**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 against his wishes, he would have less control in his final stage of life. Bill’s family are affected by the decision. Bill’s consultant who will be discharging Bill is also affected by this decision.

3. **Who has made the decision?**
   - Bill’s consultant knows that this is Bill’s decision to make, but he is concerned Bill will not receive adequate physical care and pain 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 impacted in this situation. Discharging Bill will support his personal choices, relationships and mental wellbeing. It will uphold the FREDA principle of Respect, in addition to Article 8 (the right to respect for private and family life), and Article 5 (the right to liberty) of the ECHR. However, discharging Bill may lead to him not receiving appropriate care, such as pain relief. This could impact on the FREDA principle of Dignity, and Article 3 (prohibition of torture).

5. **If the decision involves a human rights restriction, is it lawful, legitimate and proportionate?**
   - Bill’s decision to leave may impact on his rights. Therefore the following test must be applied: there must be law or policy that allows the restriction of the rights and there must be legitimate reason for restricting the right and the restriction must be absolutely necessary. Bill’s consultant is legally obliged to respect Bill’s wishes even though he feels it is an unwise decision. It is Bill’s wish to return home and avail of community palliative care.

6. **If the decision involves a human rights restriction, is it lawful, legitimate and necessary?**
   - Bill’s consultant explores with him the palliative care and other supports available to him at home. He ensures and documents that Bill has all of the available information necessary to make a decision about his care and support, in a way he can understand, and has had his questions answered in a way he can understand. With Bill’s permission, he refers Bill to the palliative care and other supports in the community.

*This flow chart was developed by the British Institute of Human Rights and has been adapted for an Irish context with permission.*
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2. Who is affected and how?

3. Who has made the decision?

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Guidance and the support tools can be accessed at www.higa.ie