

The Right to Peaceful Enjoyment of Possessions



This is one of the 16 human rights (also called Articles) in the Human Rights Act. It is Protocol 1, Article 1.



This right means we should all be able to enjoy things that belong to us without staff in public services trying to control them or take them away.



'Possessions' means things that belong to us, such as mobile phones, money, houses or flats, or some benefits we might get.

When could this right matter to you?



A rule that nobody is allowed to have their mobile phone while they are admitted to hospital.



Rules about welfare benefits which have a worse impact on people who need care and support, or on people who care for others.

Can your Right to Freedom of Assembly and Association be restricted?



Yes.

This right can never be taken away from you. But sometimes public bodies (like the NHS, local authorities or the police) can control or take away things that belong to you.



Public bodies and the staff working for them have to show how any limits they put on this right are...

1. Lawful



Is there a law that says that it is okay for staff to control or take away things that belong to you?



2. For a good reason

Is it for a good reason? For example, to protect you or other people from harm.



3. Thought about properly

Staff in public bodies must think about all the things they could do and pick the option that affects your rights the least. You should be involved in these talks.



You can talk to staff in a public body about what they decided or did. You can ask them to tell you how this was lawful, for a good reason and thought about properly.



If you think changes could be made which mean this right would be better protected, then you can tell staff in a public body because their decision might not be the best option for you.

What do staff in public services have to do about my right?

They have to **RESPECT** your right.



This means staff in public bodies should not control or take away things that belong to you unless they can show that this is needed.

They have to **PROTECT** your right.



This means staff have to do things that protect your right to enjoy the things that belong to you, and make sure you are involved in any decisions they make.



They have to **FULFIL** your right.

This means that if something goes wrong, staff need to find out why and try to stop things going wrong again.

Josh's story



Josh was admitted to a mental health hospital for children and young people.



Josh had a notebook where he wrote about his feelings and did drawings. This always made Josh feel better.



One day, staff told Josh that he had to give them his notebook because of a new rule the hospital had made. This made Josh very sad.



Josh's mum visited him and asked hospital staff to show how their decision to take away Josh's notebook was for a good reason and had thought about it properly. Josh's mum asked them to think about their new rule again.



The next day Josh got his notebook back.

The hospital said staff should make decisions about people's belongings depending on what is right for each individual person, instead of making one rule for everyone.