Using human rights as a practitioner
Introducing people to an inpatient rehabilitation unit

This flowchart is for practitioners working in inpatient rehabilitation units to help you use a human rights approach when introducing people to the unit.

Which of my Human Rights Act duties are triggered?

<table>
<thead>
<tr>
<th>Duty to protect right to life and from inhuman or degrading treatment</th>
<th>Duty to respect right to liberty</th>
<th>Duty to protect right to private life (autonomy)</th>
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</table>

**Step 1**

Is the person’s mental health issue putting their own/others’ life at immediate risk? Or putting the person or others at risk of serious harm?

YES

Take immediate action: If you have concerns that the rehab unit is not the appropriate setting for this person due to the serious risk posed by their mental health issue, you should take reasonable steps to protect life/from inhuman treatment. Speak to the care coordinator and ask for a review of their decision to refer the person to the unit.

NO

If the person stays on the unit, consider how to support them in this setting.

NO

If, after listening to your reasons, the care coordinator agrees and refers the person back to hospital, exit flowchart.

**Step 2**

Is the person formally detained under the Mental Health Act?

YES

Their right to liberty is being restricted. You will need to make sure this restriction is justified and ensure the person knows about the procedural safeguards, including:

- a right to an advocate
- to challenge the restriction on their liberty
- knowing when the restriction will end

NO

You will need to make sure their right to liberty is not being unlawfully restricted and ensure the person knows they are no longer detained under the MHA.

**Step 3**

Has the person been involved in the decision to move them to the rehab unit? (Your duty to protect the person’s private life includes ensuring they are able to participate in decisions about their care and be in control of their own life.)

YES

Support the person to make an informed choice about taking part in rehabilitation and how it will help their recovery and well-being. Explain about their right to autonomy and to participate in the rehab contract.

NO

**Step 4**

Discuss the rehab contract with the person to agree shared objectives.

A rights-respecting contract needs to take into account the person’s particular needs and wishes and could include:

- giving the person choice over the different care/treatment options
- respecting the person’s right to family life and forming/maintaining relationships
- respecting the person’s right to private life, including personal possessions
- agree the least restrictive options for the person
- agree a timeframe for rehabilitation

NO

Other toolkits in this series include flowcharts on key issues for dementia, young people and learning disability. Get your free copy of the toolkits or posters at:

- www.bihr.org.uk/health
- info@bihr.org.uk
- 0207 882 5850
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This flowchart is taken from BIHR’s toolkit ‘Rehabilitation and Human Rights: A practitioner’s guide’.