

A human-rights based approach, including the Health and Social Care Standards

This factsheet has been designed to accompany this webinar, which you can view [here](#).

Human rights are the basic rights and freedoms which belong to everybody. They are based around respect for the fundamental dignity, autonomy and equality of all people, and underpin the [Health and Social Care Standards](#). In the UK, the current legislation which protects our rights is the [Human Rights Act 1998](#).

People who experience care are among the most vulnerable and often face the biggest difficulties in realising their rights. It's therefore essential to ensure that human rights principles are embedded in day-to-day care and in policy and practice, and that people are empowered to know and claim their rights.



Article 8 of the Human Rights Act (1998) addresses the right to respect for private and family life. This includes the right to privacy; to family life; to physical, psychological and moral wellbeing; to home life; and to private correspondence. It is a qualified right, meaning it can be limited in certain circumstances, but any limitations must be legitimate, proportionate and the minimum necessary.

Article 5 of the Human Rights Act (1998) covers the right to liberty and security and protects against unjustified deprivations of liberty – this too is a qualified right.

Human rights principles are integral to the **Health and Social Care Standards (HSCS)** and their five overarching principles of:

- Dignity and respect
- Compassion
- Being included
- Responsive care and support
- Wellbeing

The HSCS set out what we should expect when using health, social care and social work services in Scotland. They seek to provide better outcomes for everyone. This includes the care and support people receive, how decisions are made, and ensures people experiencing care and those important to them can have confidence in the people supporting them, the organisation providing the service and the environment if the provider has a premises.

A **human rights-based approach** can be applied by considering the [PANEL principles](#):

- Participation
- Accountability
- Non-discrimination
- Empowerment
- Legality

Human rights principles give a strong starting point for decision-making. **The FAIR approach**, developed by the Scottish Human Rights Commission, involves considering:

- **Facts** of the situation
- **Analysing** what human rights are at stake
- **Identifying** what needs to be done and by whom
- **Reviewing** what has been done and the outcomes

Using a self-evaluation tool, consider applying the PANEL principles and the FAIR approach within your service. Look for creative ways to discuss this with the different people in your service and work collaboratively to build on what is working well.

A human rights-based approach should be an everyday thing: something that we consider in all aspects of the care and support we provide. Helping to understand why we do things and the benefits this approach brings is the essence of true person-centred, relationship-centred care.

[More resources on meaningful connection are available here.](#)