Using human rights as a practitioner

Identifying a human rights issue

This decision-making flowchart will help you to identify when human rights (protected by the Human Rights Act) may be an issue in your work, either for the person you are caring for, their family, carer or staff.

1. What is the decision?

2. Who will the decision affect and how?

3. Who is making the decision?

4. Will the decision restrict anyone’s rights in the Human Rights Act?

5. Is someone’s right to life at risk, or is someone at risk of serious abuse or neglect?

6. Is the right to liberty involved?

7. Does the decision involve any other rights that can be restricted?

The situation is unlikely to be covered by the Human Rights Act. But:

- Be alert to the possibility that the decision may be discriminatory, which would be covered by the Equality Act
- If you’re unsure, it may be necessary to get some advice or additional support
- Monitor the situation for any changes, and you can revisit this flowchart again in future.

Take immediate action to protect the person’s human rights. This might include raising a safeguarding alert, calling the police, carrying out an urgent assessment or seeking an order from a court.

- Can the person challenge or appeal the restriction on their liberty? AND
- Tell their side of the story? AND
- See all relevant documents? AND
- Has the decision taken place within a reasonable time period?

Is the restriction:
- Lawful? AND
- For a legitimate reason? AND
- Proportionate?

 Decision is likely to be rights respecting

 Decision not likely to be rights respecting