

# **Brief for the scoping consultation to inform the development of guidance to support a rights-based approach in health and social care services for adults**

## **Background**

The Health Information and Quality Authority (HIQA) is developing guidance to support a rights-based approach in health and social care services for adults. A human rights-based approach is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.<sup>(1)</sup> This guidance aims to raise awareness among management and practitioners in health and social care settings about promoting a rights-based approach to care. The guidance document will be developed through a formal process that includes a thorough review of the available evidence along with extensive engagement with key stakeholders.

The scoping consultation is being held early in the process to give people an opportunity to identify the key areas that this guidance should address as well as examples of good practice. It will also aid in identifying stakeholders that will be engaged with further as part of the process.

## **Human rights in health and social care**

Human rights are basic rights and freedoms that every person should have. Human rights are based on dignity, equality and mutual respect. The European Convention on Human Rights<sup>(2)</sup> (ECHR) was adopted by the Council of Europe in 1950 to protect human rights and fundamental freedoms in Europe. Since 2003, the ECHR has been incorporated into Irish law.<sup>(3)</sup> This means the ECHR is directly enforceable in Irish courts. A number of the rights protected by the ECHR are important in the context of health and social care. These include the right to life; the right to freedom from inhuman and degrading treatment; the right to liberty; the right private and family life; the right to freedom of thought, conscience and religion; and the right to enjoy human rights without discrimination. Furthermore, in 2018, Ireland ratified the

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),<sup>(4)</sup> which is an international human rights instrument adopted by the United Nations in 2006 that sets out the human rights of persons with disabilities.

The introduction of human rights legislation in Ireland has led to improved understanding of human rights; however, more emphasis is needed in creating awareness of the application of human rights principles in health and social care settings. This has been recognised by the State’s regulators — HIQA and the Mental Health Commission — through inspections in health and social care services.<sup>(5,6)</sup> It is important that awareness is built on what constitutes a right-based approach in health and social care services for adults and that care is delivered in a way that promotes a rights-based approach. The aim of this guidance is to aid service providers in doing this.

## **Rights-based care**

Embedding human rights values within the culture of an organisation is particularly useful in health and social care settings as human rights-based values and principles can be used to improve health outcomes and deliver quality, person-centered care.<sup>(1)</sup> Different jurisdictions have developed different frameworks to develop such rights-based approaches. For example, in England, the Equality and Human Rights Commission bases human rights on the FREDA principles: Fairness, Respect, Equality, Dignity, and Autonomy.<sup>(1)</sup> The Scottish Human Rights Commission has developed the PANEL framework: Participation, Accountability, Non-discrimination and equality, Empowerment, and Legality.<sup>(7)</sup>

## **Purpose of the guidance**

The protection of the rights of people using services is a component of a number of National Standards developed by HIQA.<sup>(8,9,10,11)</sup> This guidance will assist service providers in understanding what this looks like in practice and support services to meet national standards. It will support health and social care professionals working in adult services in Ireland to deliver care in a way that respects human rights. It will also enable staff to embed a rights-based approach to care through the provision of

practical examples. This evidence-based guidance will be used to promote awareness among management and practitioners in health and social care settings in Ireland about delivering care in a way that promotes and protects the rights of people using their services.

Furthermore, this guidance will be of use to people using services by educating and empowering them about their rights and the type of service that can be expected from care that follows a rights-based approach. It will also inform people using services, particularly those at risk of harm, their families and their carers on what their expectations should be in respect of the safeguarding and protection of their rights whilst in receipt of health and social care services.

### **Purpose of the scoping consultation**

We are holding this scoping consultation to give people an opportunity to identify the key areas that this guidance should address and to provide examples of good practice. We are also interested in your views on the evidence that should be considered when developing the guide and key stakeholders who should be consulted. We will carefully assess all feedback received and use it, along with other available evidence, to develop the guidance..

### **Further information**

If you have any questions or queries, please contact us on [standards@hiqa.ie](mailto:standards@hiqa.ie)

### **References**

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