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. 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 homecare 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 be present when he is being supported 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 wants to be involved in her father’s care. This 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? Are staff aware of the privacy rights of Michael? Have the actions taken and Michael’s preferences been recorded?

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**Guidance** and the support tools can be accessed at www.higa.ie
Resources to support the implementation of
Guidance on a Human Rights-based
Approach in Health and Social Care Services

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