

Human Rights Survey: Hospital Patients

Introduction

As public bodies, NHS Trusts have a positive obligation (Human Rights Act 2000, Section 6) to respect, protect and promote human rights. This survey aims to provide a practical way of ensuring that wards and departments are conforming with human rights law and human rights principles.

The Survey was developed as part of the 2011-2012 Human Rights in Healthcare Programme (www.humanrightsinhealthcare.nhs.uk) through a collaboration between the British Institute of Human Rights, City Hospitals Sunderland NHS Foundation Trust and Mersey Care NHS Trust. A version of this survey was trialled by City Hospitals Sunderland. (Contact: Austin.OMalley@chsft.nhs.uk)

The survey should be carried out by an organisation (eg Health Watch, a voluntary organisation) which is independent of the

NHS. Those conducting the survey must have a basic understanding of human rights and how they apply in a healthcare setting. For information about human rights training contact the British Institute of Human Rights (bihr.org.uk). The Rights contained in the Human Rights Act which are particularly relevant to this survey are:

- **Article 2: Right to life**
- **Article 3: Right to be free from torture, inhuman and degrading treatment**
- **Article 5: Right to liberty**
- **Article 6: Right to a fair trial**
- **Article 8 Right to private and family life, home and correspondence**
- **Article 9: Right to freedom of thought, conscience and religion**
- **Article 14: Right not to be discriminated against**

- **Protocol 1, Article 1 peaceful enjoyment of possessions**

Other rights may also be engaged.

This survey is also suitable to be carried out in residential settings such as nursing homes.

Human Rights Survey: Hospital Patients

Background information:

Date of survey

Name of person conducting survey

Name of Ward or Department

Name of NHS Trust

Type of service:

Tick as appropriate	In-patient	Out-patient	Remove this box

Please return the finished survey to:

Introductory notes for individual conducting the survey:

- **Introduce yourself** and explain that you are conducting a survey on behalf of X organisation. Explain that X organisation is interested to get feedback from patients on the care and treatment they have received, and in particular, to check that it conforms with human rights law and human rights principles. X organisation wants to hear about concerns patients have and about examples of good practice.
- **Ask if the individual would mind answering a few questions.** Try to gain their trust and put them at ease – perhaps ask a few questions first of all about how they are feeling, whether they are happy to talk now or would prefer an alternative time, more privacy etc. Encourage them to speak freely, explain that survey results will be anonymous, and that there is no need for patients to be concerned that their responses will have any impact on their treatment except in a positive way.
- **Encourage them to give as much detail as they need** on particular questions, or to talk about related issues if they want to. Use the notes and prompts, if necessary, to help them understand what you are asking. You may need to note some of the related issues on a separate page.
- **Use the RAG rating** to indicate whether you think some of the issues will need following up:
 - ❖ Green (G) to indicate that you do not believe there is a human rights concern. No action is necessary.
 - ❖ Amber (A) to indicate that you think an issue is likely to be a human rights concern and needs further investigation.
 - ❖ Red (R) to indicate serious concern about an issue which is very likely to be a human rights violation: immediate follow-up needed.
- **Any red issues must be flagged immediately to:**
 - Named person (telephone _____)
 - The ward manager where the survey is taking place
- When carrying out the surveys, **try to be aware of what is going on around you.** You may want to record other examples of good or poor practice not directly related to an interview. Make a note of these on the last page of the survey.

Human Rights Hospital Patients Survey: questions and notes

Notes on Question 1:

The first question is to give a general overview. Make brief notes on any concerns or positive comments but explain that there will be an opportunity to address issues in more detail later on. **Remember to make sure at the end that you have picked these issues up.**

1. How would you describe your general treatment and care here?

Ask the patient to select one of the options below

Good	Acceptable	Poor	Don't know

Follow-up: Do you have any particular concerns or positive comments?

Question 1 RAG rating:	R	A	G

Notes on Question 2:

This question is more specific than Question 1 in looking at *basic* needs. It relates to Article 8 and Article 3 - and possibly to Article 2. It is important to find out whether patients require assistance with these tasks and if so whether they are receiving it. For in patients, you may wish to ask about food as well as drink.

2. How well do you think that your basic needs are provided for here? (For example, are you able to get a drink or go to the toilet when you need to?)

Very well looked after	Well looked after	Not well looked after

Details: *any comments to back up the answer given*

Question 2 RAG rating:	R	A	G

Notes on Question 3:

This question relates to Articles 8 and 3 and potentially Article 2. Examples of poor practice might relate to calls for help being ignored, bullying or patronising attitudes, being talked over instead of to. If the patient feels a lack of respect from staff, try to establish why they think this and whether it is to do with general staff attitudes or something particular to their case.

3. To what extent do you think that you are treated with respect by the people providing your care here?

Fully	Mostly	Not always

Details: *ask for further evidence to support the answer*

Question 3 RAG rating:	R	A	G

Notes on Question 4:

This relates to Article 8, and possibly Article 3. Such cases will be extremely rare but it is very important that any potential issues are flagged up immediately. If the patient feels there may have been such instances, explore the extent of suffering, what measures were taken to alleviate it, how prolonged it was. Find out whether the patient informed members of staff.

and not been given attention or treatment for this?

No	Possibly	Yes

Details: ask for further information if the patient thinks this is a possibility

Question 4 RAG rating:	R	A	G

Notes on Question 5:

The questions included here are about the extent to which patients are able to have control over their own choices and their own movements. The key rights are the **right to liberty** (Article 5) which relates severe restrictions on freedom of movement, and Article 8, which relates more broadly to *autonomy*. Autonomy is about the degree of control patients feel they have over their lives including key decisions which affect them.

For the second part of the question, bear in mind the differences between *restraining or restricting* a patient's movements – which may relate to autonomy - and *depriving* them of their liberty. These are mainly differences of degree. Deprivation of liberty is a much more severe restriction on someone's movement and it **must be** authorised. It may include extensive use of anti-psychotic medication or severe restrictions on a patient's movement or lifestyle.

5a) To what extent do you think your freedom of movement is respected here?

Fully	Mostly	Not always

Details: ask for evidence to support the answer – if there are severe restrictions, you will need to check with staff whether there is authorisation.

Question 5a) RAG rating:	R	A	G

5 b) To what extent is your freedom of movement respected here?

Fully	Mostly	Not always

Details: ask for evidence to support the answer

Question 5a) RAG rating:	R	A	G

Notes on Question 6:

This relates to Article 8 of the HRA, which gives individuals the right to ‘private life’. If privacy has not been respected and the individual has suffered to an extreme degree as a result, there may be an Article 3 concern. Privacy may be in relation to how their care has been carried out (e.g. being washed or dressed by a carer of the opposite sex, their health issues being discussed in a loud voice by staff) or in relation to confidential discussions or issues – for example, relating to medical or personal details.

You may wish to ask whether the patient has any concerns about the confidentiality of their medical records.

6. How well do you think that staff here respect your privacy?

Very well	Well	Not well

Details: *explore reasons for the answer*

Question 6 RAG rating:	R	A	G

Notes on Question 7:

This relates to Article 14 and the Equality Act. Prompt by giving examples: for example because of the patient’s race, gender, age, sexual orientation, religious beliefs, disability - or for any other reason.

7. While you have been here, have you ever felt that you have been treated less well than others or discriminated against?

No	Possibly	Yes

Details: *ask for details of any potentially discriminatory treatment*

Question 7 RAG rating:	R	A	G

Notes on Question 8:

This question relates to Article 14, possibly Article 9, and to duties under the Equality Act. Article 9 relates not only to religious beliefs but other beliefs, for example atheists, agnostics and vegetarians. If relevant, check whether any special dietary requirements are taken into account.

You may need to prompt the patient to think about whether particular needs such as mobility, language or religion have been taken into account.

in the way that your care is delivered here?

No	Possibly	Yes

Details: ask for evidence to support the answer

Question 8 RAG rating:	R	A	G

Notes on Question 9:

This relates to Article 1 of Protocol 1, the right to the peaceful enjoyment of possessions. Financial abuse is a significant human rights concern of older people: you may need to check whether patients have access to their money as and when they need it. The question may also be related to Article 8.

9. a) Do you feel your belongings are safe here?

Very safe	Safe	Not safe

Details: ask for evidence for the response given

Question 9 a) RAG rating:	R	A	G

9 b) How easy is it for you to access your belongings when you need to?

Easy	Fairly easy	Not easy

Details: *any evidence for the response given*

Question 9 b) RAG rating:	R	A	G

Notes on Question 10:

This question relates to Article 8, which protects an individual’s private life and ability to form and maintain social relationships, particularly family relationships. Find out what inpatients think of visiting times. You may also want to find out if they have ever felt excluded or isolated.

10. Do visiting hours give you sufficient opportunity to see family and friends?

Easy at all times	Generally easy	Occasionally difficult

Details: *ask for evidence*

Question 10 RAG rating:	R	A	G

Notes on Question 11:

The different parts of question 11 relate to Article 8, which gives individuals the opportunity to take part in decisions which affect them. They may also raise Article 6 issues, which relate to fair decision making processes. Treatment given without consent, or without the use of an advocate, may in the most severe cases raise Article 5 concerns (for example if sedation is used regularly) or even Article 2 or 3 issues.

- If the patient says they were not informed or consulted – try to find out more details
- If they had concerns or were not able to understand what they were told about their care plan or treatment, find out whether staff were aware of this and whether anything was done to assist.

11 a) Have you been informed and consulted about your treatment / care plan here?

Yes	A little	No

Details: Ask for further evidence

Question 11 a) RAG rating:	R	A	G

11 b) Have you ever had any difficulty understanding what is being proposed for your care plan?

Yes	A little	No

- If the patient has had difficulty, find out whether they were given any assistance
- If they did not tell staff about any difficulties, try to find out why

Details:

Question 11 b) RAG rating:	R	A	G

Notes on Question 12:

These questions may relate to a number of rights – depending on the nature of the concern or complaint. Patients should know about how to raise concerns or make complaints and should feel able to do so if necessary.

You should have information to hand about how to raise concerns or make complaints. You may want to mention other mechanisms as well – eg. PALS, the Health Ombudsman etc. If people are worried about complaining because of the possible consequences **please reassure them the survey is confidential.**

12a) Have you ever been concerned about aspects of your care here?

Yes	A little	No

Details: *If the patient answers 'yes' or 'a little, ask for details of the concerns*

Question 12 a) RAG rating:	R	A	G



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IF THE PATIENT ANSWERS NO TO 12 a), GO TO QUESTION 12 c)





IF THE PATIENT ANSWERS YES TO QUESTION 12 a):

12 b) Were your concerns addressed satisfactorily?

Yes	Mostly	No

Details: *If the concerns were not addressed satisfactorily, try to find out why - eg:*

- *If staff were not informed, what was the reason?*
- *If staff were informed, did they take the concerns seriously?*

Question 12 b) RAG rating:	R	A	G



GO TO THE FINAL QUESTION IN THE SURVEY, QUESTION 13.



IF THE PATIENT ANSWERS NO TO QUESTION 12 a):

12 c) If you ever felt unhappy with your care here – would you feel able to inform staff or complain?

Yes	Possibly	No

Details: *If no, ask why not (because they don't know how to? Because they would worry about the consequences?)*
