



Human Rights

Version 1

Category: Corporate

Latest Review Date: September 2011

Review Frequency: 3 years

Owner: Human Resources Director

**Contributors: Regional Manager, Village Manager, Personnel
Manager**

CONTENTS PAGE

Policy		3 -4
Appendices	Appendix 1 – Relevant Principles of the Human Rights Act 1998	5 -6

POLICY

1. Policy Goal

The ExtraCare Charitable Trust (ECCT) is committed to delivering services in an ethical and responsible manner. We respect and support the relevant principles aimed at protecting and promoting the human rights of our residents, employees, volunteers, visitors and the wider community.

2. Business Objectives

To minimise any risk to ECCT, its residents, employees and others by ensuring compliance with and promotion of the relevant principles within the Human Rights Act 1998 (HRA) (See Appendix 1) by managing the organisation within the regulatory requirements.

3. Organisational Statement

As a responsible provider of both care and housing related support and a responsible employer and landlord, ECCT is committed to protecting and promoting the human rights of all. This includes anyone living, working or visiting (in any capacity) an ECCT location.

4. Outcomes

ECCT understands the legal requirements and business case for delivering and promoting human rights within the HRA and actively promotes its contents. Staff understand the implications of the HRA whilst dealing with individuals and multi-disciplinary agencies. Residents recognise that they will be treated in accordance with the Act.

5. Application

Staff are to be aware of, understand and adhere to this policy. All individuals are to be aware of human rights legislation and recognise that staff are required to implement the policy and act in accordance with its requirements.

6. Reason for the Policy

To promote to all individuals the relevant principles within the HRA. To meet regulatory requirements of the Care Quality Commission (CQC), current

legislation and to promote the ethos of the Act across the organisation, ensuring staff and residents are treated with dignity and respect.

7. What is new / What is different

This policy brings together the relevant requirements of the Human Rights Act 1998 and CQC standards 2010.

8. How to measure success

Staff are to complete the complaints tracker (detailed in the Complaints Policy) and retain appropriate documentation to enable any complaints related to human rights to be monitored and concluded satisfactorily. CQC outcomes are met.

9. Reference to relevant documents

Regulation / Guidance	In House Documents
Care Quality Commission Essential Standards of Quality and Safety (March 2010)	Safeguarding Vulnerable Adults and Children Policy
Human Rights Act 1998	Mental Capacity Policy
Mental Capacity Act 2005	Medication Policy
Mental Health Act 2007	Equality & Diversity Policy
Health and Safety at Work Act 1974	Equality & Diversity Charter
Data Protection Act (1998)	Complaints Management Policy
Freedom of Information Act 2000	Care Planning Policy*
Race Relations (Amendment) Act 2000	Data Protection Policy*
Disability Discrimination Act (2005)	Dignity, Privacy and Respect Policy*
Equality Act 2010	Bullying and Harassment Policy*
	(Those policies marked * are currently under review)

10. **Approval date** - September 2011

11. **Next review date** - September 2014

APPENDIX 1

Relevant Principles of the Human Rights Act 1998

1. What is the Human Rights Act?

The Human Rights Act 1998 (also known as the HRA) came into force in the United Kingdom in October 2000. It brings the protections of the European Convention on Human Rights (ECHR) into domestic law.

2. What are the relevant principles of the Human Rights Act and what do they mean?

- Right to life :- the taking of life is illegal and is protected by law.
- Freedom from torture and inhuman or degrading treatment :- torture is the most serious kind of ill treatment. It consists of deliberate inhuman treatment, causing very serious and cruel suffering. The suffering can be either mental or physical or both. Inhuman treatment or punishment is less severe than torture. This can include serious physical assaults, the use of psychological interrogation techniques, inhuman detention conditions or restraint or failing to provide or withdrawing proper medical help to a person. Degrading treatment or punishment may be ill-treatment which is also grossly humiliating.
- Right to liberty and security :- everyone has the right to liberty and security of person unless a lawful arrest, detention or conviction by a competent court.
- Respect for your private and family life, home and correspondence :- you have the right to live your own life with such personal privacy as is reasonable in a democratic society, taking into account the rights and freedoms of others.
- Freedom of thought, belief and religion :- you have the absolute right to hold the thoughts and rights to practise or demonstrate your religion or beliefs in public and in private, within the terms of UK law.

- Freedom of expression :- expression can cover holding views or opinions, speaking aloud, publishing articles or books or leaflets, television or radio broadcasting, producing works of art, communication through the internet, some forms of commercial information and many other activities.
- Freedom of assembly and association :- you have the right to assemble with other people in a peaceful way. You also have the right to associate with other people, which can include the right to join a trade union. Restrictions upon these rights must be justified by reference to special reasons and legal tests.
- Protection from discrimination in respect of these rights and freedoms:- you have the right to protection from discrimination in relation to all other rights guaranteed under the act. Discrimination includes sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- Right to participate in free elections.
- Right to a fair trial: a person is supported and given adequate time and facilities to present their case. A fair process in disciplinary meetings; having an opportunity to be heard or participate at some stage in the proceedings. Having a right to appeal.
- Protection of property: every person is entitled to the peaceful enjoyment of their possessions. No one shall be deprived of their possessions except in the public interest and subject to the condition provided for by law and by the general principles of international law.

The application of this Act in the workplace will be met alongside ExtraCare's internal policies and procedures.