

Care about Rights?

Care about Rights Evaluation Research

Human Rights: Adding Value in Care for Older People

Across the UK, successive reviews have expressed concern that human rights are not properly understood or applied in practice, particularly in relation to care for older people. Research and case reviews have highlighted instances in which risk aversion, task orientation and resource constraints negatively impact on service provision and on the ability of workers to view every day occurrences as human rights issues or challenges.

The Scottish Human Rights Commission (the “Commission”) advocates a human rights based approach to service delivery. The independent evaluation of the Commission’s joint work in this area strongly demonstrates the added value that a human rights based approach to care service delivery can bring and that applying human rights in practice can support staff to consistently deliver the highest standards of person centred care.



What is Care about Rights?

Care about Rights is an awareness raising programme which highlights the practical applications of human rights in care for older people.

The project was developed by the Scottish Human Rights Commission with the support of Scottish Care, the Care Inspectorate, Age Scotland and a number of other organisations and individuals. It is a direct response to public interest around dignity in care and the rights of older people.

The package helps to demystify human rights so that policy making and practice are better informed - empowering people to understand and claim their rights, and increasing the ability and accountability of those who have the duties to respect, protect and fulfil human rights.

Care about Rights is targeted at three audiences:

- Those who deliver care and support services.
- Older people and their families, carers and advocates.
- Strategic stakeholders, including policy makers and the Care Inspectorate.

A 'training of trainers' model has rolled out the project across the care sector in Scotland. Older people and older people's representatives were involved through outreach activity.



Evaluating Care about Rights

The Commission wanted to know about the effectiveness and impact of the project. With these lessons the Commission hopes to influence policy and practice and embed a human rights based approach across the sector.

The Commission appointed ekosgen (an independent research company) to carry out an evaluation study. The research team comprises evaluation specialists and experts in the field of dignity in care including from Queen Margaret University and the University of Bedfordshire.

The Care about Rights project promotes use of the FAIR flowchart to apply human rights in practice

F

Facts

What is the experience of the individual? Is the individual being heard and if not, do they require support to do so?

What are the important facts to understand?



A

Analysis of right(s) at stake

What are the human rights or issues at stake?

Is the right to life or the right not to be subjected to inhuman or degrading treatment at stake? If so, these rights are absolute and cannot be restricted.

Can the right be restricted? What is the justification for restricting the right?

Is the restriction on the right 'proportionate'? i.e. is it the minimum necessary restriction to meet the aim or is a "sledgehammer being used to crack a nut"?



I

Identification of shared responsibilities

What changes are necessary?

Who has responsibilities for helping to make the necessary changes?



R

Review actions

Have the actions taken been recorded and reviewed and has the individual affected been involved?



Evidence of success

Roll out and delivery

- Approximately 1,000 care staff and managers have taken part in training across Scotland and 80 older people / older people's representatives have been involved in direct outreach work.
- The structure and content of Care about Rights is considered very high quality with scenarios that recognise the complexity and subtlety of human rights issues.
- There is high satisfaction with training and an understanding of its relevance and value.

What participants say...

"Training was very informative and thought provoking. I now have a better understanding and knowledge base that I am already planning to use in my work place." - care worker

"Very accessible, it was explained in layman terms so everybody can understand it."
- outreach participant

Understanding of human rights and their applicability

- Care workers have increased understanding of human rights issues, and how human rights add value to existing standards and legislation.
 - Before training just over half of participants said they understood human rights issues and their applicability to their work.
 - In a follow up survey, **99%** said they have this understanding. Care about Rights had a significant positive impact in two thirds of cases.
- A majority of outreach participants consulted have learned new information about human rights and how the legal framework can be used to improve care quality.
- There is evidence that care sector staff and outreach participants are sharing knowledge and engaging in discussion about human rights issues.

What participants say...

“It is aligned with and adds to professional and occupational standards - it is not new! Human rights are built into National Care Standards and Care about Rights is a tool to bring this to the forefront in a delivery setting.” - care manager

“At every opportunity, everybody that I meet, social workers, care workers, managers of care homes, I’m spreading the word that we are doing this.” - outreach participant

Balancing risk in decision making and resolving conflict

- The Care about Rights FAIR Framework, which prompts people to understand the **F**acts of a situation by involving people, **A**nalyse the human rights at stake, **I**dentify who shares responsibilities for action and **R**eview and monitor outcomes, providing a clear process for assessing situations, identifying human rights issues and considering solutions. The research shows this to be a highly valued approach by participants.
- By providing a clear rationale for decision making, Care about Rights has increased the confidence of staff and outreach participants to challenge in cases where they feel rights are infringed.
- **97%** of respondents to the follow up survey feel that this process helps providers to develop positive relationships with service users / families.

What participants say...

“The package gives workers a platform to talk about issues and to bring challenges.”
- strategic stakeholder

“It helps us to look at the issue of proportionality and the balance of risk.” - care worker

“FAIR is useful as a problem solving mechanism to find the best outcome for residents - it enables staff to have a thought process, work in partnership with others and offer rationale for a decision.” - care worker

“Often when I visited there was nothing terrible wrong but there was nothing terribly right either, and I didn’t have any framework to put my concerns.”
- older persons advocacy worker

Effective delivery of person centred care

- Care about Rights supports person centred care by providing a consistent process for the meaningful involvement of individuals and the consideration of different care options.
- The evaluation found:
 - **97%** of respondents to the follow up survey agree human rights benefits delivery of person centred care.
 - Care about Rights is helping three quarters of respondents to implement human rights in their daily work.
 - More than half of respondents to the follow up survey feel Care about Rights is helping them to deliver better person centred care.

What participants say...

When developing care plans I use FAIR as this helps give a more person centred effect to the care plan.” - care worker

“FAIR helps focus the minds and actions of ourselves and fellow professionals on the needs of an individual. This has helped us to accept that, perhaps sometimes, we were part of the problem and to access the support we needed from other professionals.” - care worker

Older people and their representatives are empowered

- Outreach participants are confident to use Care about Rights in the future.
- FAIR is considered a good resource for discussion, debate and finding solutions.
- Care about Rights is helping older people and their representatives to articulate concerns and provide a framework for change.

What participants say...

“The pack gives us ready access to an encyclopaedia of Human Rights. It tells you which avenue to go down, who to discuss with, if you should seek legal advice etc.”
- outreach participant

“I think it will be really powerful when you come across those brick walls when something is an issue. You can use it to say “that may be an issue but it is actually part of somebody’s rights.” - outreach participant

How can Care about Rights help me?

The evaluation highlights the success of the Commission in putting in place resources and developing the skills and confidence of care workers and a small group of older people to take forward Care about Rights.

The challenge now is in taking the next steps to embed a human rights based approach in practice, increase knowledge and awareness more widely and ensure that human rights becomes an integral part of the standards and the practice of the sector.

I am a care provider / worker:

Care about Rights provides practical resources and flexible training options in an accessible format. Using these resources you or your workforce can increase your understanding of human rights and how this adds value to existing activity, aids the delivery of organisational priorities and assists in meeting care standards.

- **Good for staff:** There is evidence that involvement in Care about Rights can help increase staff morale as a result of increased confidence and empowerment to deliver the highest standards of care.
- **Good for your organisation:** Providers who have taken forward Care about Rights perceive benefits for their organisation as it provides a framework to evidence the value base of the organisation and ensure consistency and quality is embedded at all levels.

I am an older person / carer / older person's representative:

Care about Rights contains dedicated information for older people and their representatives. It explains how the principles and provisions of key legislation are connected to human rights.

If you are concerned about your rights or those of another older person, this information will help you to frame your concerns using a human rights based approach and terminology and let you know who to contact for advice.

I am a strategic stakeholder involved in older people issues / the care sector:

Care about Rights provides information for professionals involved in policy and practice issues around care and support for older people - including policy makers, commissioning authorities, social work and adult protection professionals, the care regulator and those involved in setting standards and qualifications for the sector.

The resources will help you to understand your duties with regards to human rights compliance and provide a new lens to existing best practice, providing assurances and not assumptions that current standards and practices are aligned with a rights based approach.

Importantly, rather than a burden or a risk, the resources demonstrate how human rights can be used as a tool for improving the quality of care for older people.



Next Steps

The Commission believes:

- that human rights should underpin the knowledge and the value base of all social service and health workers. The National Occupational Standards, Codes of Practice and vocational qualifications should explicitly reflect this.
- that training, guidance and models of leadership created for the implementation of self-directed support should include a strong human rights focus to meet with the underlying principles choice, control and dignity.
- that any future review of the National Care Standards, should include explicit references to human rights standards and principles and that the Care Inspectorate should have particular regard to human rights in the performance of its functions, including through inspections.
- that the incorporation of human rights standards into commissioning and procurement processes would assist in the delivery of better service outcomes.
- that legal uncertainty regarding the scope of the Human Rights Act 1998 extending to all care and support services should be resolved.

References

The report of the Phase 2 research is available online at:

www.scottishhumanrights.com/careaboutrights/evaluation

The full Care about Rights resources can be found online at:

www.scottishhumanrights.com/careaboutrights
