

Human Rights Policy Statement

1. POLICY STATEMENT

This document outlines the Human Rights Policy Statement for the East of England Ambulance Service NHS Trust (the Trust). The Trust is committed to upholding all fundamental human rights and supports the United Nations Universal Declaration of Human Rights (UNUDHR) and the International Labour Organisation (ILO) Core Conventions. The Human Rights Act 1998 (The Act) came into force in October 2000 and affects acts or decisions of public authorities made on or after 2 October 2000. The Act enables people to enforce the European Convention on Human Rights – which Britain has been a co-signatory to since 1947 – in the UK courts.

This Policy gives a brief statement of the Trust's commitment to respecting the human rights of its clients, staff and stakeholders. A summary of the main rights under the Act is given in Appendix 1.

The Trust is committed to respecting the human rights of its staff, stakeholders and the patients and service users to whom it provides a service. It will develop policies and practice that at all times take account of the need to protect and develop human rights.

In summary, the Trust will:-

- Treat all patients, service users, their carers, partners and relatives, employees and other individuals that we deal with fairly, openly and honestly.
- Strive to stop all forms of discrimination and harassment.
- Provide a healthy, clean and safe environment for patients, service users, their carers, partners and relatives, employees and other individuals that we deal with.
- Work towards employee diversity in departments and sections of the Trust
- Ensure that employees are fairly remunerated.
- Communicate clearly with employees, respect and support their right to join a trade union.
- Recognise and support the need for a good work-life balance.
- Provide direction and training to enable staff and volunteers to carry out their duties with due regard to human rights.
- Have a set of clear values that support the delivery of this policy

The Trust will monitor and review the commitments set out in this policy.

This policy has been written in partnership by Management and Staff side and in consultation with the Equality and Diversity Steering Group.

2. PURPOSE

The purpose of this policy is to set out the fundamental principles on Human Rights, which the Trust will support and be guided by in the conduct of its business.

3. DEFINITIONS

Human rights are described as being “inherent, inalienable and universal”. They are:-

Inherent – because they are acquired by the individuals simply by reason of birth

Inalienable – because the rights cannot be taken away

Universal – because they apply to all persons regardless of nationality, status, sex or race.

Some rights provided by the Act are “absolute” whilst others are “qualified”

An *absolute* right exists without any limitations or exceptions unless those exceptions are expressly provided for in the Act/Convention itself.

A *qualified* right is one that exists in certain “qualified circumstances” which in simple terms means that the limitations and restrictions imposed are justified as being “necessary” in a democratic society.

A summary of the main rights under the Act is given in Appendix 1.

4. SCOPE

This policy applies to all Trust employees and volunteers. Furthermore the Trust will seek to deal with business partners who also observe the provisions of the UNUDHR and ILO Core Conventions.

Non-compliance with this policy by staff may lead to action being taken, which for Trust employees (both staff and managers) may include formal disciplinary action.

5. ACCESS TO POLICY

All employees can access this policy which is located on the Trust’s intranet. Copies are also available from the Human Resources Department. Employee’s can seek guidance from line management, their Trade Union representative or the Human Resources Department.

The policy is also available on the trust website for all employees and members of the public.

6. ROLES AND RESPONSIBILITIES

- The Trust Board has overall responsibility for ensuring that human rights consideration are integral to the way the Trust manages existing services and develops new opportunities and for promoting continuous improvement in the Trust's performance.
- Managers at all levels of the Trust are responsible for providing clear and visible leadership that promotes human rights as integral to the way the Trust delivers care and manages our staff.
- All staff and volunteers are responsible for operating to the highest standard of professional and personal integrity and for ensuring day to day actions and behaviours respect and protect the human rights of patients, service users, their carers and families and of those with whom they work.

7. POLICIES AND PROCEDURES

All policies that are developed or reviewed by the Trust will be considered in the light of human rights guidance, to see whether particular practice could breach human rights or whether changes could strengthen and foster human rights. The Trust's Equality Impact assessment procedure also further supports the Trust to meet our commitments

Where the position is unclear (e.g. where the rights of different client groups seem to conflict, or where it is acknowledged that rights may be breached but there would appear to be justification for such a breach) expert advice, including legal advice if necessary, will be sought.

Existing policies will be kept under review to ensure that legal developments, particularly new court judgements that have a bearing upon the interpretation of human rights, are as necessary reflected in changes and innovations in practice within the Trust.

8. MONITORING AND AUDIT

The framework for monitoring and audit within the Trust will reflect concerns for and vigilance about the observance of human rights. Human rights will be reflected in the design of audits to enable the observance of human rights to be audited where appropriate.

9. TRAINING

It is important that staff are trained to be aware of the specific requirements of the Human Rights Act, and the general need to respect human rights. Human rights will therefore be reflected where it is appropriate to do so in general training within the Trust e.g. human rights issues may feature in training around the Mental Health Act or Consent to Treatment.

Human Rights also feature in the Trust's Corporate Induction programme and as a part of equality and diversity training.

10. RAISING CONCERNS

Although the rights embodied in the Human Rights Act may seem simple and straightforward, in practice the position may be more complex. For one thing as far as UK Law is concerned it is only as particular issues come to court

that there is any clarity about the interpretation of the law and therefore of whether something is or is not to be regarded as a 'right'. It is accepted that rights can be conflicting e.g. the right to liberty may conflict with someone else's right to safety. These cases often need to be interpreted and decided upon.

For these reasons the Trust is committed to fostering a culture where patients or their advocates can approach any member of staff and raise a concern about their human rights. Whatever their concern is, they have a right for it to be considered and discussed with them and resolved where possible. This may be done on the spot to the senior member of staff available. Alternatively, contact may be made with the Trust's Patient Advice and Liaison Service (PALS) by phoning freephone number 0800 028 3382, or by contacting the Trust's Complaints Manager.

Staff with similar concerns also have a right to approach their line manager, Human Resources Business Partner, or staff side representative and be met with the same consideration. Any employee who suspects infringements of the policy has the right to inform the Trust without fear of persecution. The Trust will investigate any allegations of infringements of the Human Rights Policy using the Disciplinary Policy (Managing Staff Conduct and Performance Procedure). Serious breaches by employees will be considered gross misconduct, and may lead to summary dismissal.

Where the issue remains complex and difficult to decide on staff should seek further guidance from their Senior Managers who will, if necessary, seek legal advice.

11. HUMAN RIGHTS DEFICITS

A commitment by the Trust to working with staff, patients and others who are involved with the Trust to respect and foster human rights will not of itself ensure that human rights are always met. It is reasonable to foresee instances where a right is identified but cannot be met because of existing resource constraints or because of existing legal constraints (i.e. the requirement to adhere to primary legislation). Resource constraints may require Government action to resolve, as will legal obstacles. The result of this is that at any one time, the Trust may have known areas where it is working towards human rights that it cannot currently fulfil.

12. REPORT TO THE TRUST BOARD

The Trust will carry out an annual review of compliance with the Human Rights Act across the organisation charting areas of:-

- Good performance
- Poor performance and possible risk of legal action for breach of Human Rights
- Known areas of deficit and certain risk under the Act

An action plan will be drawn up to address areas of concern.

The Report of the review and action plan will be presented to the Trust Board annually, via the Integrated Governance Committee.

13. POLICY REVIEW

This policy will be subject to an annual review or amended in light of new employment legislation.

14. ASSOCIATED DOCUMENTS/RESOURCES – this list is not exhaustive

- Equal Opportunities Policy
- Dignity at Work Policy
- Disciplinary Policy (Managing Staff Conduct and Performance Procedure).
- Whistle blowing Policy
- 'Complaints.... Making Things Easier' leaflet
- Further information about the Human Rights Act are available at www.humanrights.gov.uk

HUMAN RIGHTS ACT

Convention Rights

- Article 1 THE CONVENTION**
- Article 2 RIGHT TO LIFE**
- Article 3 PROHIBITION OF TORTURE**
- Article 4 PROHIBITION OF SLAVERY AND FORCED LABOUR**
Exclusions from meaning of "forced labour" defined (military service, penal sentence etc).
- Article 5 RIGHT TO LIBERTY AND SECURITY**
No deprivation of liberty except in the cases specified in accordance with law. E.g. of those of unsound mind. Right to damages for unlawful arrest/detention
- Article 6 RIGHT TO A FAIR TRIAL**
Provides for a fair, timely, and public hearing except in the interests of morals, public order, national security, juveniles or the protection of the private life of the parties.
- Article 7 NO PUNISHMENT WITHOUT LAW**
- Article 8 RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE**
No interference except in accordance with the law or in the interests of national security, public safety, the economic well being of the country, the prevention of disorder or crime, the protection of health or morals, or for the protection of the rights and freedoms of others.
- Article 9 FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**
Includes freedom to change religion or beliefs and to manifest these in worship, teaching, practice and observance.
- Article 10 FREEDOM OF EXPRESSION**
Includes freedom to hold opinions and to receive and pass on information and ideas. *Exclusions include the rights of others and disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*
- Article 11 FREEDOM OF ASSEMBLY AND ASSOCIATION**
Includes the right to form and join trade unions, or refuse membership of a union.
- Article 12 RIGHT TO MARRY**

Article 14 PROHIBITION OF DISCRIMINATION

The enjoyment of Convention rights and freedoms irrespective of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 16 RESTRICTIONS ON POLITICAL ACTIVITY OF ALIENS

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17 PROHIBITION OF ABUSE OF RIGHTS

The Convention does not authorise any activity aimed at the destruction of any of the rights and freedoms it contains.

Article 18 LIMITATION ON USE OF RESTRICTIONS ON RIGHTS

Restrictions permitted under the Convention on rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

The First Protocol

Article 1 PROTECTION OF PROPERTY

Entitlement to peaceful enjoyment of possessions subject to the securing of payment of taxes or other contributions or penalties.

Article 2 RIGHT TO EDUCATION

No person shall be denied the right to education. Where the State assumes functions in relation to education and teaching, it shall respect the right of parents to ensure such education and teaching conform to their own religious and philosophical convictions.

Article 3 RIGHT TO FREE ELECTIONS

Free elections at reasonable intervals by secret ballot.

The Sixth Protocol

Article 1 ABOLITION OF THE DEATH PENALTY

Article 2 DEATH PENALTY IN TIME OF WAR

A government may derogate from its Convention obligations during war or other public emergency.