

Human rights and how the UK Government has dealt with Coronavirus: What people with care and support needs told us (August 2020)



This Easy Read report was checked by Kirklees Involvement Network. People on the checking panel told us they are worried about people's human rights during Lockdown and we need to make sure that people's voices are heard.

Stop Hello Eat
Words
Person Day Open

We have explained some of the words that are used a lot in this report:

Human rights are protections that every person has just because they are human.



Human rights are about making sure people are listened to and treated with dignity and respect and fairness.

Human rights are in a UK law called the Human Rights Act.

This report is about what people have told us and we have given this information to a Committee in parliament called the Joint Committee on Human Rights.



We call it **"our report"** or **"this report"**

The Joint Committee on Human Rights is made up of politicians. We call it **"The Committee"**.



The Committee asks people for evidence to look at what the Government does and decide if people's human rights are at risk and what should happen.

We use the words **"staff and officials"** in our report.



This means people who work in services like health and care. It also means officials such as social workers, police and teachers.



Who are we?

When we say "**we**", we mean the British Institute of Human Rights.

We sometimes shorten our name to BIHR.

We are a human rights charity that works across the UK.



What our report is about

The human rights Committee is looking at how the Government has dealt with Coronavirus.



The Committee want to know how people's human rights have been affected. We did 3 surveys to find out more about this.



The 3 groups who answered our surveys were:

1. People with care and support needs, families, friends and carers
2. Advocates, community groups and campaigners
3. Staff working in care and support services





230 people completed our surveys.

Thank you to everyone who filled in the survey.

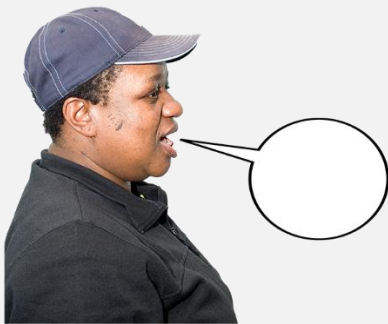


This report is about what people with care and support needs told us.

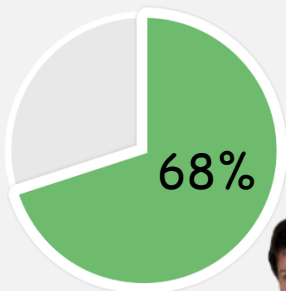
This includes peoples with learning disabilities, Autistic people, people with mental health issues, and people who have physical disabilities.



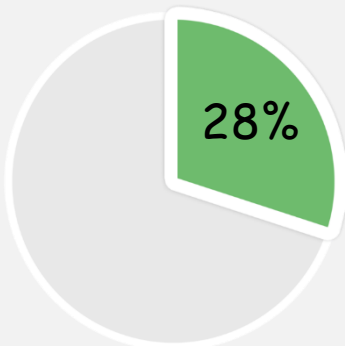
Family and friends and carers of people with care and support needs have also filled in the survey.



What people told us



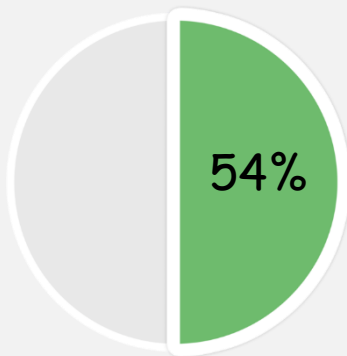
A lot of people (over 68%) told us that their care and support had got worse during Coronavirus.



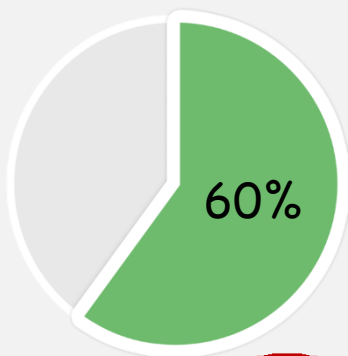
28% of people told us that they used to be involved in making decisions about their care and support.



But since Coronavirus they are no longer involved in making decisions.

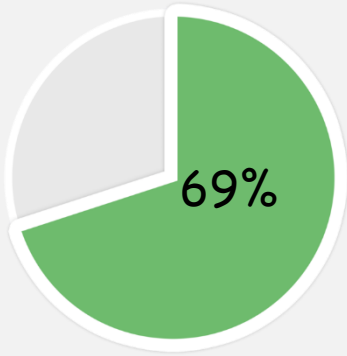


Over half of people told us that they were not told how to challenge decisions made about their care and support during Coronavirus.



60% of people were not told what laws allowed staff and officials to change to their care and support during Coronavirus.





Lots of people were not told that the law on human rights was the same during Coronavirus.

Human rights law means that staff and officials have a legal duty to make sure people's human rights are looked after.



From the things people told us, we think that many people's human rights have been put at risk by how the Government has dealt with Coronavirus.



Next, we will look at what people told us about different ways people are treated.

For everyone to have the same human rights, staff and officials should follow the same principles (good ways of treating people).

These are the PANEL principles:

Participation
Accountability
Non-discrimination
Empowerment
Legal

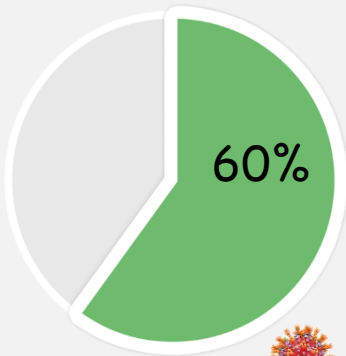
A small logo at the bottom right of the PANEL box shows two hands holding a sign that says 'Human Rights'.

1. Participation
2. Accountability
3. Non-discrimination
4. Empowerment
5. Legality

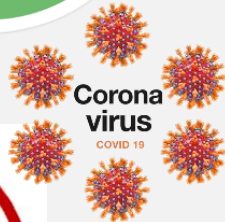


1. Participation

This means that people should be involved in decisions that affect their human rights.



60% of people said they were not involved in making decisions about their lives.



Or people said they were less involved in decisions about their lives since Coronavirus started.



What needs to be done to improve participation

The Government must make it clear that all duties in the Human Rights Act are still the law during Coronavirus.

This includes respecting people's right to have a say in decisions. This is part of everyone's **right to private life in Article 8 of the Human Rights Act.**



2. Accountability



This means staff and officials should keep an eye out to see if the human rights of people they work with are being affected.

For example, this could be noticing whether changes to care mean people cannot live dignified lives.

When people's rights are not looked after this should be stopped and there should be solutions to make sure it does not happen again.



30% of people said staff and officials did not tell people how to challenge decisions made about care and support during Coronavirus.

When people could challenge these decisions 22% said they were unhappy about the result.



What needs to be done to improve accountability

The Government needs to listen to people's experiences.

They should make it easy for people to say if they are having problems or not getting anywhere sorting out decisions and problems for themselves or the people they support.



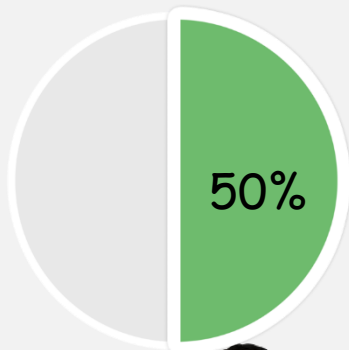
3. Non-Discrimination



This means treating everyone the same and not treating people worse because of their care or support needs.

For example, people should not be treated worse because they have a learning disability.

Stopping people from being treated worse should be a priority for the Government.



Half of people said they had been treated worse than other people (discriminated against) during Coronavirus.



These people were treated worse because of their care and supports needs. This includes being treated worse because they are disabled or older.



What needs to be done to improve **non-discrimination**

The Government must make sure that all staff and officials have the proper training and support to make sure people are not treated worse because of their care and support needs.



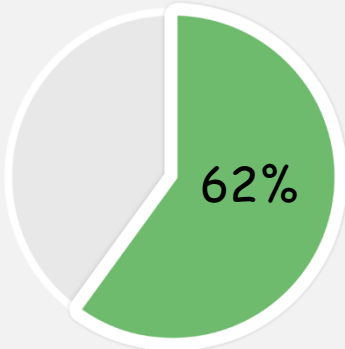
This is part of two important laws, the Human Rights Act (1998) and the Equality Act (2010).



4. Empowerment

This means everyone should understand their rights.

Everyone should also be supported to take part in making policy and practices which affect their lives.



Many people told us they were not able to talk about their human rights and challenge decisions about their lives.



People said they are not confident saying they are unhappy to staff and officials. For some people they feel even less confident to do this since Coronavirus started.



What needs to be done to improve empowerment

The Government must make sure people are provided with easy to find and accessible information that tells them about their human rights, during Coronavirus and afterwards.



The Government must also make sure staff and public officials have the training and support to make sure they are always thinking about looking after people's human rights in discussions and decisions about care and support.

5. Legality



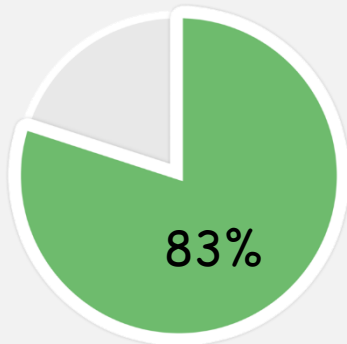
This is about making sure the things the Government, staff and officials do always looks after people's human rights.

In the UK our human rights are part of the law in the Human Rights Act. Another law, the Equality Act also has rights about non-discrimination.

You can get an Easy Read Version of the Human Rights Act [by clicking on this weblink](#), and an Easy Read version of the Equality Act [by clicking on this weblink](#).



You can also find information about your human rights and how to use them on BIHR's self-advocacy website: www.knowyourhumanrights.co.uk

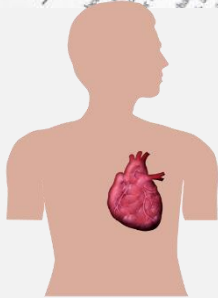


Most people told us that when staff and officials made decisions about care and support during Coronavirus, they did not tell people that their human rights have not changed.

We all have 16 rights in the Human Rights Act. Next, we tell you about what people told us about some of the problems they have faced since the start of Coronavirus. We have explained which human rights are at risk and written the rights in bold. In law, human rights are called Articles. We have put the Article number in brackets.



Some people told us that staff or officials had made Do Not Resuscitate Orders for them or people they care about, but people were not involved in this decision.



A Do Not Resuscitate Order is a medical document. It means that if someone's heart stops working doctors will not try to restart it.



This order should only be used if someone is dying or they are very sick and will not get better. People should be involved in making these decisions.

This could risk people's **right to life (Article 2 of the Human Rights Act)**.



28% of people told us that care or support had been taken away or reduced so much that they did not have dignity. Dignity means being treated in a way that makes you feel valued and respected.

This could risk people's **right to NOT be treated in an inhuman or degrading way (Article 3 of the Human Rights Act)**.



19% of people told us they have been stopped from leaving where they live without helping them to have other options to support their wellbeing.

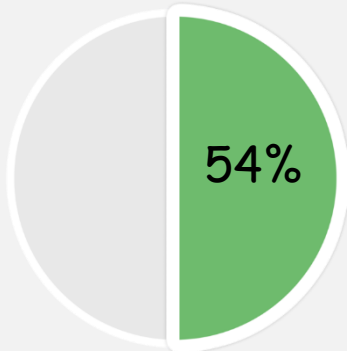
This situation includes people like Bobbi who had to stay in his supported living because someone else is shielding from the virus.

This could risk people's **right to liberty (Article 5 of the Human Rights Act)**.



5% of people told us tribunal or court cases to review care and support decisions had been delayed or cancelled.

This could risk people's right to a fair trial (**Article 6 of the Human Rights Act**).



More than half of the people told us they had been stopped from doing things that they like and that keep them well.

This included stopping people from seeing their family and friends, or stopping people from exercising how they would like to.

This could risk people's right to respect for private and family life (**Article 8 of the Human Rights Act**).



Some people (19%) told us they had not been supported to practice their faith or beliefs.

This could risk people's right to freedom of thought, conscience and religion (**Article 9 of the Human Rights Act**).





26% people said they have not been supported to stay in touch with other people when they could not go to their usual meetings and activities.

People said they were not given options like online meetings instead of seeing each at the same place.

This could risk people's **right to freedom of assembly and association (Article 11 of the Human Rights Act)**.



50% of people told us they have been treated worse than other people because of their care and support needs (discriminated against) during in Coronavirus.

This could risk people's **right to non-discrimination (Article 14 of the Human Rights Act)**.



7% of people told us that children or young people with special needs or disabilities (SEND) have not been able to access education.

This could risk people's **right to education (Article 2 in Protocol 1 of the Human Rights Act)**.



30% of people said they have not been able to access welfare benefits to help them live.

Or they had limited access to benefits, to support them live since the start of Coronavirus.

This could risk people's right to **peaceful enjoyment of possessions (Article 1 in Protocol 1 of the Human Rights Act)**.



What needs to be done to improve legality, and make sure the law on human rights is followed

The Government must make sure people accessing care and support are supported to know their rights.

They must also be supported to use their rights to challenge bad decisions and treatment.

This includes making sure families and people who care about people with care and support needs can challenge decisions.





What happens now?

We have written a report to tell the Committee what people with care and support needs, their families, friends and carers have told us.

We have also written two more reports. One report is about what advocates, campaigners and community groups told us. The other report is about what staff and officials told us.

We have written Easy Read reports and more detailed reports. All our reports are on our website and [can be found here](#).



What action needs to happen

We want the Committee to look at what we have said to decide that more action is needed to make sure people's human rights are always stuck to.



One suggestion that lots of people are making is to tell the Government that there should be an official inquiry to look at what has happened to people's human rights during Coronavirus.



This is important. But we also think the Government needs to take action right now to make sure people's human rights are always looked after every time people come into contact with staff and officials.



Contact us

To talk to us about the report please get in touch with Carlyn Miller by email. Carlyn's email is cmiller@bihr.org.uk