

The Right to Liberty



The right to liberty is one of the 16 human rights (also called Articles) in the Human Rights Act. It is Article 5.

This right protects you against big controls on your movement.

When could the Right to Liberty matter to you?



If you are being restrained for a very long time.



If you are arrested and nobody tells you the reason why, or they tell you in a way you don't understand.



If you have to wait a very long time for your care to be looked at again by a court or tribunal.



If you are stopped from leaving a place (such as a hospital or care home) and there is no law in place saying that this is necessary. Sometimes, mental health law says that this is necessary. The law will depend on where in the UK you live.

Can your Right to Liberty be restricted?



Yes. Your right to liberty is a **non-absolute** right.

This means that public bodies (like the NHS, local authorities or the police) can limit your movement sometimes.



Public bodies have to show how any limits on your liberty are...



1. Lawful

Is there a law saying it is okay for staff to limit your movement? For example, mental health law or mental capacity law. These laws are different depending on where you live in the UK.



2. For a good reason:

Is it for a good reason? For example, to protect you or other people from harm.



3. Thought about properly

Can any changes be made which give you more freedom to move?



You can talk to staff in a public body about what they decided or did. You can ask them to tell you how this was lawful, legitimate and proportionate.



If you think changes could be made which give you or someone else more freedom, then you can tell staff in a public body because their decision might not be the least restrictive option.

What do health and care workers have to do about my right?

They have to **RESPECT** your right.



This means staff in public bodies should not limit your movement unless it's needed, and they can clearly show that this is right.

They have to **PROTECT** your right.



This means staff have to do things that protect your liberty and make sure you are involved in conversations about your rights.

They have to **FULFIL** your right.



This means that if something goes wrong, staff need to find out why and try to stop things going wrong again.

Steven's story



Steven is a young man with a learning disability. He lived at home with his dad. When his dad was unwell he went for a short break in a local authority support unit.

The local authority stopped Steven from going back home for over a year. Steven and his dad weren't happy about this.



When Steven tried to leave the unit, the local authority put safeguards called DOLS in place to stop this from happening. These safeguards come from the Mental Capacity Act which is a law in England and Wales. Steven lived in England.



Steven and Mark took a human rights case to court. The court decided that Steven's right to liberty had been breached.



This was because the DOLS assessment did not ask what Steven and his dad wanted and it took too long.

Megan's Story

Megan also used the right to liberty. To watch a video about her story click [here](#).

Article 5- Right to liberty

