

Your Easy Read Guide to Cameras in Health & Social Care and Human Rights



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What is in this guide?



In this guide we talk about what your rights are when cameras are being used in health and social care.

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Difficult Word Buster



Absolute right

An absolute right is a type of right in the Human Rights Act. Your human rights can never be taken away from you. Staff in public services can never limit your absolute human rights.



CCTV

CCTV is a type of video camera which only some people can watch. We can't watch CCTV on our own televisions. CCTV is short for 'Closed-Circuit Television'.



Complaint

Making a complaint is when you tell someone that they have done something wrong. You usually have to write or type this.



Judge

A judge is a person who makes very important decisions about the law in a court room. Their decisions affect people's lives.



Limit

To stop or control something in your life. For example, where you go or what decisions you make.



Non-absolute right

A non-absolute right is a type of right in the Human Rights Act. Your human rights can never be taken away from you. Staff in public services can sometimes limit your non-absolute human rights.



Privacy

Privacy is when you or your information can't be seen or heard by other people.



Public Services

Public services are organisations that serve people and they are usually paid for by the government. NHS hospitals, local councils, emergency services and the police are examples of public services.



Regulator

A regulator is an organisation where people work. Their job is to check that public services are working well and take action if they are not working well. For example, the Care Quality Commission is the regulator for health and social care in England.



Wellbeing

Wellbeing is your physical and mental health and happiness. If something makes you upset or ill, it might affect your wellbeing.

Why is this guide important?



Sometimes, people think it is a good idea to put cameras in places where we get support from health and social care services. For example, at the GP, in hospitals, in care homes, or even in your own home.



Staff working in **public services** have to respect and protect your rights. This includes when they decide to put cameras in places where you get support from health and social care services.



It is important to know about your human rights if cameras are being used in the places where you are getting support.

The Human Rights Act



The Human Rights Act is the law which protects our human rights in the UK.

Human rights are rules that protect people.



Everyone has human rights under the Human Rights Act.



The Human Rights Act says that it is the law for staff in **public services** to respect and protect your human rights.



[Click here](#) to read BIHR's Easy Read guide to the Human Rights Act.



The Human Rights Act says we have 16 rights.

In this guide, we will talk about 3 rights which we think are the most important to know about when we are thinking about cameras being used in places where we get support.



[Click here](#) for Easy Read guides to all 16 of your rights under the Human Rights Act.

Your right to private and family life, home and contact



Your right to private and family life, home and contact is protected by Article 8 of the Human Rights Act.



This right protects your **privacy**, your **wellbeing**, having control and being involved in decisions about you, and keeping in touch with people who are important to you.



[Click here](#) to find out more about the right to private and family life, home and contact.

When could this right be at risk?



If cameras are being used in places where you get support and this makes you feel like you have no **privacy**.



If cameras are being used in places where you get support and this is affecting your **wellbeing**.



If cameras are being used in places where you get support and staff keep this secret from you.

Can your right to private and family life, home and contact be limited?



Yes. This is a **non-absolute right**.

Staff in **public services** can use cameras in a way that **limits** your right to private and family life, home and contact, but only if they have passed a 3-stage test:

1. Lawful

There must be a law saying staff can use cameras in places where you get support.



2. For a good reason

Some good reasons to use cameras when you are getting support might be to keep you safe from harm, or to keep other people safe from harm.





Staff in **public services** might tell you that cameras are there for other reasons, like to teach staff how to do their job properly, or to stop someone's family from worrying about them. These are not good reasons.



3. Thought about properly

Staff must think about all the ways they can keep you or other people safe from harm, and they should choose the option that **limits** your rights the least. They should involve you in these talks.



For example, to give you more **privacy**, staff might decide to only use cameras in some rooms, or only at some times of the day.



If using cameras in places where you are getting support is lawful, for a good reason and it is the option which **limits** your rights the least, this is still a big decision.



Because it is such a big decision, staff in **public services** might have to ask a **judge** to check that using cameras is the right decision for you.



Staff should keep checking whether cameras are needed. If they are not needed anymore, they should stop using them.

Oliver's Story



Oliver is an autistic man with a learning disability. He lives in a house with 3 other people and all of them get help every day from their support workers.



When Oliver gets upset, he harms himself badly.



The staff helping Oliver think it would be a good idea to put **CCTV** in his bedroom. This would mean they can see if he is harming himself and go to help him quickly.



The staff think this is lawful and for a good reason. They think about all the ways they could help Oliver when he is harming himself, including having someone sitting with him all day, and they decide that using cameras is the option which **limits** his rights the least.



Then, the staff decide to put **CCTV** in everyone's bedrooms, even though the other people in Oliver's house are not likely to harm themselves.



Putting **CCTV** in Oliver's bedroom is right, but it is a big decision which needs to be checked by a **judge** to make sure it is okay.



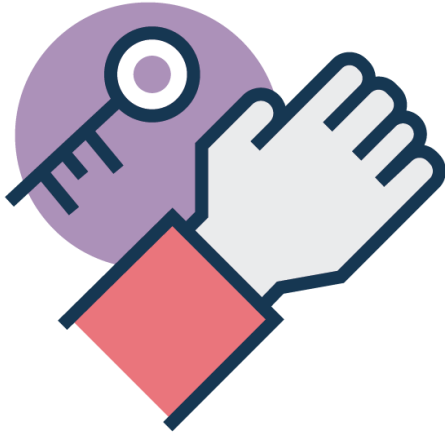
Putting **CCTV** in everyone else's bedrooms is wrong, because it is not lawful, not for a good reason, and it **limits** the other people's rights too much.



[Click here](#) to watch another story about **CCTV** and your right to private life.

The people in this story are called **Tim & Sylvia**.

Your right to be safe from serious harm



Your right to be safe from serious harm is protected by Article 3 of the Human Rights Act.

This is an **absolute right**.



Staff in **public services** must not treat you in a way that makes you feel very scared, bad about yourself, embarrassed, or that causes you a lot of pain.



Staff in **public services** must keep you safe and protect you from serious harm.



Sometimes, having cameras in the places where we get support could keep us safe from serious harm.



For example, staff could help you more quickly if someone is harming you or you are harming yourself and they see this on **CCTV**, but it would take a lot longer if they were only checking on you every 30 minutes.



Other times, having cameras in places where you get support could make you feel embarrassed or very bad about yourself. If you feel this way, your right to be safe from serious harm could be at risk.



Using cameras in places where you get support might sometimes help find out if staff are hurting people.

But, by the time this has been seen on **CCTV**, people have already been hurt and they have not been protected from serious harm.



Using cameras does not always stop staff hurting people in the first place. There are lots of other ways to stop staff hurting people in the places they get support, instead of using cameras.

Alexis' Story



Alexis is autistic and in a mental health hospital. She is being made to stay in hospital under the Mental Health Act.



One day, the staff tell Alexis that she has to go to a different hospital which is a 4-hour drive away.



Alexis has to go to the new hospital in an ambulance. Two staff members sit and watch her, and there is a **CCTV** camera recording them.



Alexis finds the journey too loud, too bright, and too uncomfortable. The ambulance doesn't stop so she can't use the toilet and soils herself.

Alexis feels very embarrassed, scared and upset.



Using **CCTV** in Alexis' ambulance journey is wrong because it is causing her serious harm. It is also not needed because there are two staff members who are watching her.



[Click here](#) to find out more about the right to be safe from serious harm.

Your right not to be treated unfairly



Your right not to be treated unfairly is protected by Article 14 of the Human Rights Act.

When could this right be at risk?



If staff in **public services** think you need to be watched all the time, just because you have a learning disability or mental health problems.



If staff in **public services** decide that cameras should be used in every room all day and all night and they don't think about how this might affect individual people. For example, if someone is very ill they might not want to be watched by a camera.



[Click here](#) to find out more about the right not to be treated unfairly.

Making decisions about cameras in the places where you get support



The ability to make decisions is called mental capacity.

There are laws which tell staff in **public services** what to do if someone needs help to make decisions, or if someone does not have capacity to make a decision.



If staff in **public services** think putting cameras in places where you get support is a good idea, they should talk to you about this and listen to what you tell them.



Staff in **public services** should help you to make your own decision about whether it is okay for cameras to be used where you get support.



If you can't make a decision about cameras being used, someone will decide for you, thinking about what is best for you as an individual person.

Whoever decides for you has to follow the law about mental capacity.

The person deciding for you should still ask you what you think about cameras being used.



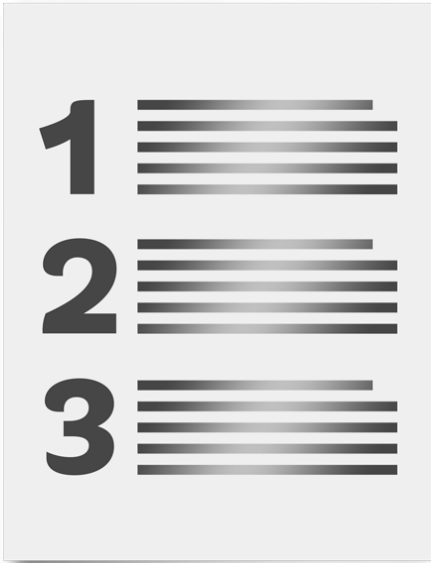
They should talk to other people in your life, and think about the good and bad things about using cameras.

They should choose the option which **limits** your rights the least.



If there are cameras in places where you get support and this is kept secret from you, there has to be a very good reason for this to make sure this does not take away your rights.

What can I do if I think my rights are at risk?



There are some things you can do if you are worried that staff in **public services** are using cameras in a way which does not look after your rights.



You can talk to staff in a public body about what they decided or did. You can ask them to tell you how they are looking after your human rights.



If you think changes could be made which protect your rights better, then you can tell staff in a public body because they might not have thought properly about different ways of supporting you.



You can make a **complaint** to a **public service**.

[Click here](#) to get BIHR's letter template and guide.

You can write to a **regulator** of health and social care services.



- In England, there is the [Care Quality Commission](#).
- In Wales, there is [Care Inspectorate Wales](#) and [Healthcare Inspectorate Wales](#).
- In Scotland, there is the [Care Inspectorate](#) and [Healthcare Improvement Scotland](#).
- In Northern Ireland, there is the [Regulation and Quality Improvement Authority](#).

Where can I find more information?



- [BIHR Easy Read Guide to the Human Rights Act](#)
- [BIHR Know Your Human Rights Tool](#)
- [BIHR Guides to Our 16 Rights](#)
- [Restraint Reduction Network One-Page Poster on Surveillance](#)

If you are reading a printed version of this guide, you can type these websites into your browser for more information:

www.bihar.org.uk

restraintreductionnetwork.org