

THE RIGHTS REMOVAL BILL

AND ITS IMPACT ON HEALTH AND SOCIAL CARE

HOW WILL THE RIGHTS REMOVAL BILL IMPACT ON HEALTH AND SOCIAL CARE?

The Human Rights Act is the UK law that exists to ensure that everyone's rights are respected and protected here at home. The Act puts a legal duty on public authorities in the UK to respect, protect and fulfil human rights in everything they do, every day. This duty is held by all public officials working in health and social care including, nurses, doctors, health care assistants, psychiatrists, receptionists, commissioners and beyond.

The Human Rights Act is used by staff in health and social care settings as a tool for making fair and rights-respecting decisions. It's also used by people accessing those services and those who care about them to challenge decisions made by public officials which are not rights-respecting.

"The Human Rights Act has given us a legal, objective, decision making framework, provided by no other law or policy, to ensure rights are protected and people and staff are safe ... In its current form, the law is powerful and a framework for positive change for people and families accessing Trust services."

SARAH, AN NHS WORKER

THE HUMAN RIGHTS ACT IN ACTION IN HEALTH AND SOCIAL CARE

- ➔ [Why our Human Rights Act Matters... to a mental health nurse](#)
- ➔ [Why our Human Rights Act Matters... to social workers](#)

OUR BIGGEST CONCERNS

The Rights Removal Bill will replace the Human Rights Act. The Bill is unprincipled, unevidenced, and unworkable. It will cause uncertainty and chaos in health and social care decision making for staff, and people who access these services (all of us at some point in our lives) will bear the brunt with less access to and less protection of our fundamental human rights.

- ➔ The Bill will fundamentally weaken our right to respect for private and family life (Article 8); which includes our right to well-being and to have a say over decisions about our care, treatment and recovery. [Read more here.](#)
- ➔ The Bill removes the legal duty on courts and public bodies to interpret other laws compatibly with human rights exposing people to the arbitrary use of laws like the Mental Health Act with no checks. [Read more here.](#)
- ➔ The Bill limits our access to justice with additional barriers to seeking independent review in the courts, making it harder for all of us to hold public bodies like health and social care providers to account. [Read more here.](#)
- ➔ The Bill destroys the positive obligation on health and social care staff to take proactive steps to protect people from harm, this includes protecting domestic and child abuse survivors. [Read more here.](#)

KIRSTEN'S STORY

"The Mental Health Act gave legal powers to put my child in a seclusion cell for weeks at a time. It gave powers to put my child in metal handcuffs, leg belts and other forms of mechanical restraints. It gave powers to transport him in a cage from one hospital to another...As a parent, the Human Rights Act gave me the legal framework to challenge decisions. This was so important for me as a parent facing the weight of professionals who seemed to have so much power over mine and my son's lives. I used the Human Rights Act to make timely and meaningful change to my own son's care and treatment." [Read Kirsten's full story here.](#)

Under the Rights Removal Bill, Kirsten would not be able to use Section 3 HRA to challenge her son's treatment under the Mental Health Act because there is no equivalent of Section 3 in the new Bill.