights, values, beliefs and property of other people. Respect applies to the person as well as their value systems.

# Respect



NB: The principles often overlap

## How can you uphold Respect in your day-to-day work?

- Respect in day-to-day communication
- Person-centred care and support
- Supporting relationships
- Supporting the achievement of human rights and promoting a person's right to access appropriate services
- Respecting property and personal information
- Encouraging people using services to participate in development and evaluation of services

# Self-reflection

- Did I take the time to listen to people, and to understand them as individuals without judgment?
- In my day-to-day working, did I respect the person as the expert on their own life and support them to be involved in planning their care and support as much as possible?



# 3



## Equality

Equality means people having equal opportunities and being treated no less favourably than other people on the grounds set out in legislation.

# Equality



NB: The principles often overlap

## How can you uphold Equality in your day-to-day work?

- Communicating respectfully
- Providing quality care and support for all
- Presuming and supporting capacity
- Promoting participation in society
- Encouraging equality and a human rights-friendly service
- Facilitating access to representation

# Self-reflection

- Did I ensure to always presume that a person has capacity and not judge a person's decision making ability based on age, gender or any other characteristic?
- Did I facilitate access to independent advocacy representation for people within the care setting I work in?





## Dignity

Dignity means treating people with compassion and in a way that values them as human beings and supports their self-respect, even if their wishes are not known at the time.

# Dignity



NB: The principles often overlap

## How can you uphold Dignity in your day-to-day work?

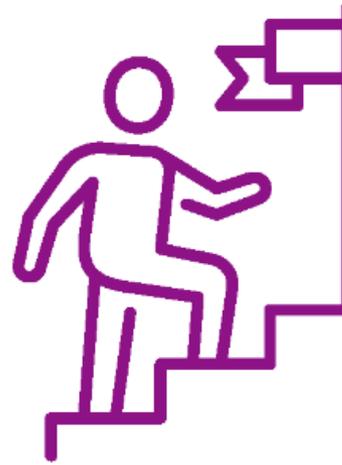
- Meeting basic needs
- Maintaining privacy
- Communicating sensitively
- Supporting a person's preferred lifestyle
- Minimising restrictive practices

# Self-reflection

- Did I ensure that all people I provided support to had their basic needs met, for example that they felt safe, comfortable, valued and respected?
- Did I avoid discussing care and support in public areas and did I ensure that phone calls and meetings were held behind closed doors?



# 5



## **Autonomy**

Autonomy is the ability of a person to direct how they live on a day-to-day basis according to personal values, beliefs and preferences.

# Autonomy



NB: The principles often overlap

## How can you uphold Autonomy in your day-to-day work?

- Seeking consent
- Understanding and respecting a person's will and preferences
- Supporting capacity and responding accordingly
- Minimising restrictive practices
- Supporting participation of people in the assessment, planning, delivery and evaluation of their care and support
- Supporting independent living

# Self-reflection

- Did I support people using the service in their choice for their care and support regardless of whether or not I believed it was the right decision?
- Did I ensure, that when a restrictive practice was used, that it was proportionate to the behaviour it was being used to restrict; it was the least restrictive option; was applied for the shortest time possible; and it was subject to a timely review?



# Case study



## Real life examples

Tom likes to attend weekly mass in the nursing home where he lives. Other residents of the nursing home have complained to staff that the noise from Tom's motorised wheelchair distracts from enjoying mass. After considering the complaints from other residents, staff in the nursing home have decided to place Tom in the corridor outside of where the mass is held so he can view the mass through a glass partition and the other residents won't hear his wheelchair.



Do you think Tom's human rights are affected in this situation?

# E-learning Modules

## Module One



## Module Two



## Module Three



## Module Four



# Module format

- **Practical examples:** how to put a HRBA into practice using real-life examples from a range of health and social care settings
- **Multi-media:** including videos, animations, audio-clips to engage learners
- **Self-reflection questions:** to get learners thinking about their practice and areas they may be able to improve
- **Case studies:** scenarios for the learner to work through
- **Additional resources:** to extend their learning

# Academic Slidedeck



## Contents Page

**Section 1:** Introduction to Human Rights *(Slides 3 – 8)*

**Section 2:** Human Rights in an International Context *(Slides 9 – 14)*

**Section 3:** Human Rights in an Irish Context *(Slides 15 – 30)*

**Section 4:** Human Rights in Health and Social Care Settings *(Slides 30 – 42)*

**Section 5:** A Human Rights-based Approach (FREDA Principles) *(Slides 43 – 100)*

**Section 6:** Cases Studies and Useful Resources *(Slides 101 – 111)*

# Some additional support tools

## FAQs

**Safeguarding IRELAND**  
Promoting the rights of vulnerable adults

**Information and Quality Authority**  
An Evidence Led Partner  
Supporting Quality Standards

**Frequently asked questions (FAQs) about the Guidance on a Human Rights-based Approach in Health and Social Care Services**

**What are human rights?**

Human rights are the basic rights and freedoms that all people should enjoy. Human rights are about people being treated with fairness, respect, equality and dignity, having a say over their lives and participating as fully as possible in decisions about their care and support.

## Decision-making Flow Charts

**Safeguarding IRELAND**  
Promoting the rights of vulnerable adults

**Resources to support the implementation of Guidance on a Human Rights-based Approach in Health and Social Care Services**

**Health Information and Quality Authority**  
An Evidence Led Partner  
Supporting Quality Standards

**Decision-making flow chart**

This document provides a decision-making aid\* that uses a human rights-based approach to care and support. The flow chart is a helpful tool for staff when making decisions in relation to a person's care. The case study set out in the flow chart relates specifically to a situation that can arise in services for end-of-life care, but the process is adaptable across settings. This document also includes a blank flow chart so that staff can use the aid when making decisions within the health and social care setting they are working in.

**1. What is the decision?**  
Bill is on an end-of-life pathway and wishes to be discharged from hospital to return home to die, against medical advice.

**2. Who is affected and how?**  
Bill is directly affected. If he were to remain in hospital, he would have less control in his final stages of life. His consultant who is affected by the decision. Bill's consultant who is also affected by this decision.

**3. Who has made the decision?**  
Bill's consultant knows that this is Bill's decision. Bill will not receive adequate physical management at home.

**4. Will the decision affect anyone's rights as set out in the European Convention on Human Rights (ECHR) Act 2003?**  
Bill's consultant considers which of Bill's rights are affected. Discharging Bill will support his relationships and mental wellbeing. In addition to Article 5 (the right to liberty and security of person), Article 8 (the right to respect for family life), and Article 5 (the right to a fair trial) as well as Article 3 (prohibition of inhuman and degrading treatment).

**5. If the decision involves a human rights restriction, is it lawful, legitimate and proportionate?**  
Bill's decision to leave following best must be supported by the restriction of the right to liberty. Bill's consultant feels it is in the best interests of Bill.

**6. If the decision involves a human rights restriction, is it lawful, legitimate and necessary?**  
Bill's consultant supports Bill to have control over his own care and support.

\*This flow chart was developed by the British Institute of Human Rights and has been adapted for an Irish context with permission.

**The FAIR approach to decision making in health and social care**

This document sets out the FAIR approach to decision making in health and social care services, developed by the Scottish Human Rights Commission. This resource has been designed to help staff consider their actions when faced with a decision that may restrict the rights of a person using a service.<sup>12</sup> In this approach, respecting the dignity of a person using services is central to all decisions made by staff. The below chart sets out the type of questions asked and the appropriate responses that should be undertaken by staff using this approach. The example relates specifically to a situation that can arise in a home care setting but the process is adaptable across settings.

This document also includes a blank flow chart for staff to use when faced with such decisions.

**Facts**

- What is the experience of the individual?
- Is the individual being heard and if not, do they require support to do so?
- What are the important facts to understand?

Michael has emphysema and is breathless. He does not appear to want his daughter Lisa to go to the bathroom.

**Analysis of the rights at stake**

- What are the human rights or issues at stake?
- Can the right be restricted?
- What is the justification for restricting the right?
- Is the restriction on the right 'proportionate'?

Michael's right to privacy is at stake here. This right can be restricted. The justification for the restriction is that Lisa does not appear to be proportionate as it does not take Michael's wishes into account and is not necessary for his care.

**Identification of shared responsibilities**

- What changes are necessary?
- Who has responsibilities for helping to make the necessary changes?

The care workers have a responsibility to explain to Lisa that it is her father's wishes and right to have privacy for his personal care needs. Lisa has a responsibility to take account of her father's right to privacy.

**Review actions**

- Have the actions taken been recorded and reviewed and has the individual affected been involved?

Has Michael participated in decisions made about his care? Have Michael's rights been explained to Lisa? Have the actions taken and Michael's preferences been recorded?

<sup>12</sup> Scottish Human Rights Commission. A human rights-based approach: an introduction. Guidance and the support tools can be accessed at <http://www.shrc.scot.nhs.uk>

Guidance and the support tools can be accessed at <http://www.hia.ie>

## Legal Framework

**Safeguarding IRELAND**  
Promoting the rights of vulnerable adults

**Resources to support the implementation of Guidance on a Human Rights-based Approach in Health and Social Care Services**

**Health Information and Quality Authority**  
An Evidence Led Partner  
Supporting Quality Standards

**Do you want to know more about the legal framework underpinning a rights-based approach to care and support?**

This document provides an overview of the legal framework which underpins a human rights-based approach to care and support in Ireland. This document also describes key human rights set out in the European Convention on Human Rights Act (ECHR) 2003 and the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) 2006 which are applicable to health and social care services.

## Linking National Standards to Human Rights

**Safeguarding IRELAND**  
Promoting the rights of vulnerable adults

**Resources to support the implementation of Guidance on a Human Rights-based Approach in Health and Social Care Services**

**Health Information and Quality Authority**  
An Evidence Led Partner  
Supporting Quality Standards

**Linking national standards developed by HIQA to human rights as set out in the European Convention on Human Rights Act 2003 and the United Nations Convention on the Rights of Persons with Disabilities 2006**

A number of national standards developed by HIQA make high-level reference to a human rights-based approach to care and support. Within the national standards emphasis is placed on protecting and promoting people's rights and respecting their autonomy, privacy, dignity, values, preferences and diversity. This includes the *National Standards for Safer Better Healthcare* (2012) as well as standards developed in the areas of older persons, disability, maternity, and adult safeguarding.<sup>13</sup> These national standards emphasise the importance of actively involving people using services in their own care and promote a culture of kindness, consideration and respect. This document provides an overview of the relationship between specific human rights, as set out in the European Convention on Human Rights (ECHR) and the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), and some of the national standards developed by HIQA; this is not intended to be an exhaustive list of standards.

Human Rights	National Standards for Safer Better Healthcare (2012)	National Standards for Residential Services for Children and Adults with Disabilities (2013)	National Standards for Residential Care Settings for Older People in Ireland (2016)	National Standards for Safer Better Maternity Services (2016)	National Standards for Adult Safeguarding (2019)

# Impact of a HRBA on people using services



## Decision-Making in Health and Social Care Services



Listen to members of Galway Advocacy council, a self-advocacy group in the Brothers of Charity Service in Galway, talk about what being at the centre of the decision-making process means to them

<https://www.youtube.com/watch?v=Bwga3XqqNAs>



# Resources are available on HIQA's website. See link below

<https://www.hiqa.ie/reports-and-publications/guide/guidance-human-rights-based-approach-health-and-social-care-services>

# E-learning modules are available on HSELand

# Current projects

- Draft Overarching National Standards for the Care and Support of Children using Health and Social Care Services – public consultation will close on Thursday, 28 October
- Draft National Standards for Home Support Services
- Advocacy project – work to highlight and promote independent advocacy services



**Thank you for your time.**

**Questions?**

For further information please contact [standards@hiqa.ie](mailto:standards@hiqa.ie)